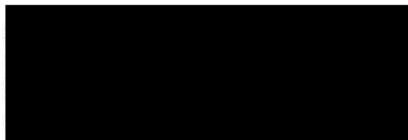




28 February 2019



Dear 

Thank you for your email of 30 January 2019 to the Ministry of Education requesting the following information:

1. *All submissions made on the draft guidelines for Religious Instruction in State Primary and Intermediate Schools*
2. *Any analysis of these submissions done by the Ministry of Education.*

Your request has been considered under the Official Information Act 1982 (the Act).

One hundred submissions were identified within scope of part one of your request and are attached as **Appendix A**. I am withholding some information, including the names of individuals who made submissions, under section 9(2)(a) of the Act to protect the privacy of natural persons.

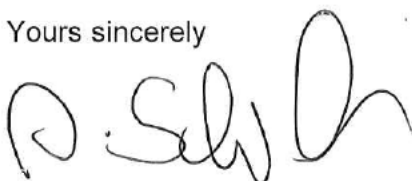
In relation to point two of your request, I am withholding the Ministry's analysis of the submissions under section 9(2)(f)(iv) of the Act to protect the Minister of Education's ability to consider and decide on advice tendered in an atmosphere of confidence.

I have identified no public interest considerations sufficient to outweigh the need to withhold the information at this time.

Please note, the Ministry now proactively publishes OIA responses on our website. As such, we may publish this response on our website after five working days. Your name and contact details will be removed.

Thank you again for your email. If you have further questions please feel free to contact our media team in the first instance at [media@education.govt.nz](mailto:media@education.govt.nz). If you are unsatisfied with my response, you have the right to ask an Ombudsman to review it. You can do this by writing to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Dr Andrea Schöllmann  
**Deputy Secretary**  
**Education System Policy**

OIA: 1176098

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1. [REDACTED]

I feel that there is absolutely no need to have Religious Instruction as part of a school situation. There are churches all over the country who provide for that for those that choose, which is great.

A school should not have to even have it as an option. The Ministry should make a call that it will not be part of the school system.

I have been in a school where we had to close for instruction and it caused segregation among those who attended and did not attend. It also caused issues in terms of disruption to the normal class programmes because a space is required for the RI to take place, hence moving children from their normal learning environment.

Also - The people who come in and take these lessons are generally not teachers so the quality of instruction and behaviour management becomes an issue as well.

The Ministry should make a call one way or the other, not sit on the fence.

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2. [REDACTED]

To The Ministry of Education

Thank you for the draft proposal on guide lines for religious instruction in schools.

My submission, I am totally opposed to any form of religious instruction in state schools.

It is not for the state to influence young minds in religion, this is up to each family to determine for themselves their beliefs.

Keep religion and state separate.

Regards,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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3. [REDACTED]

Thank you providing the draft guidelines for consultation.

I believe the guidelines could go some way to improve the current situation and the thought is right, but since the recommendations are not enforceable I don't know how effective they will be in reality. There are schools that are breaking the current law (Education Act 1964), and not even that piece of legislation is enforced. What will you do to ensure the guidelines are actually followed? The only recourse for parents with problems are currently to go to the high court, get stuffed around for years with the HRC and Human Rights Review Tribunal, or leave the school (far less time, money and effort and therefore the more common option).

The guidelines recommend written informed consent, great, one would expect that as the bare minimum. However S79 specifies the right to opt out as opposed to opt in, the guidelines are therefore not consistent with the legal requirements. Although as you are aware, the opt out system can be argued to constitute a case of direct discrimination (MoE legal advice from 2001), which means it is in itself not consistent with the Bill of Rights Act. Moreover I believe that only providing one alternative, which is by far the most common system at the moment, means that the school is clearly showing a preference which is inconsistent with the state (the school) remaining neutral and thus not discriminating, again this is contrary to the Human Rights act and the Bill of Rights. The guidelines seek to improve the current situation, but this situation has been created by the Education Act of 1964 which will remain, it seems therefore to be a mere band aid solution and does not deal with the underlying problem.

Religious education would be fantastic if it was taught properly but allowing religious instruction means that schools are used as recruiting grounds. Religious instruction should not, in my opinion be allowed during the school day, which includes during lunch. I don't want missionaries near my children and by allowing them on the school ground for unsupervised access to children at the school I feel my choice in the matter is not being respected. Families who wish for their children to receive religious instruction can on the other hand choose to attend church.

Consultation with the community has been recommended before and is a good ideal but in reality there are always those who don't engage and therefore don't get heard. As you are probably aware most people who do offer an opinion has a strong one and often get dominated by special interest groups, you do not often hear from the silent majority in public consultation. There may also be those who are worried about 'rocking the boat' for whatever reason. In SEN we often hear this, because parents are terrified of doing anything that would jeopardise our children's wellbeing at school or turn anyone against them, it is not only other children we can bully, parents and school staff are just as culpable. People are genuinely worried and perhaps with good cause. I have very little confidence in that complaints would be dealt with appropriately even with the new guidelines in place and I assume that there will be little support from the MoE as is current practice, your condensed standard response is generally 'refer back to self governing school or HRC'. I remain hopeful that this may be remedied through the current review of Tomorrow's Schools system.

A couple of points that you have overlooked, the handing out of lollies and other bribes to children should be advised against for obvious reasons. The provider at our school suggested that all children that attend RI can be given a special bracelet to ensure attendance is only by those whose parents hadn't opted out. Such a bracelet or similar token gift would clearly have the (desired) effect of creating an us and them environment, with an in-crowd that receive special presents, it is clearly meant as an inducement.

School camps are not mentioned at all and are a common issue, not quite sure how that situation works at the moment as surely the school can't be closed for the whole duration of the camp. Christian camping gives schools discounted rates and are therefore an attractive option. I wouldn't send my child to Christian camp and I have anecdotally heard of others who have felt uncomfortable and their children ended up missing out on camp because of the Christian bias. A

friends 7 year old daughter came home from one camp ( [REDACTED] run by the Christian Brethren) telling her mum she was a sinner. There is little doubt that the intent of Christian camps is religious first and foremost (it is even in the name), cheap rates aside they are not suitable venues for state schools.

Board members who are Christian and/or belong to the church group offering RI should declare a conflict of interest and not vote to stop boards from being stacked to push CRI.

In conclusion, religious influence in state schools should simply be banned but non biased religious education should be offered as part of the curriculum, as is recommended by the Human Rights commission. However, if it must be in schools, which I find problematic, proper safeguards must be ensured. The measures suggested in the guidelines have a good intent and I support them in theory, but they will probably offer very little practical change in reality as there is no way of ensuring they are followed. But thank you for the gesture.

Yours sincerely

[REDACTED]

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4. [REDACTED]

To who it may concern,

I think the guidelines on religious instructions in state primary and intermediate schools are fair. If there is a competent, non-staff volunteer to take the session, with prior informed written consent then I think it should be allowed. The option to opt out and alternative education should be provided- absolutely. As a mother now, looking back on my primary school years, I still remember lessons from bible in schools. It built on my foundational values and morals that I still carry with me today. I would love that for my children. I also agree it should be open to all cultures and religions with willing volunteers and, informed written consent. It should be monitored for content to ensure safety of students. Overall I think religious instruction in schools is a great tradition that has plenty of rooms for diversity..

Thank you.

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5. [REDACTED]

Hello

As per having a say.

The only religious instructions that should be allow in our democratic secular society should be a views of the world based approach that looks into the many different styles and views that can be found on earth with no wrong ways shows the effects on their society.

The idea of encouraging or force a single religion on school has caused many conflicts in the past.

Regards

[REDACTED]

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6. [REDACTED]

Hi,

To ensure the health and safety of children, and our society, the indoctrination and brainwashing of children into a religion (especially one with medieval beliefs) is quite literally child abuse, and must be legislated against.

A school that closes for a period of time to allow an evangelist to brainwash children into their religion, is deliberately denying the children the opportunity for a real education that is its purpose, and actually harms a child's ability to learn critical thinking skills, since faith in an imaginary being is the antithesis of critical thinking.

In this day and age with widespread propaganda and hoaxes (such as the Russian skill attacks ie Pizzagate), teaching critical thinking is absolutely vital in order to be able to identify truth from fiction.

I strongly urge the government to pass legislation banning bible in school programs, as they are no different to a school being closed for a corporation to send a representative to brainwash children into supporting their product/service.

As someone who grew up with non-religious parents, I was brainwashed in primary school by the bible in school program, because being isolated from your friends is how they get children to subscribe to their fantasy.

The solution is to mandate that any religious teaching must teach all religions, as history, without bias.

Research has shown that secular societies are more peaceful, and more equal, than religious societies.

Kind Regards

[REDACTED]

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7. [REDACTED]

Religion is a fundamental part of New Zealand's culture and history. The entire law system is based on this history. Universities and schools were established with religious support. A large demographic of Kiwis, over 50% in the last census, are religious. 47.5% of those were Christian. Freedom of religion and expression are the pride of New Zealand. We stand for these rights.

I have seen many people only decrying anyone religious as being 'stupid', 'crazy', 'retarded', and 'morons'. The derogatory nature of these remarks indicates a deeper social issue. For the government to support one side of the discussion will only increase the discrimination. The New Zealand Bill of Rights 1990 has strong clauses against such discrimination. The International Covenant on Civil and Political Rights (ICCPR) also stands against such discrimination. The government should be aware of their actions when discussing any bill restricting religious values and rights.

Thank you for your time,  
[REDACTED]

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8. [REDACTED]

To whomever it may concern,

Religion has no place in school, it is not based in reality.

If you want to teach morality teach it, but remove any teachings related to a religion or sect (I don't care if its Christian, Muslim, Buddhist, or flying spaghetti monsters, it has no place in a public school).

Yours sincerely,

[REDACTED]

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9. [REDACTED]

To Whom It May Concern;

The religion as dogma does not belong in any educational institution, especially in public schools.

The Religious Instruction should not be taught at all on school grounds. The only place for religion in school is in form of Religious Education (which should cover multiple religions of the past and present).

The majority of population in New Zealand is not Christian (as dogma is concerned), yet majority of Religious Instruction is Christian based.

If it is not possible to ban the Religious Instruction, there should be a compulsory Religious Education class to offset the damage done by the misinformation given. The screening of the Religious Instructor volunteer should be done in most strict manner, possibly requiring them to go through a course on what they can "teach" and what they cannot (I am not even sure why they are allowed on school grounds in first place). For example stating that someone will burn in hell for eternity because they don't follow the dogma should be unacceptable. In addition the concepts of homosexuality being a "sin" should not be acceptable in schools.

Best Regards.

[REDACTED]

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10. [REDACTED]

Dear sir or madam,

*1. Use community consultation to inform decision-making*

This will lead to biased decisions about what content to teach and the local community will colour the instruction making it instruction of a certain religion, instead of looking at all religions and similarities to promote understanding and tolerance.

*2. Provide full and accurate information to students, families and whānau to help them make informed decisions*

This will ensure isolation within a certain religion as families and whanau will likely only want to instruction of their own religion, meaning children will not be able to make an informed decision about their beliefs.

*3. Offer valid education alternatives to religious instruction*

Yes. It should be an opt in, not an opt out scenario.

*4. Adopt a signed consent approach to religious instruction*

Yes. See above.

*5. Use volunteers who are not teaching staff to lead religious instruction*

No. Volunteers do not have teaching skills or education backgrounds. And while they may have the best of intentions, the risk is that it will attract volunteers who hold certain beliefs themselves and will represent a certain religion, meaning it will not be an unbiased and balanced view of all religions. If taught at all, it should be from a theological standpoint, and a social studies view.

*6. Provide secular school and student support services*

Yes. This is what school is about, and is actually currently the law.

*7. Perform or sight safety checks for volunteers*

Volunteers should not be involved in teaching at all. Why is it different to a core subject?

*8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues*

Do parents have the opportunity to complain about the rest of the curriculum? The subject should not be taught at all, or taught in such a way that it is treated like the rest of the curriculum.

--

[REDACTED]

11. [REDACTED]

Religious instruction should only be allowed at schools as part of the Social Studies Curriculum. This should apply to all schools, not just state schools.

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12. [REDACTED]

To whom it may concern,

I think the Draft Guidelines on Religious Instruction are a step in the right direction, and requiring parental consent and preventing social pressure towards those who don't opt-in, is a must, particularly in the modern multi-cultural New Zealand.

I don't understand why, during normal school hours a school would "shut down" or "close" to allow volunteers to provide religious instruction at all. This seems like a antiquated loophole to get around that fact that the curriculum is secular.

Religious instruction could easily be extra-curricula and therefore wouldn't require alternate activities or extra guidelines as it would be entirely optional, it really has no place in schools. Religious education on the other hand, that explores and teaches students about multiple religions can be a valuable part of social studies.

The guidelines are a big improvement, but I think now would be a good time to go further and remove biased Religious Instruction from our schools altogether.

Regards,

[REDACTED]

Auckland

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### 13. [REDACTED] - Anonymous

To whom it may concern,

Please find attached my submission on the draft guidelines on religious instruction in schools. Please omit my name from the public record for my privacy.

New Zealand's first government set out to establish 'a perfect political equality in all religious denominations' at a time when that was rare. This should be something we are proud of. We should also be proud of a tradition of religious freedom, where a person can choose whatever religion they want and not be treated differently by their neighbours or government because of it. For these reasons, religious instruction in our schools is inappropriate and the draft guidelines are insufficient to protect religious equality or religious freedom.

Religious instruction as defined by the draft guidelines is effectively indoctrination of young children into a certain religion of the choice of the school. Although the people teaching the material are volunteers, the school, a government funded and allegedly secular organisation, still foots the bill for facilities, utilities and provides a captive audience in the form of its students. The school also has the choice of religion the instruction is delivered for. The government has no business at all being involved in or footing any of the bill for religious indoctrination of children if it wants to retain any illusion at all of separating church and state. Parents who want their children instructed in their own religion have the option of attending religious schools or having them attend a sunday school. Those who do not want their children instructed may not have other options.

The draft guidelines fail to address situations where the student and their parents are in disagreement about attending religious instruction. An atheist child may be signed up for religious instruction against their wishes by their religious parents. Later primary school aged children are starting to form their own opinions on a variety of subjects including religion. How should a school address this? It isn't terribly appropriate to force a religion on such a student. Another scenario that a school may observe is two separated parents with shared custody of the student who disagree on the matter of religious instruction. How should the school address this? Should the school exclude the student from religious instruction until an agreement has been reached and have them miss out, or include them and force a religion on the student?

While adopting an opt-in system as described by Guideline 4 is an improvement over an opt-out system, separating students into religious and not religious is both an opportunity for bullying and a breach of privacy for families. We are all aware that children will sometimes latch on to any difference they can find to fuel bullying. However, what about the privacy of families? Suppose there is a family in a primarily Christian town that has chosen to become atheists and do not want their children to receive religious instruction. They may not want to tell other members of their community that they have change religion for either real or imagined potential for harassment. Declining to enroll their child in religious instruction exposes their religion to every family involved with their school and its staff. Perhaps nothing will happen at all, or perhaps their former church will be on their doorstep the next night asking them why. This example could apply to any combination of religions, but it removes the ability of this family to keep their religious identity, whatever it may be, private. This may fall under Section 15 of the New Zealand Bill of Rights Act 1990.

Schools do not need to completely reject all mention of religion. Renting a hall to a church group or allowing students to establish an optional student-run bible studies club are normal sorts of things that might be reasonably expected in a secular school and should be allowable as freedom of religion. The school itself however should not be funding religious instruction with taxpayer money or breaching the privacy of families. If schools want to teach religion, it should be as religious education and cover a broad range of world religion from a sociological standpoint, not as religious indoctrination into a specific religion. Religious instruction belongs in churches and not in schools.

I am personally extremely grateful that as an atheist who left religion at a young age, the worst I dealt with was being forced to sit in church against my wishes and to hide my true opinions from my fundamentalist grandparents. In other countries, changing religion can be fatal and the fact that it isn't here is something to be very glad for. I only hope that future children like me can go to school without being forced into the practice of a religion that they do not believe in.

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14. [REDACTED] - Anonymous

Thank you for the opportunity to submit my thoughts on this topic.

***Education Act 1964** requires all teaching in state primary schools to be secular, but gives boards of trustees of state primary schools the choice of whether to close their school (or a class or classes within the school) to allow religious instruction or observances under set conditions.*

I really don't believe this is even an option for state schools. All state schools should be **completely** secular. Board of Trustees and schools should **not** be allowed to provide religious instruction **during normal school hours**. If they wish to allow it (providing it is what the community wants) then it should be conducted **outside of normal school hours**.

My objections are as follows:

1. As a parent if I wish my child to have any religious instruction it will be outside of school hours at a religious institution of my choice. There are alternative options for parents who feel strongly about having religious instruction for their children in the form as part of their school experience, there are many private or state-integrated schools which provide this. If a religion is selected to be taught at school and it is not my child's religion, then I would also expect to have the right that by default the school can not deny my child's right to have their religion be taught as well.
2. I question if schools can provide those children not attending a quality educational experience as an alternative. You can not continue normal classes as those leaving will miss out and fall behind, so the reality is those not attending will be significantly disadvantaged in their academic progress and will not be able to continue learning until their classmates return. One child's learning should not be compromised due to another child's faith.
3. How will schools manage if multiple religious organisations apply to the board for the right to religious instruction? If one religion is approved by the board/school then are other religions allowed to provide instruction also, because to not do so would be discriminatory. If more than one religion is allowed, then do they all get 20 hours per year or would they have to split it.
4. If allowed, what quality controls are there over the religious content to be taught? What body oversees the appropriateness of what is being taught to what age group? Is the government prepared to get involved in moderating what content is taught (the answer to this should be NO). This concerns me greatly as quality of content could vary significantly between religions and even within religions as some groups are much more conservative than others. Children of this age group are very literal in their interpretation of information and this could be extremely damaging.

I find it very disturbing that any school or board of trustees would choose to allow religious instruction into their schools within normal school hours. There are so many serious issues with this that I think it is better placed to have this outside of the regular school hours program and parents who really want to have this can opt into it and have their children attend instruction outside of hours so that other students are not disadvantaged.

Overall I find your guidelines are ok - but I really don't think they should be an option. Religious instruction should stay in places of worship or in religious schools only.

I am happy for my comments to be used in any public information sent out, but my name and contact details are not to be provided in any public forum.

Regards

--

[REDACTED]

Email: [REDACTED] | Cell [REDACTED]

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15. [REDACTED]

Dear Sir/Madam,

In writing this submission I am hoping to highlight how religious instruction in schools benefits both, the students and the community.

It has to be made clear right from the start that religious instruction in schools is not aimed at those students who have an existing understanding of religion, irrespective of which faith it covers. It is aimed at students who have not been exposed to religion at all. It is an exposure to a particular religion, but not an immersion in it. Any student who comes to school and does not have their beliefs challenged in one way or another during the course of their studies is not going to learn anything at all. Being challenged in our understanding of the way the world works is not a question of human rights or discrimination. It is in fact a core part of what learning is all about. If schools simply cover only topics the students and/or parents already know and agree with then they are seriously limiting the learning and developmental opportunities of their pupils.

So I do not support the restrictive policies outlined in the draft on religious guidelines in schools. It simply takes too much away from the students - that's the ability to be exposed to something completely new.

As for the community, there are many benefits to having their children exposed to Christian religious instruction. I'm not going to get into spiritual matters here, but rather cultural ones - Whether we like it or not, New Zealand's society and practices are deeply linked to Christian traditions and values. No matter whether it's the legal system, the things we say, our calendar holidays, our place names, our perception of "fairness" or even the way we treat each other. All of these are based in our shared Christian heritage. It only takes a short visit to a country that does not carry many historical ties to Christianity to make that drastically obvious.

I believe that it is exceptionally valuable to us as a society to be able and understand who we are as a people - to understand our roots. This is irrespective of whether you are Christian, Maori, Muslim, or from any other background. Our society as a whole is what it is because it has had a long and deep link to Christianity. Testimonies are often given by Maori who have come to know their own traditional roots, and how those have helped them become grounded. Often these testimonies are from individuals who've had a marginalised existence, filled with crime, drugs, and disillusionment. Now try to understand the impact that Christianity gives to a much larger group of people who can use it to link in with their cultural roots. So they can understand why it is that we as a society say the things we say, why we do some things a certain way and why we celebrate certain things the way we do.

I am not opposed to the offering of religious instructions of other faiths - again, to be changed in our understanding of the world is good. But I must highlight again that out of all the faiths, instruction in the Christian faith would be of greatest benefit for both the students and society as a whole.

So again, I want to specify that I am against the restrictive suggestions proposed in the draft on religious guidelines in schools.

Regards,

[REDACTED]

16. [REDACTED]

Kia ora,

I am writing to make a submission on the "Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura".

I strongly oppose any form of religious instruction in publicly funded schools and believe it to be unethical for the government and schools to endorse or undertake religious instruction in a modern multicultural society. The government and its institutions have an obligation to treat all constituents equitably and without bias. Sections 78 and 78A of the Education Act are crass and disingenuous attempts to circumvent this basic premise of equal opportunity by promoting certain religious views over those in a minority or who do not practice any religion. Therefore, I believe that the current laws which are the premise for these guidelines are wrong and must be changed as soon as possible. Specifically, sections 78 and 78A of the Education Act should be deleted.

Based on that context and until such time as the laws are amended, I believe an additional guideline should be inserted between the guidelines 2 and 3 stating that religious instruction should be held before or after normal school hours wherever possible or, if not possible, held during times that would minimise the time taken away from regular curriculum lessons and the disruption to students who do not attend religious instruction. This would be the most effective mitigation against making any students feel pressured to attend.

Regarding guideline 3, as the school is ostensibly 'closed' during religious instruction, students who do not attend should be allowed to enjoy free play time if they so desire.

I support all other guidelines as written.

Regards,

[REDACTED]

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17. [REDACTED]

Dear Sir/Madam

RE: Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura

Thank you for the opportunity to submit on these guidelines. I am a member of the [REDACTED] Board of Trustees. However, the views in this submission are entirely my own and do not represent the views of the Board.

I welcome the initiative by the Ministry of Education to produce guidelines on Religious Instruction.

These guidelines will serve to fill a 44-year vacuum in educational policy since the Education Act 1964 (the 1964 Act). This lack of policy from the Ministry has poorly served successive generations of students and school leaders. It is commendable that this situation is being addressed.

From my experience as a Board member, Boards do not seek out a religious instruction provider, rather religious instruction providers seek out schools. These provider organisations are large, well-resourced and well-connected. It is questionable why these organisations feel the need to approach schools and does call into question their motives. Boards are not well-equipped to deal with this onslaught. The only parties that suffer in this equation are the children and school communities.

It needs to be said that the 1964 Act is no longer fit for purpose as it does not reflect the dynamic, multicultural society in which we live. Further, the only operative provisions of the 1964 Act relate to religious instruction. A more sensible approach than producing guidelines would be to undertake a full review of the need for the Act. Such a review could be self-contained and would not be onerous given the limited operative provisions.

In the interests of pragmatism, however, I will respond to the guidelines as they have been presented.

While I will attempt to answer your specific questions in turn, there are certain points that need to be emphasized:

- Religious instruction is not well understood - Clear, standardised information from the Ministry needs to be available on religious instruction and the difference between this and comparative religious education as included in the curriculum. Parents are often not well informed regarding these differences and provider information is confusing and often deliberately misleading
- Parents can't vote with their feet - The right of parents to enrol their children in schools that do not have religious instruction needs to be safeguarded. Parents need clear information given to them on school websites in standard formats to be able to 'vote with their feet' and not choose schools with religious instruction.
- Schools bear the cost of the programmes - Schools need to be able to recover the costs of religious instruction from the programme providers. This includes room hire, teacher supervision time and services provided to the religious instruction provider such as advertising and administration. Otherwise these programmes are a drain on precious school resources, which disadvantages students opting out of religious instruction.
- Self-policing is not okay – There is no oversight of these programmes. Vetting is recommended, but not compulsory. There is no oversight of the behaviour of volunteers or



auditing of compliance with policies of no proselytization. Enthusiastic volunteers are not good judges of the line between evangelism and appropriate behaviour. More Ministry oversight and auditing is required. A registration and certification programme would be preferable to protect students not taking the programme.

- The damage of religious instruction needs to be mopped up – religious instruction creates divisions in our community. It highlights ethnic differences and introduces segregation to our schools. The impact of the programme on our kids needs to be managed and money needs to be put into counselling to undo the damage.

### **General questions about the draft guidelines**

*Will these guidelines help school boards of trustees allow religious instruction in a way that does not discriminate against anyone who holds different beliefs?*

While the guidelines are a step forward, they do not meet this objective. Firstly, this objective cannot be met unless religious instruction is offered to all faiths within the school community. The guidelines make no mention that Boards should actively seek to ensure all faiths are represented.

Secondly, the absence of consideration of those that do not practice a religion means that discrimination is inevitable.

Religious instruction is, at its core, discriminatory and divisive. This objective is therefore unachievable.

*Do the draft guidelines clearly show how schools can meet their obligations under the Education Act 1964, the Education Act 1989, the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990 when providing religious instruction?*

The guidelines are clear regarding compliance with the Education Act 1964 and 1989. However, the treatment of the Human Rights Act 1993 and New Zealand Bill of Rights Act 1990 is cursory and no practical guidance is given on meeting obligations under these Acts. This is largely due to religious instruction being an inherently discriminatory practice.

*Are the rights of children and their parents, caregivers, family and whānau about religious instruction clear?*

The rights are made clear, but they are not protected. The right to choose a school that does not practice religious instruction is not considered or protected. Parents need to be able to 'vote with their feet'. Standardised information and regular, mandatory, refreshes of this information would serve this purpose.

*Will schools and kura find these guidelines useful and practical?*

No. The guidance is too high level and not practical enough to be implemented. A toolkit for compliance would be helpful and ongoing support from the Ministry to audit and manage compliance is required.

*Do you consider that these guidelines promote best practice for the purpose of allowing religious instruction programmes? If not, how should the draft guidelines change to promote best practice?*

No. Standardised information needs to be provided to parents as provider information cannot be relied upon to give clear guidance (and is seldom made available online). There is no clear link between the consultation process mentioned here and the decision outcomes. The consultation process is also not defined which would be helpful as many Boards do not understand what constitutes consultation.

*Are the differences between religious education, religious instruction and religious observances made clear in the draft guidelines?*

Yes. These explanations need to be provided with every interaction with parents on the subject to ensure that parents are able to make informed decisions that are not skewed by information from providers. These should also be on every school website in a prominent place alongside a statement as to whether the school has a religious instruction programme or not.

*Is there anything else you think should be included in the draft guidelines?*

Please see the detailed responses below. However, the key element that needs to be considered is how the direct costs of the programme (supervision, hire of venue, administration, advertising) as well as the indirect costs of the programme (Board time, time managing complaints, counselling following impacts of the programme) are accounted for and charged back to the organisation providing the programme. Currently these organisations freeride on the New Zealand education system to further their own objectives.

*Do you have any other comments in relation to the allowing of religious instruction in State primary and intermediate schools me ngā kura?*

The 1964 Act is no longer fit for purpose. It does not reflect the dynamic, multicultural society in which we live.

Government intervention in most sectors is limited to instances of market failure. There is no market failure in the case of religious instruction. This teaching can be delivered outside school through religious organisations. It would therefore be valid to question which gap this legislation is seeking to address.

The New Zealand curriculum grows each year. There is little time to deliver core objectives. We have highly skilled teachers that work hard to deliver this curriculum. It is therefore questionable why we allow schools to be closed for 20 hours a year to allow untrained (and potentially unvetted) volunteers to take up valuable curriculum time with religious instruction.

### **Comment on specific guidelines**

*Guideline 1 recommends boards of trustees consult with their community when deciding whether, and how, to allow any religious instruction programme.*

Consultation with the school community is essential. At our school this step was missed with disastrous results. I am also aware of Board of Trustee members resigning over the lack of consultation regarding religious instruction.

However, there are very broad views on what constitutes consultation. The previous [REDACTED] Board of Trustees stated that it undertook a 'robust consultation process' in 2017. This consisted of sending out an email following its decision and receiving letters of complaint. NZSTA advised them that this process was robust. Hence Boards are clearly not receiving quality advice on consultation and need more detailed guidance.

It is important that only parents are consulted with. They are the parties directly affected by decisions. It would be easy for 'interested parties' from the community to skew a consultation process.

Boards also need guidance on what to do with the consultation outcomes. Given the range of views likely to be on a Board, it may be difficult for Boards to act neutrally and take into account all the views. Guidance needs to be provided on:

- What is the threshold for accepting/not accepting RI?

- Is this a vote?
- What are the questions to be asked?

Having clear expectations on the content of the consultation and how submissions will be taken into account will provide for more enduring outcomes.

The timing between consultation is just too long. This is half the length of time a student is at primary school and 1.5 times the duration of intermediate. School populations are dynamic and therefore religious instruction needs to be reviewed at least annually.

*Guideline 2 recommends schools or kura provide full and accurate information to students, families and whānau to help them make informed decisions.*

The information provided in these guidelines is clear and provides appropriate level of information for parents. However, there is a great deal of confusing and misleading information, including information from religious instruction providers that these are 'values programmes complementing the NZ curriculum' rather than admitting these are bible study programmes not sanctioned by the Ministry. Due to the issue of misleading information, there need to be clear expectations mandated by the Ministry on provision of information. This includes:

- Parents need help to understand what religious instruction is. The Ministry needs to standardise this information as others may not do an unbiased job.
- Communication needs to be constant. Information should always be available on whether the school offers religious instruction, who the provider is and how the programme is controlled. This allows parents to make an informed choice of the school and avoid schools with a religious instruction programme.
- Full disclosure is required. All materials relating to the religious instruction need to be available in full and online at all times. Parents should be able to triangulate the purported content of the programme with feedback from children so they can identify issues with programme delivery at an early stage.

Information provision should be online. It simply isn't good enough to have a book available at the school office. Parents are busy and don't have time to make a special trip to view information. They may also feel intimidated by the school environment and unwilling to self-identify as an objector to religious instruction. It is my experience that parents generally feel they are at risk of being labelled a trouble maker for questioning religious instruction. They are rightly worried about the impact on their children because they question what is going on at school.

*Guideline 3 recommends schools or kura offer valid education alternatives to religious instruction. This guideline also suggests that schools wouldn't need to provide an alternative if the religious instruction were allowed outside of the school's usual hours.*

It is extremely important that we focus attention on kids opting out as they are the most impacted by religious instruction. The example cited would be counterproductive as students not doing religious instruction would have a better understanding of values in the curriculum than those opting into the programme. It would be better to use this time to undertake counselling or confidence building to mitigate the negative impacts of the programme on the school community.

Or do something fun that ensure these kids feel valued!

The more important question is how the time lost from instruction time is being made up. Students won't succeed if they lose 20 hours a year and this puts undue pressure on teachers to fill the gaps.

Parents opting into religious instruction should pay for additional time from staff to make up this time. Or, the Ministry needs to accept that students undertaking religious instruction will fall behind and accept lower standards for those children.

The examples cited a pragmatic solution to allocating time being a staggered start for school. This is incredibly inappropriate. Dropping kids off later to avoid religious instruction is a major inconvenience for parents and may present additional childcare costs. The other option of offering it during lunchtime requires a teacher to supervise it, which puts added pressure on staff. There is simply never a good time for religious instruction as the school day is too busy. After 3pm or on the weekend is the best time for religious instruction as this has no impact on those opting out.

*Guideline 4 recommends schools or kura adopt a "signed consent" approach to religious instruction which means families have to give the school express permission for their child to participate.*

Signed consent is the only acceptable method for running a programme. However, it is misleading to state that this reduces the possibility of discrimination. The guidelines do not elucidate why this reduces discrimination – presumably because there is no evidence to support this claim. This statement should be removed from the guidelines.

Signed consent needs to be updated regularly – prior to each year. This ensures that information is provided regularly on the programme and parents are able to reconsider their choice without 'making a fuss'.

Consent should be sought using standardised materials using Ministry-approved language regarding religious instruction, the programme providers, and how the programme will be conducted. This mitigates against the current risk of misleading information from programme providers and provides context for parents, ensuring parents know that it is not compulsory and not part of the curriculum.

Finally, consent compliance needs to be audited. There are major issues with compliance currently and practices are unlikely to improve without intervention. The Ministry needs to take a more active role in policing compliance as providers are not incentivised to actively undertake this role. The cost of audit should be recovered from religious instruction providers.

*Guideline 5 recommends schools or kura use volunteers who are not part of the school's teaching staff to deliver religious instruction.*

Staff are hugely influential on students and their views are often taken on without question by children. It is therefore that staff do not participate. This avoids cross contamination of views from religious instruction into the core business of the school.

It is also critically important that staff do not promote the programme or introduce a programme to a school. Their support of a programme can influence students and cause conflict within families.

From my own experience in Queensland, my daughter was very upset at not being able to attend the religious instruction programme as her teacher supported it.

At [REDACTED], a religious instruction programme was run without parental consent or a Board decision based on the recommendation of a staff member in 2016. This has caused considerable issues for that staff member. It has been very difficult for the Board to build trust with the community due to the actions of this staff member.

It is also important that staff of faith do not supervise religious instruction programmes. This puts them in an invidious position as parents may not believe that they will diligently police

behavioural standards regarding proselytization in the lessons. These staff members may also not be able to identify correct standards of behaviour due to their faith. They may feel that stories about hell or purgatory are acceptable while they are very alarming to those outside a religious community. These staff should not be put in this position.

Religious instruction programmes impose a significant cost on schools due to supervision requirements, administration, advertising and Board time. These costs should be able to be recovered from the religious instruction provider to ensure the programmes are cost neutral for the school. This ensures that the quality of education for students opting out is not diminished due to the provision of religious instruction.

*Guideline 6 recommends that schools or kura provide secular school and student support services.*

I support the need for secular student and school support services. The guidelines state the requirement for secular student and school support services as a 'recommendation'. This is not appropriate. School and student support services do not constitute religious instruction. They are therefore not within the context of s. 78 of the 1964 Act and are therefore not a permitted activity. The Ministry needs to mandate that all school and student support services are secular. This provides appropriate protection for all students.

Notwithstanding the above, it is important that support services are provided for children experiencing the impacts of religious instruction. Schools need more funding to deal with the divisive and discriminatory impacts of these programmes.

*Guideline 7 recommends that schools or kura perform safety checks on volunteers who will be delivering religious instruction. This is consistent with the requirements under the Vulnerable Children's Act which requires an identity check, an interview, a police vet, work history check, referee checks and a risk assessment.*

It is totally inappropriate for volunteers to be allowed to participate without vetting. Guidance that it might be appropriate for unvetted volunteers to provide religious instruction does not safeguard children. It should be unequivocal that all volunteers are vetted prior to providing religious instruction and that this vetting be consistent in its approach in all circumstances. Vetting information should be checked at least once a year. The costs of vetting compliance need to be borne by the religious instruction providers to ensure other students are not impacted by the costs of these programmes.

However, the volunteers still need to be supervised while on the school site. There is potential for volunteers to approach other students while on site or deviate from the curriculum. Passionate volunteers are generally not good judges of standards of behaviour and therefore need guidance on appropriate behaviour. Teachers will need help and training to understand how to supervise and how to deal with potential issues that may arise. The cost of training teachers and cost of supervision needs to be recovered from the provider to ensure other children do not suffer due to the cost of providing these programmes.

There needs to be oversight and supervision of vetting compliance. The Ministry needs to step in to provide assistance on vetting compliance to support Boards. This will ensure that community trust is enhanced through third party verification of Board programmes. The cost of this auditing should be borne by programme providers.

*Guideline 8 recommends that schools or kura communicate to families and whānau the school or kura's complaints procedure. The complaints procedure should be used to resolve any queries or complaints about whether and how the school or kura chooses to allow any religious instruction programmes to take place.*

Complaints process are not a safeguard. Our experience at [REDACTED] was that the complaints process was used by the previous Board to suppress dissent within the community and avoid adequate consultation. NZSTA advised [REDACTED] and the clear strategy was to marginalise those complaining rather than accepting the complaint as a valid concern. Complaints processes also generally assume that a complaint is about the conduct of staff rather than the conduct of the Board. These processes are therefore inappropriate where parents are concerned about the conduct of a Board. The Ministry needs to step in to manage complaints about the conduct of Boards to ensure complaints are adequately managed.

I am happy to provide further information on any of the points raised in this submission.

Yours faithfully

[REDACTED]

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## **18. Humanist Society of NZ**

### **Humanist Society of New Zealand**

#### **Submission on Review of Tomorrow's Schools (included with consent)**

30 August 2018

President

[REDACTED]

president@humanist.nz

PO Box 3372

Wellington

#### **The Humanist Society of New Zealand**

The Humanist Society of New Zealand is the only national charity working to promote Humanism, support and represent the non-religious, and promote a secular state and equal treatment in law and policy of everyone, regardless of ethical belief or religion .

The Humanist Society of New Zealand works on behalf of the 41% of people in NZ (over 2 million) who declare themselves non-religious, and who seek to live ethical and fulfilling lives on the basis of reason and humanity.

The Humanist Society of New Zealand has long advocated for secular education in New Zealand schools. In 1978, a member, Jack Mulheron, a tireless fighter for Secular Education in New Zealand, founded the Committee for the Defence of Secular Education, to counter the activities of the Churches Education Commission that sought to introduce Christianity into schools by various and often dubious means, in defiance of the intention of section 77 of the Education Act 1964 that requires all teaching to be entirely of a secular nature, and concern at provisions relating to the Integration of private schools into the state education system that included the diversion of funds from the state education system and from state housing to private and private integrated schools. This organisation, later renamed the Society for the Protection of Public Education, continued until 1991.

Our recent document *Humanism 2020* released in August 2018 states:

*We support Secular, compulsory, and free education, without religious instruction or observance, in all Schools.*

#### **The Interest of the Humanist Society of New Zealand in the Education Act Review**

Our primary interest in this submission is to continue the principal established with the passing of New Zealand's first Education Act 1877: that the nationwide education system in New Zealand should be secular, compulsory, and free.

Our Society's continues to advocate for a secular, compulsory and free education system for New Zealand school children.

A survey in 2013 found that 40% of state primary schools run religious instruction programmes. The 1877 Education Act in New Zealand established the system of free, universal, and secular education. The secular requirement is based on the principle of separation of church and state; that the state should not be seen to endorse or promote any particular religion.

In 1964 the secular principle of secular education was undermined with the insertion of clauses into the new Education Act to permit religious instruction in the school while the school or part of

it was supposedly closed. This is referred to as the Nelson system. These clauses were retained in the 1964 Act with the passing of the Education Act 1989 that repealed most of the 1964 Act. The repeal of these clauses will make the Education Acts consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

It is of concern that some Fundamentalist Evangelical Churches, are using children in schools as a captive audience to proselytise their faith. The Nelson system is seen as “an incredible way for a young person to hear about the gospel for the first time. Many of these kids are coming up through the educational system and they've never heard of Jesus and we're coming into their schools and saying HE'S REAL and HE'S RELEVANT.” ([www.youtube.com/watch?v=wOU-kJhz1c4](http://www.youtube.com/watch?v=wOU-kJhz1c4))

This development is completely against the vision and intention of secular education envisaged by the early educators of our country in 1877.

**This Government will champion a high quality public education system that provides all New Zealanders with learning opportunities so that they can discover and develop their full potential throughout their lives, engage fully in society, and lead rewarding and fulfilling lives.**

While the Humanist Society of New Zealand understands that the education system is delivering effective education we are concerned that many schools in New Zealand run religious instruction programmes that advocate beliefs which are not supported by scientific evidence and do not align with the New Zealand Curriculum. School boards are able to approve religious teachers or preachers instructing students to reject science. This manifestly harms pupils, their understanding of science and their future potential to fully engage in society.

#### **Failure of Government to address Human Rights**

Private individuals have tried to approach the Human Rights Tribunal directly with no success. Their concerns have become legal cases against the Ministry of Education. In February 2001, Jan Breakwell, legal advisor to the Ministry of Education, said:

“It is intended to retain these provisions [religious instruction clauses] in their current form in the 1964 Act, however there is a possibility that the provisions will be subject to challenge under the HRA [Human Rights Act]. It can be argued that the provisions authorise indirect discrimination on the grounds of both religious belief and ethical belief, in that, should a board elect to have religious instruction, students who do not hold any religious views or who have religious beliefs that are different from those being instructed, must either attend instruction which is against their beliefs or must absent themselves from such instruction.”

(Submission No S00/1561 to Minister of Education, February 27, 2001).

This is not a satisfactory situation as the Ministry of Education is defending religious discrimination in New Zealand schools.

#### **Educational Impact of Religious Instruction**

The “Nelson System” [Section 78] in the Education Act 1964 allows for religious instruction when the school is “closed”. This involves closing the school early or starting later on one day a week by half an hour, or sometimes closing for half an hour sometime during the day. This is a loss of 20 hours of teaching time over a school year.

A review of the curriculum of the religious instruction programmes by Paul Morris, Professor of Religious Studies, Victoria University, shows that these periods of religious instruction involve evangelism rather than education about religion. It is often instruction in Christian theology, taken by volunteers from local churches. Moreover, it is ‘populist’ theology that is taught. It is not



backed up with modern religious scholarship. The New Zealand Curriculum emphasizes critical thinking as an essential value. Children in religious instruction classes are not encouraged to think critically about what they are being taught and may in reality be instructed to put aside any form of critical thinking.

### **Financial Impact of Religious Instruction**

State Primary School Teachers are paid during the religious instruction classes. While this may be a welcome time for teaching preparation, it is still an unnecessary cost to the taxpayer. There is also a looming financial burden to the New Zealand taxpayer as the number of cases increase of parents determined to take legal action where there has been religious discrimination against their children.

### **Human Rights Impact of Religious Instruction**

We are concerned that religious instruction is supporting exclusion and intolerance. The Human Rights Act 1993 states that there should not be discrimination based on race, gender, religious or ethical belief, or sexual orientation. Anecdotal stories abound illustrating how children from families with a different value or belief system who do not attend religious instruction can be either isolated or made to feel isolated and different from their peers or bullied because of their different beliefs. This is not a good beginning to develop an inclusive society for the future.

### **Real Harms of Religious Instruction**

We are concerned about the wellbeing of students who do not attend religious instruction during the school day, even though the school is technically 'closed'. The methods that schools use to accommodate the students who wish to 'opt out' are often misunderstood by the students and felt by them to be punishments. Playground conversations and peer pressure can also isolate children from each other. It is not easy for children to deal with 'being different'. The 'opt out' provision is often not administered well, causing family upsets.

### **Privacy Implications of Religious Instruction**

Personal value and belief systems are private matters. In our wider society, an enlightened viewpoint seeks to ensure that we can be accepting of people with different viewpoints. This is an attitude to reflect in our school environment. Our New Zealand laws oblige us to not discriminate based on a person's ethical belief or religion. This must be replicated in our state schools.

### **Our Recommendation**

We strongly recommend that the Government repeals the following sections of the Education Act 1964:

78 Religious instruction and observances in State primary schools

78A,

79 Attendance at religious instruction or observances not compulsory

80 Teachers may be freed from duties to take part in religious instruction or observances

81 Schools other than public schools not affected.

To avoid discrimination, New Zealand Education Acts must be made consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Discrimination on the basis of belief, and endorsement of specific belief systems are inconsistent with section 77 of the Education Act 1964 which requires that "Teaching in State primary schools must be secular" and have no place in New Zealand's secular state school education.

We would like the opportunity to present our position in person.

██████████.

President , Humanist Society of New Zealand

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19. [REDACTED] - Anonymous

Dear Submissions office,

I find the guidelines you have drawn up for Religious Instruction in schools to be fair, reasonable and clearly explained.

It is my sincere hope that all teachers, parents, board of trustee members and wider community become familiar with this document.

It is my personal view that religious instruction *does not* need to be carried out in state schools. Occasionally it is appropriate to integrate certain religious observances into school activities (e.g. making Christmas decorations in the last week of the school year).

I would however, like to see more religious education included in the NZ curriculum. All religions have had an influence on world history as well as forming the basis of cultural practices. A basic understanding of worlds largest religious is needed to understand history.

Additionally, I feel that the core values/virtues common to all religions, such as; Compassion, detachment, forgiveness, generosity, honesty, humility, justice, respect, self discipline, tolerance and trustworthiness . Are important principles to teach all members of our society .

Your sincerely,

[REDACTED]

(please remove my name from any submission publications)

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20. [REDACTED]

To whom it may concern,

While I agree spiritualism is important it is also very personal.

I think it is outdated to offer a curriculum that is only teaching one view. The Christian faith is only one of many belief systems our communities hold.

Therefore, I request a 12-week course introducing 8 belief systems to children. This will help teach tolerance of others and reduce the fear of other people. Religion is not responsible for wars, terrorism and hate crimes. It is the lack of understanding and fear of those different to us that causes the problem. I ask that we open the doors to give children a taste of the following faiths that briefly cover core beliefs, costume, diet, traditions and song, origin and history

The faiths/belief systems to be considered in my view:

- Buddhism
- Jewdaism
- Christianity
- Muslim
- Hinduism
- Paganism
- Agnosticism and Atheism (the difference between them)
- Darwinists

Of course, as always, I would like it upheld that permission or right to not attend should be offered. No one should feel forced to learn anything. Learning only happens with an open mind.

I believe the uptake would be positive, relevant and indeed a healthy approach to spirituality in our world today.

Kind regards,

[REDACTED]

21. [REDACTED]

Kia ora,

here are my comments regarding the Draft - Guidelines on Religious Instruction...

- I think it is fabulous to have a document that schools can refer to for guidance, it will help give clarity to the schools role in providing accurate information and seeking informed consent.
- Some templates for non-biased surveys and policies would probably be utilised by schools for guidance. Many are currently using surveys and forms provided by CEC or Bible in Schools which are biased.
- Some scenarios where the school decided to stop offering RI would be good, most demonstrate examples where the school decides to offer religious instruction.
- I've provided feedback by page number...

Pg 2 - diagram useful.

Pg 3 - I love the clarification between RI, RO and RE. makes it much clearer to Boards to be able to communicate to families, good to include about School Camps as many are Christian Camps.

Pgs 4/5 - important to be clear on the different laws around each act.

Pg 6 - Great summary and the 8 recommendations are very helpful.

Pg 7 - 4th bullet point - Consultation needs to be more regular than 'every three years'. Annual would be better. The school I am at has had a huge roll jump in 2 terms and the school composition has changed greatly in that time, 40 students to 70 students! When I approached the Principal about consultation she informed me everyone in the community wants it as she surveyed them all last year. I know this isn't true and I know people that opposed it and also I know there are approx 40% opted out.

Good recommendation to research all programmes available.

Pg 8 - 2nd bullet point could start with 'Explicitly state'. It could also inform parents that the school is legally closed during this RI time.

Pg 9 - Very useful information. Could you make it stand out more that offering RI outside of school hours is the ideal?

Pg 10 - An exemplar would be useful of how a consent form should look.

Pg 11 - I like this page, very clear and reasoning why makes sense.

Pg 12/16 - All resonates well with me.

Thank you I look forward to the First Edition.

Regards

[REDACTED]

**Supplementary submission**

Hello,

I made a submission earlier today and one more thing that would be useful is around school closure. So if the school is closed for instruction half an hour once a week for 4 terms that equates to 4 school days. How does the school make this up? Are they still expected to be open for 384 half days? Because really they're only offering 376 half days.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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22. [REDACTED]

Submission on Draft Guidelines for Religious Instruction

**Name:** [REDACTED]

**Professional interest in the subject:** My PhD thesis, [REDACTED], examined this subject extensively, and my doctorate was awarded in 2016. I am a former UK primary school teacher with a subject specialism in Religious Education.

**Disclosure:** I am a member of the Anglican Church and now live in the UK.

### **Introduction**

I welcome the provision of *Draft Guidelines*, which are helpful in restating for schools some of their responsibilities regarding voluntary religion programmes. However, having given the matter of religion in New Zealand schools several years of my attention, I believe there are a number of points which would merit the Ministry's further consideration. In this submission I will firstly consider the matters arising from the definitions of terms. I will then discuss the problem of coercion linked to perceived institutional endorsement, which is a matter not sufficiently acknowledged in the *Draft Guidelines*; Following this I will comment on each of the guidelines, drawing on my research to exemplify the problems raised. In conclusion, I summarise the key points I would wish the Ministry to address in order to protect freedom of religion and belief in state schools.

### **Definitions of Terms**

#### *Religious Instruction*

Religious instruction is here accurately defined, in line with the original intentions of the 1964 Education Act. Religious Instruction – known as Bible-in-Schools, or CRE – is non-neutral, partisan and encourages student belief. The underlying assumption of the 1964 legislation was that it was in the interest of both the child and the nation for children to confess Christian belief: confessional religious instruction had presumptive validity at this time of Christian social consensus. However, information on the Churches Education Commission (CEC) website assures parents that “CRE teachers are simply there to educate students on Christian beliefs”, using non-coercive language such as “Christians believe . . .” School boards are informed in the introduction to the teaching programme, that “(w)hile sessions are taught from a Christian perspective: the teaching is open, non-judgmental and appropriate for all children in a school environment no matter their belief system.” As a result of a campaign against Bible-in-Schools since 2012 the CEC have recognised that, in the current context of a multicultural classroom and human rights legislation protecting freedom of religion and belief, this presumptive validity has been undermined: confessional religious instruction may not be acceptable to many school boards or parents. Accordingly, since 2016, the CEC have made considerable changes to their programme to remove explicitly confessional and evangelising material and language. However, as I discuss further below, the material remains *implicitly* confessional and, because of the assurances of its general suitability, it is as coercive a programme as it ever has been.

There are at least three issues here for the Ministry:

1. The *Draft Guidelines*' definition of religious instruction differs markedly from the description of CRE given by the CEC, the main provider of religious instruction. This is confusing for parents and school boards and may persuade them that CRE (Christian Religious Education) is in fact religious education, not religious instruction.

2. The fact that the CEC themselves appear to have conceded that religious instruction, as defined by the Ministry, is inappropriate for the current school context throws the 1964 legislation into sharp relief, and raises questions about its fitness for purpose.

3. The *Draft Guidelines* may appear to endorse a return to an anachronistic form of religious instruction, and may incentivise volunteers to revert to behaviours which the CEC has attempted to amend. They may also vindicate the continued evangelical approaches of other religious instruction providers.

### *Religious Observances*

Religious Observances are accurately defined as devotional acts of religion to include prayers and Christian *karakia*, singing hymns and religious readings – which we are told are not covered in the *Draft Guidelines*. However, Bible-in-Schools classes have always included prayers, hymns and Bible readings and continue to do so. The definition as it stands may therefore mislead parents and school boards into believing that either religious observances do not form part of religious instruction classes or they are somehow unproblematic. The Ministry should therefore formulate guidelines for boards of trustees including religious observances in schools, as proposed in my comments on Guideline 2, below.

### *Religious Education*

Religious Education is defined as “the neutral teaching and presentation of information about religion” which may take place within the social sciences curriculum area. My research in schools revealed a great deal of confusion about the legality and desirability of teaching about religion within the curriculum. Definitions of “secular” such as the one in the *Draft Guidelines*’ introduction – “non-religious” – and in the glossary – “not connected with religious matters” – appear to have historically precluded the presentation of information about religion to New Zealand’s children in secular state schools. Most interviewees conflated religious instruction and religious education, having no conception of religion as an appropriate subject for class teachers to introduce to young people. In interviewees’ descriptions of social science lessons, religion appeared to have been subsumed into cultural studies. For example, topics on celebrations included religious festivals – but without reference to the wider beliefs and practices of religious adherents. Teachers in Auckland stated that they deliberately avoided the sensitive subject of religion in their lessons, instead teaching what appeared to be a kind of uninformed tolerance of difference.

New Zealand children are greatly disadvantaged by not having access to education about religions and beliefs. It may be argued that rights to freedom of religion and belief are meaningless if young people do not learn about traditions other than the one which their family – or their school Bible teacher – espouses. Freedom necessarily involves the freedom to critique and possibly even leave a religion or secular belief system, as well as the freedom to adopt or maintain one. The development of discernment in matters of religion is therefore a precondition to religious freedom. A failure to educate young people in religious matters may constitute an infringement of their right to freedom of thought – or indoctrination by omission. The matter of religion within the curriculum should therefore be addressed by New Zealand educationalists, Religious Studies scholars and the Ministry of Education with urgency. It may be of interest to consider a new report (Sept 2018) produced by The Commission for Religious Education, comprised of educationalists and scholars of religion in the UK, in which a national *entitlement* to education in religion and worldviews is outlined.

### *Institutional Endorsement and Coercion*

The *Draft Guidelines* imply that a human-rights-consistent approach to religious instruction is possible: that if consultation takes place, informed consent is obtained and children who are withdrawn are adequately provided for, then the rights of all have been protected. Volunteers are free to engage in proselytism in state schools and no rights are infringed because parents have given consent. This is an unwarranted conclusion.



My research provides evidence that the facilitation of Bible programmes by public schools is inconsistent with the protection of freedom of religion and belief. This is because when schools permit Christian instruction classes – whether in school time, or during lunchtime, or after school – it is inevitable that a public perception is generated that this religion is favoured over others by the school and the state, and that the programme taught enjoys official endorsement. It is imbued with social legitimacy in a way that other religions are not and becomes the unofficially “established” religion. This places children from different religious backgrounds at risk of discrimination, social disadvantage and coercion. While the legislation does not preclude adherents of other religions from running programmes, there are very few instances of this in practice and social and financial constraints serve as active deterrents.

Parents assume that programmes given permission to run on school premises, using school resources funded by tax-payers (lighting, heating, furniture, stationery, etc.) are subject to scrutiny by educationalists, suitable for all and consistent with the inclusive principles of the New Zealand Curriculum. My thesis provides evidence that none of these assumptions are warranted. I highlight the acute absence of accountability in the current system where no responsibility is taken for monitoring resources or staff, either by schools or the Ministry. My research found that some volunteers taught Biblical literalism and Creationism and tried to persuade Muslim children to believe in Jesus. Neither teachers nor principals thought it was their responsibility to complain about inappropriate teaching, even when they knew parents would not approve. Such findings indicate that parents’ ability to give informed consent to their children’s attendance at Bible-in-Schools classes is significantly impaired. The current system effectively coerces attendance at Bible-in-Schools and induces unwarranted complacency (among both parents and boards) about programmes and volunteers.

Parents, teachers and Bible-in-Schools volunteers assume that because religious instruction is protected in New Zealand statute that it must be valid and appropriate. In many other plural liberal democracies such teaching has not been permitted in state schools for decades, but parents have no way of knowing this because the matter has been given scant attention by New Zealand’s educational establishment. The legal status of religious instruction ascribes an unwarranted social legitimacy to Bible classes, such that it is sometimes considered akin to a “public good”. This again militates against informed consent and serves to coerce attendance.

Social conformity was another imperative which drove attendance at Bible classes and deterred withdrawal. Parents interviewed during my research described those who withdrew their children as unreasonable, illiberal, religiously intolerant, un-Kiwi, uninformed and ignorant. Others who had withdrawn their children reported playground name-calling and bullying. Fear of such social disadvantage acted to coerce compliance to social and religious norms. At a school in Auckland many Hindu children attended Bible class, while the Muslim families did not. It was implied by interviewees that the Muslims in the school were too conservative in their views and they should attend the programme: that the Muslim parents were unnecessarily dividing the school community. The Bible volunteer expressed frustration that Muslim families did not attend because: “The Bible is multicultural: It’s for everybody!”

The institutional accommodation of religious instruction by the New Zealand education system is unavoidably coercive and discriminatory. It is not possible to ensure, even when consent has been obtained, that a free and informed choice has been made. The *Draft Guidelines* may mitigate some of the worst excesses of the system, but they do not – and cannot – address the problem of coercion produced by perceived institutional endorsement. The *Guidelines* certainly do not present a rights-consistent approach to religious instruction in school.

My doctoral research concluded that Sections 77-81 of the 1964 Act providing for religious instruction should be repealed, on the grounds that the Christian consensus upon which the legislation was based no longer exists. While there was 89% Christian affiliation in New Zealand in the early 1960s, this now sits below 50%. Just over a third of New Zealand’s children live in the Auckland region, where over one in ten in the population affiliates to a religion other than Christianity. The presumptive validity of Bible-in-Schools in multicultural, secular state

classrooms can no longer be sustained. The invidious nature of such teaching is contrary to established policies of inclusion and diversity. New Zealand's changing religious demography is not reflected in policy on religion in public schools and this should be addressed as a priority. Young people should be introduced to a variety of religions and worldviews within the curriculum in order to develop understanding and discernment in religious matters. This teaching is currently omitted from the New Zealand Curriculum.

If religious instruction is to continue, it is my strong opinion that Ministerial *Guidelines* should be made mandatory for schools running religious programmes and that compliance should form part of ERO inspections. Without this, the *Guidelines* will have no teeth and will likely escape the notice of school boards.

### **Comments on Specific Guidelines**

#### *1: Use community consultation to inform decision making*

My research highlighted numerous constraints on community consultation. It is often the case that schools have “always” had Bible-in-Schools. Principals and boards, who wish to see the programme continue, simply do not consult very frequently or very thoroughly. My research provides examples of principals who routinely told parents, in admission interviews, that the lessons just taught “good values”, although they had not inspected the material themselves. It was sometimes implied by interviewees that school boards had a right to run Bible classes as part of their school's “special character” (in line with the 1989 Education Act). My concern is that new *Guidelines* – unless made mandatory and subject to inspection – will not address these kind of constraints on consultation.

The act of community consultation itself is invidious and militates against all other school and Ministerial policy on inclusion and promotion of diversity. The *Draft Guidelines* do not specify what percentage of a school community should be in favour of religious instruction in order for it to take place. However, it is arguable that an exercise in which a majority religious group decides against the interests and expressed wishes of minority religious groups in their public school is contrary to the values of inclusivity, equity and integrity promoted within the New Zealand Curriculum. In fact, it was precisely such situations that the secular clause of the 1877 Act and 1990s' human rights legislation were intended to prevent.

#### *2: Provide full and accurate information to students, families and whānau to help them make informed decisions*

The *Draft Guidelines* imply that providing full and accurate information about religion programmes for parents should be routine and unproblematic. However, my research notes the difficulty for schools and parents in establishing the nature and content of religion programmes. Literature provided from programme providers often emphasises “curriculum values” and uses educational terminology to persuade parents and schools of its validity. Schools providing such literature at consultation meetings should be aware that they are not making parents “fully aware of the nature and content” of programmes.

The Churches Education Commission does not provide general access to its resources online so it is difficult for schools and parents to assess the programme content. As a researcher, I was given access. The CEC has taken major steps to make its “*Life Choices*” materials less confessional in approach than the Australian Access Ministries materials it used until 2016. However the new curriculum, while incorporating more secular activities and language, still contains potentially coercive prayers and songs, and subtly presents a narrow and Biblically literalist form of Christianity to children. For example, the revised materials require children to learn Bible passages such as 2 Timothy 3:16, “Everything in the Scriptures is God's word. All of it

is useful for teaching and helping people and for correcting them and showing them how to live.”<sup>1</sup> Children who express doubts about the truth of the Bible are to be told: “About half of the people in our country believe that it is true, and my job is to teach you what it says. Even if you don’t think it’s true, it still has lots of interesting and useful stuff in it, so keep listening.”<sup>2</sup> While just under half the population affiliates to Christian belief, Christians have widely differing ways of understanding the Bible. It is deliberately disingenuous – and therefore coercive – to imply that all Christians accept the absolute truth of the Bible.

Another programme in use in New Zealand schools, *Connect* – which, although dropped by the CEC in 2013, is still used in schools in the Wanganui area – is explicitly evangelical in approach. The Focus of *Connect A* (Infants), Term 1, Lesson A1: Knowing God our Creator, states: “God holds people accountable for rejecting his ways yet also provides ways for people to be saved from the consequences of this rejection. For all who trust in God’s salvation there is the promise of a renewed relationship with God forever.” It is therefore insufficient for boards to inform parents “that the religious instruction programme endorses a particular religious faith and will use or reference religious documents, such as the Bible.” There are widely differing approaches among providers and volunteers, some more egregiously inappropriate than others.

CEC promotional leaflets state that their programme is approved by boards of trustees. My research found that some boards of trustees and principals did not think it was their responsibility to examine programme materials because the school was technically “closed”. This misunderstanding should be addressed explicitly in the *Draft Guidelines*.

In the light of the perceived institutional endorsement of religious instruction classes discussed above, and in recognition of the fact that there will therefore be children present from widely differing religious and non-religious backgrounds, a significant omission in the *Draft Guidelines* is the provision of criteria with which the suitability of Bible programme materials may be assessed. My thesis provides a suggested list of criteria for boards of trustees, as follows:

- a. The material does not require children to make confessions of faith
- b. The material does not require religious observances such as prayer or songs of worship (Songs of worship make confessions of belief such as “Jesus loves me” and value judgements about religion, such as “The best book to read is the Bible”)
- c. The material does not presuppose religious membership by the use of “we” and “us”
- d. The material does not require children to make judgements about truth and falsehood where the “true” answer is a contestable statement of faith
- e. The material and teaching do not apply the contestable beliefs of the programme providers universally e.g., “we are all sinners”, “Jesus wants us to . . .”, “God made the world in six days”
- f. The material teaches *about* the religion, recognising that beliefs and practices differ within a faith
- g. The material teaches about the importance of belief to a believer, but does not imply that children should adopt religious belief.

Such criteria should be mandatory for schools with Bible classes and school boards should monitor lessons periodically to ensure compliance. Their records should be subject to ERO

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<sup>1</sup> Churches Education Commission, “Introduction Unit - Session 3”, in *Life Choices Blue* (Year One) Part 1 (Auckland: CEC, 2017) 22-29. 7

<sup>2</sup> “Language in CRE Classes” Guidance leaflet for Volunteers.

inspection. Providers will need to make their course materials available for schools and parents, not just their information brochures, in order for schools to meet this recommendation.

### *3: Offer valid alternatives to Religious instruction.*

This Guideline addresses the longstanding problem of withdrawn children being left unsupervised, or sent to the library, or stood outside classrooms, or sent litter-picking for the duration of the Bible class. The suggestion that schools mitigate the potential for such discrimination by holding classes outside lesson time is to be welcomed – if classes are to continue. However, there is significant potential for coercion through peer pressure in friendship groups if clubs are held at lunch time. The CEC guidelines suggest children might be differentiated by stickers or wristbands to help volunteers identify those who are attending a lunchtime Bible class. Marking children out in this way offends fundamental principles of equal dignity and inclusion. In schools where a minority do not attend, or attend alternative religious or non-religious provision, there is a clear potential for social disadvantage. Furthermore it makes it impossible to keep religious beliefs or disbeliefs private, infringing freedom of religion. Religious instruction during school hours or lunchtime draws attention in a divisive and unhelpful way to religious difference within a school community.

The two examples given in the *Guidelines* are flawed because they do not meet school policy requirements on inclusion, informed by human rights legislation. In the first example the school community is being divided and treated differently, on grounds of religion, during the school day. This amounts to religious segregation in a secular state school.

In the second example there is the appearance of exclusion of a whole part of the school community from the first part of the school day, because a religiously “non-neutral” and “partisan” programme is taking place. One school I visited in Auckland, where one third of the school were Muslim, adopted this policy. In effect one third of the school was excluded from educational provision for the first part of one school day, every week. This amounted to discrimination on grounds of belief. Some parents interviewed said they thought the Muslim parents were too lazy to bring their children to school on time; others that they were too conservative in their beliefs. The largely evangelical board of trustees had vetoed a Muslim instruction programme for children at the school, believing that “the CEC curriculum is the government approved mechanism, model and structure” for religious instruction. I say more about the situation at this school, below.

If religious instruction is to take place it should be either before or after the school day. This should be explicitly stated in the *Draft Guidelines* and should be mandatory.

### *4: Require signed consent for religious instruction*

This recommendation should be mandatory in all schools providing religious instruction including adopting the default position of non-participation. However, as I suggested above, informed consent is not unproblematic. There are often constraints on the information provided, good reasons to presume the programme is educational and strong social imperatives to conform.

The example provided for the recommendation demonstrates the invidious position in which families are being placed. It is very difficult for parents to weigh up the consequences for their children of signing up for the “wrong” class – i.e., one different from their friends, or from the majority of the school – when it may be their preferred choice. Contacting programme providers does not resolve this issue and may increase the potential for coercion into attendance.

### *5: Use volunteers who are not school staff members to lead religious instruction*

Contrary to the *Draft Guidelines* statement on p 11, Section 80 of the 1964 Education Act does make provision for school teachers to lead religious instruction. The *Guidelines* are right to advise against this to mitigate potential coercion and perceived institutional endorsement. However, schools will argue that they are within the law – and are likely to maintain current

practices, since the proposed *Guidelines* are non-statutory. This is another reason why the *Guidelines* should be made mandatory if religious instruction is to continue.

The *Draft Guidelines* are right to state that teachers may need to act in a supervisory role. Although some schools use Bible classes as an opportunity to give relief time to teachers, this exacerbates the problem of accountability and monitoring. Teachers should remain in the class for the duration of lessons. However, in one Bible class I attended, the class teacher unreflectively joined in the hymn “Jesus loves me this I know” and took part in the class prayer from the front of the class. The *Draft Guidelines* should state unequivocally that teachers should neither lead, nor participate in religious instruction.

#### *6: Provide secular school and student support services*

I endorse Guideline 6. Vulnerable young children should not be counselled by religious volunteers, however well-meaning. In 2012 the CEC had 186 Christian chaplains working in secular schools. Since 2016 it no longer publicises this work, or issues such statistics on its website. The CEC should be required to desist from such activity to enable schools to comply with this guideline.

#### *7: Perform safety checks on volunteers*

Parents have right to expect that all volunteers working with their children will have safety clearance. My research indicated that some schools relied on the CEC to perform checks and did not take seriously the board’s responsibilities in this area. However, as my research suggests, safety checks do not prevent children receiving inappropriate teaching from over-zealous volunteers in schools where boards and principals believe this teaching is good for the children. They may, in fact, contribute to the unwarranted sense of complacency around religious instruction classes.

#### *8: Communicate to families and whanau the complaints procedure and use that complaints procedure to resolve issues*

I endorse the recommendation that there should be open communication between parents and boards regarding religious instruction, and a recognised and functioning complaints procedure should be in place for minor grievances. However my research identifies many constraints on this process, chief of which is the risk of social disadvantage a parent takes by marking themselves, and possibly their child, as a trouble-maker in the school. I strongly disagree with the Ministry’s view that boards of trustees should have ultimate responsibility for resolving complaints and offer an example from my research to support this view.

At the school in Auckland where the Muslim community withdrew from Bible classes, mentioned above, one parent (who was not a Muslim) attempted to complain about this visible segregation in the school to the principal, sending an email under an assumed name. She had her email sent directly to the Ministry of Education and all the school board. The Ministry rebuffed the complaint, simply restating the legitimacy of religious instruction under the legislation. This message was briefly conveyed to the parent. When she made a further protest by email she was invited to address a meeting of the board and principal. The parent declined, since this would mean revealing her identity. The matter was therefore dropped and the Bible classes, and concomitant religious segregation, continued. At the same school, Muslim parents would not risk censure from the host community by appearing critical of school practices. They appeared to have no recourse but to withdraw their children *en masse* – incurring social disadvantage – without formal complaint. Their right to freedom from discrimination was not protected by withdrawing their children from Bible classes. My interviewees at the Ministry and the Human Rights Commission stated that parents who complained to them were referred back to the school board as a matter of course. But parents sometimes have good reasons to believe that the board will not judge their concerns objectively. Indeed, it is sometimes the behaviour of the board or principal which is the subject of the complaint.

The Ministry's recommendation institutes boards of trustees as arbiters of their own behaviour, which is not conducive to the kind of open relationship between parents and boards proposed in the *Draft Guidelines*. Indeed, the recommendation effectively silences those who have legitimate grievances, and disadvantages those who wish to make an anonymous complaint. It is imperative that an independent complaints procedure – overseen by the Ministry or the Human Rights Commission – is established if religious instruction is to continue on school premises.

### **Conclusion**

In conclusion, I reiterate that while I welcome the Ministry's *Guidelines* as a first step in addressing the problems inherent in religious instruction in state schools – after many years of silence on this matter – I cannot say that the *Guidelines* will make it possible for schools to adopt a rights-consistent approach to Bible-in-Schools.

In my view, religious instruction is inconsistent and incompatible with New Zealand's human rights legislation and new guidelines do not alter this fact. Sections 77-81 of the Education Act of 1964 should therefore be repealed, and the Ministry should turn its attention to the matter of providing education in religion and worldviews within the curriculum.

In summary, if religious instruction is to continue the worst excesses of coercion and discrimination should be mitigated by:

- ensuring that Ministerial *Guidelines* are mandatory and subject to inspection by ERO
- Operating classes before or after school
- providing additional guidelines to boards of trustees by which they may assess programmes' suitability to run on school premises
- requiring schools to monitor lessons and volunteers according to these guidelines and provide records for inspection
- setting up an overarching, independent complaints body separate from schools
- Providing curriculum guidelines, training and resources to teachers regarding education in religion and worldviews

## **23. New Zealand Association of Rationalists and Humanists (Inc.)**

October 7, 2018

RIO.submissions@education.govt.nz

Ministry of Education

RE: Religious Instruction Guidelines

We thank the Ministry of Education for preparing new guidelines which aim to address the concerns of parents and children who experience discrimination in New Zealand schools as a result of religious instruction practices. Overall the draft guidelines are substantively excellent within the current legal context. We broadly agree with the content and have some suggestions for improvements.

### ***Why guidelines on religious instruction?***

The section explaining why the guidelines have been prepared is excellent, outlining the current situation under the law and detailing the legislation involved. The explanation is clear and concise. We strongly support the statement that schools must conduct religious instruction in a way that does not discriminate against anyone on the basis of their beliefs.

Our only small suggestion here is that the wording "... in a way that does not discriminate against anyone who holds different beliefs." be modified to read "... in a way that does not discriminate against anyone on the basis of their beliefs." We recommend this as the original wording implies that children who do not hold the school approved religious belief are 'different'.

### ***Guidelines on religious instruction in state primary and intermediate schools***

In the section outlining how school boards should consider religious instruction there is the following line "Boards should consider how their policies and practices in relation to religious instruction impact on the rights of students," We believe that school boards must also consider the wellbeing of their students, and so this should read "Boards should consider how their policies and practices in relation to religious instruction impact on the wellbeing and rights of students,"

### ***Use community consultation to inform decision-making***

Human rights deals with is protecting minorities from the majority. In the context of the recommendation to the board here it appears that the recommendation is to survey or poll the parents. It is therefore expected that the majority faith will represent the majority of the feedback.

The risk in this process is that such a process can make decisions that are harmful to the wellbeing of the minority. We strongly support a open process where parents can submit their positions and speak before the board. We also believe that the wishes of the majority should not take precedence over the well being and human rights of the minority.

We therefore recommend adding the following:

- consider the impact of religious instruction on the wellbeing and inclusion of non-participants.

### ***3. Offer valid education alternatives to religious instruction***

One practice we have observed is children being lured by food rewards into attending lunch time religious instruction without parental consent. We recommend that the reference to religious instruction being conducted during lunch times be removed, to read "To ensure the rights of

students, families and whānau are protected, boards could consider offering religious instruction at a time when the school is usually closed for teaching, such as before or after school.”

#### **4. Require signed consent for religious instruction**

A common failure of the consent system in many existing programs is that children are included even when parents have specifically opted children out. It is therefore insufficient to simply record which children have parental consent, but must be enforced by the religious instructors in the class itself.

- Require that religious instruction classes have a process to ensure children without parental consent not be included in religious instruction.

#### **Answering Questions:**

*Do the draft guidelines clearly show how schools can meet their obligations under the Education Act 1964, the Education Act 1989, the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990 when providing religious instruction?*

While the guidelines are a huge improvement they cannot resolve the inherent conflict between the Education Act and the Bill of Rights. While the Education Act permits a school board to discriminate on the basis of religion the Bill of Rights establishes the right to freedom of belief which is directly infringed by sectarian beliefs being taught in state institutions. The guidelines are attempting to resolve this conflict.

*Are the rights of children and their parents, caregivers, family and whānau about religious instruction clear?*

Since the guidelines do not establish rights the rights of parents to informed consent under current law does not exist. The Ministry takes a principled stand in these guidelines that parental consent is the only ethical approach consistent with the Human Rights Act, but the schools are not obligated to observe the guidelines and so parents do not actually have informed consent as a right.

*Will schools and kura find these guidelines useful and practical?*

These guidelines accurately communicate the current state of the law and recommend practices which will minimize harms if implemented by schools. It is still possible however that school boards will still struggle with understanding their complex obligations given the conflicting legislation.

*Do you consider that these guidelines promote best practice for the purpose of allowing religious instruction programmes? If not, how should the draft guidelines change to promote best practice?*

With the few minor corrections cited above we believe these guidelines provide a accurate description of the current situation under law and present a set of guidelines that present practices that are manifestly better than currently in operation in many schools running religious instruction.

In our view the best practice would be to make all New Zealand schools welcoming and safe for all children regardless of their faith and to end the discriminatory practice of forcing people with different beliefs to self identify and be excluded. The guidelines will not achieve this, and in principle cannot.

*Are the differences between religious education, religious instruction and religious observances made clear in the draft guidelines?*



The differences are made clear.

*Is there anything else you think should be included in the draft guidelines?*

As stated above our concern is that minorities will not be heard on the local level and will be discriminated against. We believe more extensive discussion of the potential harms of religious instruction to non participating children.

*Do you have any other comments in relation to the allowing of religious instruction in State primary and intermediate schools me ngā kura?*

The NZARH has made multiple submissions detailing the argument against permitting religious instruction in New Zealand schools.

The core reasoning is detailed in the conflict identified in the draft guidelines themselves when they say "The New Zealand Bill of Rights Act 1990 does not override a board's authority to close the school to allow religious instruction to take place." This sentence is a clear statement that there is a conflict between the Education Act and the New Zealand Bill of Rights.

This conflict is more than simply academic, with thousands of children and parents being affected.

### **Conclusion**

We applaud the effort to produce these new guidelines and appreciate that they go some way in attempting to address the discrimination occurring in New Zealand primary schools.

However, we fundamentally disagree that the school boards should have any statutory right to discriminate on the basis of religion. The Education Act and Bill of Rights is clearly in conflict.

We realize that resolving this conflict is outside the remit to prepare the guidelines.

Ultimately the only resolution will be a law change that will make all New Zealand state primary schools a safe and welcoming environment for all our children. We know from your inclusion web site that you wish for this as well.

Regards,

[REDACTED]

President, NZARH

[president@rationalists.nz](mailto:president@rationalists.nz)

24. [REDACTED]

G'day,

I am grateful for this opportunity to submit on the proposed Religious Instruction Guidelines.

Of course, I recognise that the Ministry of Education has a difficult task here. I believe that these guidelines are a valiant and largely successful attempt to thread the needle between our statutory rights and freedoms, and the inexplicable push from some parts of our society to include ancient fairy-tales (and the archaic values that come with them) into mainstream, State education.

Ideally we would be looking at a repeal of the Education Act 1964, and the addition of new provisions in the Education Act 1989 that were fit-for-purpose. We're not. Obviously political reality makes this a big ask. Ideally, we would be providing more information to parents and students about their right to a secular, discrimination-free State education, to rectify the power and information asymmetry at work here. Are we doing this? We should do this.

Instead, we're mainly looking at guidelines to help BoTs interpret the law. Unfortunately, if we know anything, it's that BoTs are not good at interpreting legislation at the best of times. I'm not sure we should be optimistic about the likelihood that this will change with the provision of additional – effectively self-enforcing – guidelines. Beyond the fact that schools are inundated with written guidelines about practical, day-to-day stuff (so are unlikely to even read this), some of the more fanatical BoTs are probably more worried about burning in hell forever for not forcing kids to learn about Jesus than they are about applying the Ministry's "best practice" standards for RI.

If guidelines are all we can do, I think this is a good first punt. Given this is basically legislative interpretation, I think the Ministry could be a little more definitive (e.g. explicitly telling schools what they *can't* do) instead of soft recommendations for what they *could* do. Failing that, maybe making the text a little less dense would help schools engage with the material. Some pictures maybe? I've attached a suggestion.



I think the practical examples provided are probably the strength of the draft guidelines; please ensure these survive to the final iteration.

Praise be,

[REDACTED]

25. [REDACTED]

To Whom it May Concern

On the whole I think the guidelines are fair and balanced and to be expected in our current context. I have two comments to make.

1. While it has to be complied with, and I certainly accept that, I see School Boards shying away from the labour and time intensive process of conducting safety checks. That combined with an opt in process will I suspect see school boards choosing the easier path of saying no to Religious Instruction in schools.

2. In the full guidelines there is an explanation of what a religious observance is. In that explanation a religious observance is described as "...prayers, Christian karakia..." and so on. Karakia is simply the Maori word for prayer and surely any karakia in Maori be it from a Maori, Christian, Hindu or whatever context is still a prayer and therefore a religious observance.

We might want to exclude Maori context Karakia from being labelled a religious observance because of Treaty obligations but it is important to understand that all religions were afforded the same protection under the addendum requested by Bishop Pompalier (called by some the 4th article). There was freedom of religion for all and so you either exclude all karakia not just Christian ones or allow for them all.

"The Governor wishes you to understand that all the Maories who shall join the Church of England, who shall join the Wesleyans, who shall join the Pikipo or Church of Rome, and those who retain their Maori practices, shall have the protection of the British Government."

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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Released under the Official Information Act 1982

26. [REDACTED]

Submission below. CRE = Christian Religious Education.

***Are the rights of children and their parents, caregivers, family and whānau about religious instruction clear?***

I do not believe these rights can be protected while CRE during any school hours is continued. The child's right is not to feel excluded or marginalised within their own school community, and allowing CRE to occur makes this impossible. In 2013-2015 my daughter would regularly be in tears saying she wanted to believe in god so she could go to the classes. Forcing a 5 to 7 year old to declare her family as secular (or non-christian) is a breach of his or her human rights.

***Will schools and kura find these guidelines useful and practical?***

publishing these guidelines provides further support to schools who support CRE, appearing that the Ministry is validating the practice of CRE in primary schools.

***Do you consider that these guidelines promote best practice for the purpose of allowing religious instruction programmes? If not, how should the draft guidelines change to promote best practice?***

No i do not. I strongly believe the guidelines should suggest CRE is held outside any normal school hours in order to meet best practice; to not require non-christian families to need to declare their religious status to others, and avoid children feeling excluded from their classmates.

***Are the differences between religious education, religious instruction and religious observances made clear in the draft guidelines?***

yes

***Is there anything else you think should be included in the draft guidelines?***

as above

information for parents on any CRE program should NOT be able to be provided by the organisation providing the CRE volunteers and program. This is strongly biased information, presented in a very appealing way (glossy colourful brochures about values) and does NOT accurately reflect the motives of the organisation or the content of the "lessons".

***Do you have any other comments in relation to the allowing of religious instruction in State primary and intermediate schools me ngā kura?***

Yes. I strongly believe CRE has no place in New Zealand's multicultural and purportedly secular school communities. The current guidelines, even if applied in full by the school my child suffered in, would not have prevented the adverse effects of CRE on her and our family. She suffered distress and anxiety including many episodes of tears and sleeplessness, at exclusion from her class during CRE lessons, and could not understand her secular family's decision to not allow her to attend. Despite being opted out she was proselytised in the playground during breaks by the CRE volunteer, who was not in any way disciplined for this action by his governing body the CEC. Our family suffered feelings of exclusion from the school community and damaged relationships with teachers and the principal... all to allow one religion the opportunity to evangelise children. The sense of relief and community belonging at our kids' new school (which is CRE-free) has reinforced for me the negative effects the presence of CRE at a school on a secular family. I can only imagine this distress would be amplified for religious non-christian families.

### **Supplementary Submission**

Currently most schools are not truly "closed" for CRE. The guidelines must attempt to address this issue. Schools should not be able to be "closed" one class at a time, or while children in other classes remain "open"

Thankyou

■■■■■ BVSc CertSAS MANZCVS

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27. [REDACTED]

I am outraged to think that in this day and age religious instruction is still a part of the education system. There are many hundreds of different types of religion throughout the world, so which one exactly were you thinking of imposing on the kids?

Religion of any type has NO place in education other than as a myth thought up to keep 'the masses' under control.

Religion globally is responsible for more suffering than any other phenomenon both to humans and other animals.

Ironically, Religion is (and always has been) the 'condom' to the progress of science.

Get rid of it

Sincerely

[REDACTED]

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28. [REDACTED]

As a Bible in Schools teacher in two schools in [REDACTED], I believe that the guidelines are generally well-considered and fair in protecting the rights of the child and their freedom to hold on to personal religious belief.

I do support the continuation of religious instruction in our primary education system, and the right to teach the Bible as being one of the historic and 'holy books' of world religion. In New Zealand, and with reference to the Ministry of Education guidelines, the Bible assumes historic importance because:

- 1 (Guideline 2) Much of our system of law is based on Biblical teaching (e.g., the 10 Commandments) and many of our 'proverbs' and 'idioms', (i.e. "turn the other cheek", "the prodigal son," "be a good Samaritan,") come from the Bible. It is valuable for children to know the source of such language use.
- 2 That the New Zealand CEC curriculum focuses primarily on teaching good values of loving, sharing, inclusion, tolerance etc., (common to all world religions) using Bible stories and the teachings of Jesus as examples.
- 3 (Guideline 4) I am concerned that the opt in policy may not fairly represent the approval/disapproval of parents towards religious instruction as many parents do not send notices back to school regardless of what the notice is about! The current 'opt out' policy gives parents who feel strongly about their right to withdraw their child the opportunity to do so. I do not believe that 'opt out' is misunderstood as the class teacher usually handles the withdrawal before the religious instruction teacher begins the lesson.
- 4 Religion has been an important part of socialisation in societies from the beginning of recorded history, and I do not believe that modern science and technology has eliminated the need for the moral and ethical values religions have provided.

[REDACTED]  
Bible in Schools Teacher, [REDACTED]  
[REDACTED].

29. [REDACTED]

29 November 2018

RIO Guideline Submissions  
Ministry of Education  
RIO.submissions@education.govt.nz  
WELLINGTON

Dear Sir/Madam

**SUBMISSION ON RELIGIOUS INSTRUCTION IN NEW ZEALAND PRIMARY SCHOOLS**

I wish to submit that Religious Instruction held in primary schools be allowed to continue as it currently does.

These lessons form part of the cultural heritage that has been at the foundation of our nation for over two centuries.

As a result, most of our laws are based on the teachings of the Bible with concepts of justice, equality and thinking of others.

Teaching Religious Instruction affords the opportunity to express the spiritual aspect of our being.

The 'opt-in' option is flawed because parents who are opposed to their children receiving RI will ensure their children are opted out. Whereas those who have not returned the option slip may well have simply forgotten to return the slip. Many of them will be quite happy for their children to learn about the Christianity embedded in our nation's cultural heritage.

Having the lessons before or after school creates problems for many families in that they may have other commitments before or after school. Before or after school classes will also in some cases cause difficulty with access to school buses - it may be that bus schedules would preclude children attending RI.

Having the lessons during lunch time could create pressure from other class mates to attend, and impact on the freedom of choice that students should have.

Finally having the lessons in a classroom where other lessons are going on is a clumsy way of dealing with the issue. Many aspects of RI requires deep thought and concentration. A room filled with other activities will create disturbance to the discussion and thought processes required in an RI lesson. For this reason, the RI lessons need to be in a separate room.

For these reasons I submit that the RI lessons be continued with the above points taken into consideration.

[REDACTED]  
Religious Instruction Teacher  
[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]



30. [REDACTED]

Hello,

My name is [REDACTED]. I have served on two school boards ([REDACTED] and [REDACTED]) in Auckland as both a parent representative and as Chair of the board. This is a personal submission and is not made on behalf of either school.

I am pleased to see the Ministry is finally addressing the vexing issue of religion in schools. Given the clear mandate in the current Education Act around the role of religion in schools (that primary schools should be secular in nature) it has long puzzled me as to why schools are allowed to invite religious groups in to teach children at school.

Yes, I know schools are officially "closed" during this time, however for the students the distinction is unclear and often times confusing. Children are expected to attend these lessons unless their parents object (an "opt out" model) and that always seemed to me to fly in the face of the requirement to provide a secular education.

When I approached the Ministry about this to find out more, I was referred to the Human Rights Commission. I approached the Human Rights Commission and was told my questions were better directed to the Minister of Education. I contacted her office and was told it was an operational matter and should be addressed to the Ministry for guidance. Lather, rinse, repeat.

As a school board we grappled with the question of whether to allow these classes to continue or not. A number of board members were very much for the religious lessons and an equal number were ambivalent at best. We asked our community in our annual survey and received an overwhelming vote of support for these lessons, and so they continued for the entire time I was on the board.

I myself am not religious, and asked that my daughters be excused from the lessons. They were sent off to the library to read, or to do chores for other teachers during religious classes.

To them, they were being excluded. Their friends and teacher remained in the classroom and they were sent away. The children received gifts and trinkets from the religious teachers, and they missed out. To a primary school child, this exclusion was unfair and unwarranted – as if they had done something wrong and were being punished. I am very lucky that they both enjoyed reading and were eventually happy to read in the library but the feeling of separation from their classmates continued throughout their time at primary school.

At primary school, the classroom is a home away from home for many children. It is their space. They spend most of their school day there, they decorate it with their work, and they have one teacher for most of their classes in that year.

It is unacceptable that those children who are in line with the secular education principles of our schools, the Act and indeed New Zealand as a whole should be forced out while religious instruction is undertaken.

I would much rather see the default being a secular education and those children who want to undertake religious instruction "opt in" to that stream of work rather than secular children having to "opt out". This difference is, I believe, fundamental to a continued secular education platform in New Zealand.

I have no problem with most of the guidelines as suggested in the discussion document. Guideline 3, and indeed the whole subsection on page 9 of the document, could do with some work with regards my point about opting in versus opting out.

"Guideline 3 recommends schools or kura offer valid education alternatives to religious instruction. This guideline also suggests that schools wouldn't need to provide an alternative if the religious instruction were allowed outside of the school's usual hours."

If religious instruction is organised and conducted outside a school's usual hours then I have no problem with it at all. Schools often lease out space in their grounds to community groups of all types as a way of raising extra funds.

Holding religious instruction classes before school, after school or during lunchtime also pose no problem. However, classes in religious instruction held during class time should not be seen to be the standard, with secular students opting out and being sent out of the class, but rather secular education should be the norm, with religious instruction students being sent out to study in a separate location (the school hall or library, for example).

By treating secular education as the alternative, guideline 3 inadvertently reinforces the idea that religious instruction is the norm in primary schools. That is unacceptable to me.

Religious instruction should be the exception, and should be held outside the classrooms, while those children who are following the regular curriculum should be allowed to stay in their classroom and continue with their education.

The guideline could be reworked to reflect this:

"Guideline 3 recommends schools or kura remain secular, but those that do wish to offer religious instruction do so outside the classroom environment. Religious instruction held during class time should not interfere with regular classroom activities or schedules. This guideline also suggests that schools wouldn't need to provide an alternative if the religious instruction were allowed outside of the school's usual hours."

That way the classroom space remains secular, remains the place where learning takes place and the children who are engaged in a secular education are not made to feel like they're being pulled out of class and effectively "punished" for not taking part in religious instruction.

Thank you for your time.

██████████

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31. [REDACTED]

To the Ministry of Education

I would like to make submission to the ministry when you consider guidelines for religious instruction in state primary and intermediate schools.

Either teach about all religions as well as atheism and agnostic beliefs, giving a balance view or don't allow any religion instruction in state schools at all.

The bigoted view of some are still forced on others at schools, just as it was when I was a child a primary in the 1950's.

I chose not to attend religious classes and got ostracised and bullied by my peers, sometimes leading to physical assault. I can never forget that and the way

I was treated, the teacher made the situation worse for me. Children are still made to feel ostracised today for not attending these classes.

I didn't go to school to be taught religion, I went for reading, writing and arithmetic, that was my choice, not to be the source of irrational behaviour and scorn.

Why is religious instruction forced on very young minds when alternatives are not offered. If children and their families want this form of indoctrination then

they will attend their own church and worship their god.

Regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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32. [REDACTED]

To Committee Members

Thank you for this opportunity for comment on the "Draft Guidelines on Religious Instruction..."

As a nation we value all our freedoms, and I commend the NZ Government for upholding the same by allowing Religious Instruction in its schools.

Our schooling system has its roots in Christianity with the very first schools being established by churches, through which language skills were taught to enable the Bible to be read and understood. The Bible was also foundational in establishing respect for God, for people and for His creation, with behaviour patterns being largely based on the Ten Commandments and the teachings of Jesus. Our need for a solid understanding of the Bible is as important today as it was 150 years ago, and my desire is that the formulation of these Guidelines provides each child with an opportunity to engage in the discovery of a loving, caring Creator.

If there is just one thing that I would like to see changed in the draft, it is the proposed "opt-in" method of consent. I feel that this may disadvantage some children whose parents, even though supportive, may not end up providing the mandatory consent - often things get lost or simply forgotten. Worthy of note also is the contrasting "opt-out" regime applicable to the teaching of other sensitive subjects - I am thinking in particular of Sexuality Education currently taught within the Health Curriculum.

Thank you for considering this submission,

Yours sincerely,

[REDACTED]

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33. [REDACTED]

I am opposed to allowing religious instruction in schools.

There is no need in our secular society to "teach" religious practices in our primary and intermediate schools, there is sufficient places currently in existence in our communities, allowing more in schools is not needed or even required.

The reasons for my opposition are as follows:

1. There are churches who can "teach" children of parents should they wish it.
2. New Zealand is now predominantly non-religious, the majority do not follow any form of religion.
3. The current "bibles in schools" Values" CEC people only "teach" one religion, all of the others are not represented, and I can see the public outcry if the tables were turned and Islam or Judaism were taught instead of Christianity.
4. The people involved in "teaching" these classes are not qualified to educate children.
5. I have issues with allowing any form of religious person near children going on current form.
6. The half an hour per week allotted for this "teaching" would be better spent actually teaching our children science, math, English, or language like Te Reo (official language of New Zealand) or New Zealand sign language (another official language of New Zealand).

In summary there is no place for any religious instruction in schools at the expense of actual learning. If parents want their children indoctrinated into their faith they can either send them to schools with a special charter (religious school) or their church or they can pay for their own instruction. The majority should not have to suffer through this indoctrination.

I am happy to make any submission in person.

Kind regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

34. [REDACTED]

There should be no religious instruction at state funded schools at all, ever.

Schools should teach facts.

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35. [REDACTED]

I grew up in the 60s in Christchurch. We could leave our car in the drive with the keys in, when we went out, the house was seldom locked. Respect for persons and property was more prevalent than now.

I remember the man with the "white dog collar" (I later learned he was a canon) coming to Papanui Primary and whilst I can't remember everything we learned, I can remember he taught that there are some things that aren't negotiable. There were absolutes such as the 10 commandments and it was because most folk at that time followed them, things were safer and, contrary to what some folk thought, following the things we learned actually gave society more freedom .... freedom such as leaving things unlocked and being safe at night.

My parents didn't agree with everything we were taught but did see the value in the instruction we did receive as it made us more respectful and obedient - there didn't seem to be a problem having it during school hours, we still came out of school having a high literacy level.

I believe the current opt out process worked in my day, my parents didn't consider it an issue due to the benefits it seemed to provide and still gave an option to decline if we chose. It also made sense in that "you don't know what you don't know" and opting in may not have happened simply due to preconceived ideas or even from the busyness of life putting a decision on the back burner.

Instruction back then was more overtly Christian than it is now and I believe it was part of a suite of things that meant persons and property were safer compared with the "anything goes" trend which has emerged.

In conclusion I don't believe the current practice is broken and don't favour a change.

Kind regards

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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36. [REDACTED]

To the review committee:

I have read through the draft guidelines, and congratulate the people who have worked on creating a very clear statement for schools, boards and families.

I strongly believe that it is important to provide options for RI in schools. Much of what we now consider part of our New Zealand culture in terms of values, our justice system and our democratic society are primarily derived from a biblical, Judeo-Christian understanding of who we are and how we should behave towards one another. Without an understanding of where these values have been derived there is no foundation for where we can/will go in the future.

These Judeo-Christian values are being slowly eroded, and in Europe the 'western culture' is under threat from the wave of refugees and migrants bringing their own culture and worldview into the different countries. And while I agree wholeheartedly that there should be freedom of religion in our country, I certainly believe our children should have some insight into where our values have come from and that they are valid and worth holding onto.

I don't believe that the antagonism expressed by some is coming from the other religious groups. We know folk from Muslim, Buddhist and Hindu backgrounds, and they are often more interested in what Christians believe than those from completely secular backgrounds.

It is my fervent hope that these guidelines are accepted as drafted, and that we can continue to offer children an opportunity they might well never have otherwise – RI in schools as per the guidelines.

Yours sincerely

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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37. [REDACTED]

Hi

Thank you for this opportunity to provide feedback on the draft guidelines on religious instruction in state primary and intermediate school.

I am broadly in favour of the guidelines, however I believe that schools should be required to obtain signed consent for religious instruction, rather than this just being recommended.

Also, while I note that the guidelines are focused on religious instruction and not religious observance, I believe that it is important to recognise that both of New Zealand's National Anthem's are hymns and therefore their observance in schools is problematic, particularly when they are observed frequently. For example, the singing of God Defend New Zealand at assembly every every morning or every fortnight breaches the rights of children and their families to not pray and not to be exposed to religious observance while at a secular school. I believe that families and schools would find rules or guidelines about singing the National Anthems useful.

Ngā mihi

[REDACTED]

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38. [REDACTED]

Hi,

i am strongly against any form of religious education in any form being provided in schools. There are plenty of religious options available and provided in church so why make it an optional decision of the board of trustees?

Stick to teaching our children more important things or replace religious studies with factual material about a number of things like the importance of caring for others etc. We don't teach politics to children so why do we think it is ok to teach religion in any form?

This is well overdue for removal from schooling and it is not by any means acceptable. Remove it from schools and let the children's parents decide if they want their children to learn about it. I recently wrote the below letter to the minister of education expressing my concerns.

To whom it may concern,

I am aware that you have a lot of work to do currently with the teachers striking so I will understand if I need to wait for a reply in regards to this letter.

As a child I found it incredibly difficult to get my head around religion and was frequently removed from Bible studies for asking what I thought were logical questions at the ages of 5-7. Despite this I still developed a level of religious beliefs from what classes I did attend.

As I've grown up and become an adult my views have changed from Christian to atheist. I am defined as an atheist as I don't believe in a god or gods but am certainly not against anybody's beliefs and rather consider myself unsure, curious but also not fussed about knowing or not knowing.

Our country has a very diverse range of religious groups but also a very large Christian following even by a lot of self admitted Christians in spite of them not having any actual connection with the religion since primary school other than celebrating Christmas and Easter.

As you are probably aware like most religions Christianity has its flaws but it also does a lot of good for some people and communities. If you follow history you will also be aware of the link between religion and some if not most of the darkest days in history.

After studying history you tend to find that religion has a trending involvement in most of the significant conflicts, genocides, mass killings, and all other atrocities relating to crimes against humanity with Christianity the highest involvement.

Also the Bible was often used within the last 1000 years as a weapon on tribal cultures to disarm and build trust in them and as history has shown provide a false sense of security to them. Perception is as important to someone as their religious beliefs and they can often find an overwhelming urge within to make it their duty to influence others perception.

As education minister's I'm sure you are also aware of the stages of development of a child's brain and if not you have access to people with the resources to provide you such. My concern about religion in schools is very serious. When you are born and your body starts to develop different areas at different times change. Especially in a child's brain, with study's showing that we form very important foundations of brain use in these early years that will influence our personalities, key Morals and values etc that will be installed in us for the rest of our lives.

Now this is where 5-7 year old me got conflicted by the stories told from the Bible. When you are that age you have the ability to create an honest perception of things without the already clouded opinions of others. You are born trusting your senses what you smell see hear touch etc and you are curious about everything. You are in awe of this big world where you are processing huge amounts of information and forming with your natural ability, senses and instinct your own ideas of logic and perceptions about everything. How things work, what things do etc and during that time you have this thing we call imagination which assists us in discovering some of the truths and possibilities by combining with the logic we are developing.

This is in my opinion the most enjoyable time of your childhood for the unbiased opinions and perceptions of others have not clouded your thought and by use of the process of elimination, trial and error, common sense, logic and natural instinct etc you develop your own opinions and perceptions of life.

This is why I write this letter, please seriously consider removing all religious studies from schools for the sake of these children. I have no problem with religion being taught to teenagers but please consider how destructive and life changing religious classes are to a child's mind. Religion is unproven and when a child's mind is developing to trust its senses and think logically we are telling these children about religion, things that go against logic and it confuses you. Everything you think you know now differs because of a man in a book that can do magical things and wants us to follow his list of morally correct rules but then goes on to contradict itself over and over saying you can't do this or that but later it is ok appearing to be mocking its own self.

I for all reason can not get my head around why this is allowed in primary schools. It is a place of education but we are assisting in the removal of a child's natural self development skills and taking from them their basic human right to decide for themselves by influencing them on what life is and how it was created with an unproven piece of literature that contradicts itself constantly and being told that it is a true story explaining there is a man doing magical things who lives in the sky etc creating a biased clouded view of life and alters their perspective on everything accordingly.

Influencing children's religion and beliefs should be a crime Especially in a time in their lives that they have a better ability to make their own informed unbiased view of reality using the skills they acquired naturally than adults do because of the lack of opinions and perceptions they have experienced. Quite seriously they are being influenced and subsequently robbed of the opportunity to make their own minds up on one of the most influential things on earth, Religion.

And religion should be a choice made by someone who at a mature age it aligns their personally formed opinions and beliefs with. Please think honestly about this and imagine what natural abilities, senses could and may have been clouded in our minds because we learned to ignore them through the influence of others and decide to just allow children to be children and benefit from their childhoods as uninfluenced as possible especially on matters of unproven literature that goes against logic.

Thanks

■

39. [REDACTED]

Submission on draft guidelines on religious instruction in state primary and intermediate schools

### **Background and Primary Submission**

Thank you for the opportunity to provide feedback on the Draft Guidelines on Religious Instruction in State Primary and Intermediate Schools (Guidelines).

I am writing this as a parent of a 5 year old who has this year started attending a school that runs an RI programme. I wish to explain my experiences as a background to my comments.

There is an established RI programme at my son's school. It currently operates from 9.15 to 9.45am on a Friday and is opt out. It will change next year to opt in and between 9 and 9.30am. This is an improvement because until this change, if I wanted to keep my son home during RI, my son would miss out on 15 minutes of curriculum time (in addition to the lost curriculum time due to the RI).

The experience of my son as a result of the RI programme was heartbreaking. We would come to school at 9.45am. The first day, we came into the classroom, assuming the RI would be finishing any second. It ran 10 minutes late with no explanation and we were left waiting there in a class, my son felt so awkward and didn't really know where to put himself. The other kids (many of which were from the year above), were saying to him "you're late, [REDACTED]! You missed Bible" "why are you late [REDACTED]?". He would hide behind my awkwardly

After that, we would wait outside the class and every single time, the class ran between 8 - 10 minutes over the scheduled 9.45am finish time, despite the teachers being able to see us waiting outside through the window. I found this incredibly disrespectful as a school would never "run over" morning tea or lunch or let the bell start late for the day, yet my son's day was starting late every Friday. I can't fully explain how uncomfortable the waiting was for us these times. And every time, the other kids would yell out "[REDACTED], you're late for school!". We are at a small school. I felt uncomfortable making weekly complaints about the time RI started, so have never made a formal complaint about this.

The teachers never made any effort to explain that the the RI was voluntary and that school was closed. My son kept telling me he wanted to go to Bible - it was painfully obvious that he hated being excluded/segregated and that he felt like he was missing out on a normal activity in school. There is no question that my son is affected negatively by his segregation. Even when I keep him home on a Friday morning, he is quiet and doesn't enjoy the extra time at home because he wants to be at school with his friends. He tells me that the other kids say "[REDACTED] isn't a bible kid, he's different". I do not believe the school is in any way sensitive to the needs of the non RI children and I do not believe the guidelines will help. Many times lately, [REDACTED] has insisted on going to school (and going to the library, or another classroom with a teacher) even though I would much prefer him to stay with me, as then he is not hassled by the other kids for being late.

These experiences also make it clear to me that in many cases the "closure" of the school for RI is a farce.

This experience was reiterated [REDACTED]. By complete coincidence, I found out from a neighbour that there was a "Bible Recital" on that day. I called the school office. First, the woman working in the office did not know about it. I received an email a few minutes later, explaining that there was a bible recital (whatever that is) and that my son would be in the library for the afternoon with a staff member, but that I was welcome to pick him up for the rest of the day at 1.30pm.

I wish to explain that our experience of RI has been an incredibly excluding one. I think it is hard for people on the other side so to speak, to fully empathise with the sense of exclusion, and

certainly the message I get from my school management subtly and not so subtly is that this is my choice for my son, and I don't need to choose to opt him out.

I am of the strong opinion that this kind of exclusion and segregation from the rest of the school on the basis of my families religious belief is discriminatory and a breach of the human rights act.

Can you imagine what my son would have felt on Friday afternoon if he had been sent to the library with a staff member (there was no mention in the office administrator's email to me of the two other opt out children at school - there are only three in total, although I assume they were attending also), and the rest of the school went to an assembly for the majority of a school afternoon? Of course I feel any exclusion is unlawful and discriminatory, but I feel particularly aggrieved in connection with a full hour long recital - a very long time for a young child. As a parent, imagining a small boy excluded in this way for such a long time was shocking and distressing.

These experiences have left me feeling incredibly excluded and isolated. I feel that by "opting out" I am sticking my neck out as being different, and it is clear to staff and other students that our family has different beliefs, that frankly, are not then respected by other students and staff by the school aligning themselves so expressly with Christianity.

This experience makes me feel our school does not value inclusiveness or diversity of religious or non religious viewpoints at all. Ultimately this is the impact of Section 78 of the Education Act and I do not believe it is possible for it to be implemented by a BOT and not to have a discriminatory effect on children, unless the incredibly rare case where 100% of parents were of the same faith and expressly consented to the RI. But given the risk of discrimination in almost all cases, the simpler thing to do would be for parents to seek out RI elsewhere in the church or community and leave school to be secular as it should be.

I am strongly of the view that the Section 78 of the Education Act is a breach of the Human Rights Act 1993 and New Zealand Bill of Rights Act 1990. Therefore, I am strongly of the view that Section 78 of the Education Act should be repealed and that Guidelines in such a case would not be necessary. However, I made the following submissions notwithstanding this primary position.

### ***Specific Comments on the Guidelines***

#### ***Mandatory Guideline***

The most important change required is to ensure that the Guidelines are mandatory and that a body is tasked with oversight and enforcement. I want to be sure that a body is monitoring how much RI is occurring each year and that it is fully compliant with the Education Act and the Guidelines.

#### ***Considering impact on ability of teachers to deliver the curriculum***

To allow RI in a school, the BOT is entitled to hold it during hours in which it would otherwise be required to be open by the Ministry of Education to deliver the curriculum. The BOT would have to close the school which impacts on the ability of teachers to deliver the curriculum and therefore on the ability for students to attain their highest standard of achievement. BOTs should be directed specifically to consider the impact of the lost teaching time on the students who are offered RI. In the case of our school, it has followed the example in draft guidelines and is "opening" the school later on a Friday at 9.30am to allow the RI instruction to occur before school. I presume that the school is not opening longer in the year because the 20 hours is an exclusion from the opening hours over the year required by the Ministry of Education. BOTs should also be directed to consider the lost teaching time on opt out children in such cases.

#### ***3. Considering emotional safety of non-RI students and explicitly ensuring diversity is valued***

BOTs must consider if they can provide RI in a way that does not make the school an emotionally unsafe place for non-RI children, and it must ensure it is inclusive of the needs of those students. This should also be explicitly stated in the Guidelines. I think this should go as far as explicitly directing the kind of statements that should be made by their curriculum teacher to both children attending RI and not attending RI about what RI is, that it is voluntary, that it is not endorsed by the school, and that the school respects a diversity of different religious viewpoints. This is something that has really lacked in my and my son's experience and I think would have helped him.

If a BOT chooses to close their school for RI, the Guidelines should require that the BOT has identified and considered the rights of children that will be impacted, the purpose for which they are impacting on those rights and have deemed the objective sufficiently important to justify the impact on that child's rights. I do not believe that in a secular school setting, a BOT would have an objective sufficiently important to impact on a child's right to freedom from religion and to be treated no differently from their peers.

#### *Information*

It is excellent to see the Guidelines recommending schools provide full and accurate information on RI.

Any BOT considering holding RI should be required to review the full curriculum of the proposed programme including any teaching manuals and to make all information available for the school community to view throughout the school year.

#### *Valid Alternative and logistics*

The Guidelines state that the school must be closed for teaching during RI yet state that an educational alternative should be offered. It is difficult to see how this could be reconciled with the requirement the school be closed for teaching.

The example in the second box, to hold RI at the start of the school day with the standard teaching hours pushed back by half an hour, is the example that has just been agreed to be put into place by my son's school. This is going to create logistical challenges for working parents as well as administrative issues for the school, which I suspect my son's school has not considered. Most parents cannot change their working hours to cater for late starts on days where a school holds RI. Does the Ministry envisage that before school care would be made available for these children and if so, at whose cost? Our school has suggested the library will be open for such students but this somewhat naively that there will be a high percentage of opt in children. If numbers of opt out children increase and perhaps equal or outweigh opt in children, this will result in enormous logistical challenges for the school. If a RI volunteer is not able to attend the school, for example due to illness, this prime learning time is not able to be used for curriculum work as the school is closed and non-RI children are not expected to be present at school. It is unclear what teaching staff will then do with the RI children who have turned up to school for the 9am start and it would certainly be discriminatory for these children to then be taught the curriculum when non RI children do not have such opportunity. This exact situation happened to me [REDACTED] morning when I turned up at school at the time RI was due to end, to find that normal teaching had started at 9am due to the RI teacher having not arrived as planned. That day my son therefore lost [REDACTED] minutes of curriculum time in the morning and the entire afternoon from [REDACTED] after I was told I could pick up my son then due to the Bible Recital being held.

Starting the school day later also raises practical issues around when the school roll should be taken. The roll could be taken after RI once all children are in class. This would be technically correct as the class would not be 'open for instruction' until after RI. However, this would not enable the accounting for all children on school premises until after RI, causing fire evacuation

inaccuracies and delaying the alarm being raised if a child is missing after being sent to school. The alternative is that the roll is taken at the start of the RI session with non-RI children being marked absent or late which provides a further form of ostracism for an already marginalised group and is incorrect given the school is closed. This issue has arisen for my son and I as I noticed recently that my son was marked "late, due to Bible" when we turn up after RI, even though I feel that is not technically correct. When I took my son home during the Bible Recital [REDACTED], I assume he was also marked as absent for the [REDACTED] even though the school must have technically been "closed" under the Education Act.

### *Consent*

Requiring parents to actively consent to their child's participation is a good suggestion, however I would like to point out that consent in itself does not necessarily prevent indirect social pressure to attend RI. After only a month at school, my son would come home begging to attend Bible like his friends. It was extremely difficult to withstand this pressure, particularly when you are made to feel that your choices are causing your son's emotional distress at not being included.

This consent needs to be sufficiently detailed. For example, my son's school gave information about the morning 1/2 hour RI on a Friday but in no correspondence or newsletter ever mentioned the afternoon Bible Recital, when this would be held and that I was entitled to pick my son up early from school on that day.

### *Complaints*

One of the key issues regarding complaints about RI is that the very people who made the decision to allow RI, the BOT, are the same people who hear any complaints.

There is a clear need for an independent body that can investigate complaints and provide guidance for families and BOTs.

The provision of RI should also be subject to ERO oversight to ensure it does not impact on delivery of curriculum requirements or on the wellbeing of students and is within the legal requirements.

[REDACTED]  
3 December 2018

40. [REDACTED]

Good evening,

This email is to provide feedback on your Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura, shared [here](#).

Having read the proposed guidelines, I am concerned about guidelines three and four. Guideline three describes alternative education arrangements as if they are secondary or inferior to the religious instruction. This is not appropriate in state funded schools and consideration should be given to emphasising the responsibility of school boards to ensure that religious instruction does not interfere with delivering the secular curriculum.

Guideline four, on requiring signed consent is a step in the right direction, however, dances around the indirect pressures students could be placed under to attend religious instruction. In fact, it even accepts this will occur and suggests how that may be observed. I'd suggest stronger guidance that encouragement to attend religious instruction (or at least pressure to) is to be avoided should be worked into these guidelines.

Additionally, there is nothing in here which goes anywhere near addressing the diverse beliefs existing in our communities today, which is deeply disappointing. Surely a principle of providing equitable opportunities to engage varied religious beliefs should be a key part of the decision making process when a board is considering introducing religious instruction in a state school.

Regards,

[REDACTED]

Released under the Official Information Act 1982



41. [REDACTED]

05 December 2018

RIO Guidelines Submissions  
Ministry of Education  
[RIO.submissions@education.govt.nz](mailto:RIO.submissions@education.govt.nz)  
WELLINGTON.

Dear Sir/ Madam

SUBMISSION ON RELIGIOUS INSTRUCTION IN NEW ZEALAND PRIMARY SCHOOLS.

I wish to submit that Christian Religious Instruction held in primary schools be allowed to continue.

Christianity is part of our cultural heritage. Our nations laws have been built on the biblical standards of honesty, respect, compassion and justice. Our forefathers obviously saw these standards as a worthy foundation for our nation. Very early on these standards were taken on board by Maori and Pakeha alike leading to the abolition of slavery, cannibalism, and utu with the promotion of loving respect. They looked to build a strong base for the citizens in our communities which encompassed care and respect for others and the environment.

Almost all the parents and teachers I have spoken to fully support these values and see value in their children learning about Christianity at school in a programme with no leaning to any particular denomination. These values are desirable traits to be carried on into their adult lives.

In respect of specific changes suggested....

1. the present "opt out " clause is less cumbersome as it involves fewer children.
2. having lessons out of school hours discriminates against those children who travel via bus. A large portion of country children.
3. sharing a classroom with other activities would not be a wise decision as it sends a message that these values are of lesser importance. It takes away the opportunity for quiet reflection that is so important to the spiritual aspect of our being.

I submit that the legislation regarding religious instruction lessons in NZ schools be continued as it currently stands.

Thank you.

[REDACTED] (CRE Teacher at [REDACTED] )  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

42. [REDACTED]

Hi,

I would like to make comment on the draft guidelines on religious instruction in schools.

I fully support parents/caregivers having to give signed, informed consent in a timely manner to any religious observances taken by external religious volunteers in school time, including lunchtime. Recently we had an example of a Christmas Concert taken by a group called "Bible in Schools" and were only told brief information on the Friday before the Tuesday event. Parents had to write in to remove their child from the event, and were given no information on the format, or the background of the group involved. There appeared to be no formal education for the children removed from the activity, they were simply removed and supervised, with parents being given no information as to what they would do.

Our school has also surveyed parents about religious instruction in school repeatedly over the past few years, with the majority declining to have Christian only teachings in school time. I would like to see it made clear to BOT that they need to follow the school community voted intention, and not their own personal preferences.

The Bible in Schools group has been allowed to sell food at lunchtime at our school to raise money for overseas charities, and has also bribed children with lollies to attend their lunchtime gatherings. I would like to see gifts from religious groups to students stopped, and fundraising by these groups in school time prohibited.

I would like to see teaching about various world views and religions done in social studies, as this has relevance to the history and customs of our local and global society. However I would like to see no major emphasis on Christianity, other than from a factual perspective or in a historical context.

I have no problem with children singing Christmas carols, saying a karakia to show respect or acting out the Christmas story, as long as the explanation is given that this is one world view that NZ's history is based upon, and acceptance that there are other world views. I would like parents/caregivers to be notified of these activities and preferably invited to view them so they can see it is being done in an appropriate manner - nothing should be hidden or snuck in without parental knowledge.

Religion has no place in a state school where the parents have not agreed to these observances. I would like the Principal to discuss with the BOT any situation where a particular religion may be highlighted, and the BOT to make the final decision how to inform and involve parents/caregivers with plenty of notice given.

Thank you for reviewing this policy, and helping strengthen the guidelines for BOT,

Kind regards,

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

43. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

05:12:18

RIO Guidline Submissions  
Ministry of Education  
[RIO.submissions@education.govt.nz](mailto:RIO.submissions@education.govt.nz)  
Wellington

Dear Sir/Madam,

I wish to submit that Religious Instruction held in primary schools be allowed to continue as it currently does.

George Washington said "Reason and experience both forbid us to expect that national morality can prevail in the exclusion of religious principle". I submit that children need this education that they get no where else. There are so many diversions out of school hours that they will miss out if we leave it to Sunday schools or before or after school.

Many parents are time poor, and do not have the answers to questions young ones often ask. Which will leave youngsters growing up with no idea as to why we are here, and why we should be honest and kind. We need to give a reason for our existence and morality, and Religious instruction is the best we have to do this at the moment.

Respectfully Yours

[REDACTED]

Released under the Official Information Act 1982

#### 44. [REDACTED] - NZSTA

NZSTA Submission  
on Religion in Schools  
(Religious Instruction guidelines)  
7 December 2018

##### **Introduction**

- 1) This feedback is presented by the New Zealand School Trustees Association (NZSTA) on behalf of its member boards.
- 2) School boards of trustees are the largest single group of crown entities in the country, accountable directly to the government and their local community for the effective delivery of education in their school.
- 3) NZSTA is a national body representing the interests of approximately 2,260 member school boards of trustees (93 percent of the total number). There are approximately 18,000 people currently serving on 2,426 state and state integrated school boards.
- 4) As part of its service delivery function, NZSTA provides a comprehensive support service to school boards of trustees, including free access to employment and governance advisory services, a full range of professional development and access to an 0800 Advisory and Support Centre. NZSTA is also an active party with the Ministry of Education in negotiating Collective Agreements with unions.
- 5) NZSTA as a membership organisation surveys member boards from time to time on issues of current or potential significance to school boards of trustees.
- 6) This feedback draws on NZSTA's:
  - ongoing dialogue with individual school boards and principals, and elected board of trustees representatives at local, regional and national levels
  - experience in supporting boards of trustees with governance and accountability issues through our 0800 Advisory and Support Centre, and our national network of professional governance and employment advisers
  - Collective Agreement negotiations formal Professional Development and targeted support for boards of trustees.
- 7) We can be contacted at NZSTA, PO Box 5123, Wellington, phone 471 6422, fax 473 4706, email [lkerr@nzsta.org.nz](mailto:lkerr@nzsta.org.nz).

##### **Executive Summary and Recommendations**

- 8) NZSTA considers that the guidelines as drafted provide a useful starting point, but need substantial further work before they will provide the clarity and framework for effective decision-making that boards of trustees and their school communities need.
- 9) To assist schools and communities in their decision-making the guidelines need to cover all aspects of religious activity in schools.
- 10) We can see no good reason why religious observance is excluded from the scope of these guidelines. Questions of religious observance such as prayers and karakia, or personal dress codes are as much an issue for schools as the question of whether to permit religious instruction. Providing assistance on one but not the other leaves too many

unanswered questions for trustees and other members of the school community who are seeking clarity on the place of religion in New Zealand primary schools.

- 11) Religious instruction or observance do not include curriculum-based study and critical analysis such as the role of religion in society or comparative religions. The distinction between curriculum-based religious studies and other religious activity is not always clearly understood, and the guidelines as drafted are not consistent about this either.
- 12) A board of trustees is expected both to represent their community and to lead it. These two expectations are often difficult to reconcile and where personal values or beliefs are at stake, there is often no easy recipe for a board faced with highly charged and nuanced issues to navigate.
- 13) In order for this to happen it is important that boards of trustees and their communities are able to identify and discuss the issues at stake clearly and impartially. The guidelines need to help boards and school communities to explore these issues constructively and in a way that is relevant to 21st century New Zealand society.
- 14) The guidelines need to include specific reference to Boards' legal obligations and objectives in running a school under the provisions of Schedule 6(5) of the Education Act, and provide advice for boards of trustees on how to reconcile other legal and regulatory obligations such as the right to freedom of religion, with those objectives.
- 15) Successfully resolving issues about what a community and the individual families within it do and do not want their children brought up believing in requires a sound understanding of the rules, but also a high level of judgement and understanding of the community itself. In our view, this requires an explicit set of principles that policymakers, enforcement agencies and boards of trustees can base decisions on. We suggest:
  - Respect for human rights
  - Neutrality
  - Inclusivity
  - Community partnership
  - Promotes educational achievement
- 16) Successfully resolving contentious issues also requires effective consultation with the school community. It would be helpful if the guidelines either include or reference supporting material for boards of trustees on what this means. NZSTA has produced materials to help boards develop effective consultation practices which may assist in this area.
- 17) The implicit and explicit framing of the discussion around religion in schools to date has been influenced by the assumptions that prevailed in the 1960s, when New Zealand society had not yet begun to embrace biculturalism, let alone celebrate the vibrancy of multiple ethnicities that is becoming typical of New Zealand society in the 21st century.
- 18) One issue that requires urgent clarification is how religious observance and tikanga Māori relate to each other.
- 19) Spirituality is an important aspect of te Ao Māori, and since the advent of Christian missionaries, Christian forms and beliefs have become an integral part of that spirituality. This creates mixed messaging in the Ministry's attitudes to biculturalism and secularity in state schools.

- 20) On balance, we are of the view that the obligations of te Tiriti o Waitangi should be given precedence.
- 21) Where and how contemporary Māori spirituality arose is not the main issue. Nor is it for Pākehā to decide which aspects of tikanga are valid and which are not. The fact that Christian beliefs are now embedded in Māori kawa and tikanga is what matters today.
- 22) The difference between prayers and karakia is a current example of a question that has underpinned tension between school communities, boards and staff for many years: What constitutes substantive religious practice? Where is the boundary between religious practice and social or cultural custom? We recommend that the Ministry guidelines clearly establish the language that applies to each type of activity in the school context, and that this is clarified in legislation when the Education Act 1989 is reviewed.
- 23) The National Statement on Religious Diversity provides a useful framework for considering the issues of religious activity in New Zealand schools in the 21st century.
- 24) The guidelines should be clearly drafted from a position that religious instruction and observance in New Zealand state and state-integrated primary schools is the exception, not the rule. Even where a majority of students at a school do opt in to religious instruction, this is still an exception to the normal operation of the school, significant enough to require the premises being closed for instruction to accommodate it.

### **Recommendations**

NZSTA recommends

1. That the Ministry of Education:
  - a. formally consults with the HRC's New Zealand Diversity Action Programme on the guidelines, with a view to shared authorship
  - b. uses the National Statement of Religious Diversity as a touchstone, by reflecting the wording and the ideas of the Statement within the proposed guidelines
  - c. explicitly reference the Statement and refer boards to it for further guidance.
2. That the guidelines make specific reference to the provisions of Schedule 6(5) and provide advice for boards of trustees on how to reconcile other provisions with the objectives specified in it.
3. That the guidelines:
  - a. are redrafted to cover all forms of religious activity in New Zealand state schools
  - b. are renamed as Guidelines on religious activity in New Zealand state schools
4. That the guidelines include and are based on a set of core principles, namely
  - a. Respect for human rights
  - b. Neutrality
  - c. Inclusivity
  - d. Community Partnership

- e. Promotes Educational Achievement
- 5. That the guidelines:
  - a. specifically address the question of biculturalism and secularity in New Zealand state schools
  - b. assert the authority of the Treaty of Waitangi in resolving any tension between the two.
- 6. That the Ministry consults with Professor Paul Morris of Victoria University of Wellington (VUW) with a view to providing practical advice to schools about what constitutes substantive religious observance in the school context.
- 7. That the Ministry guidelines specify that
  - a. Religious Studies is used to describe programmes or learning activities that are consistent with the New Zealand Curriculum Framework
  - b. Religious Instruction or Religious Education is used to describe any programme offered by a church group or other religious organisation
  - c. Religious Practices is used to describe any acts that have religious significance including clothing, prayer, or aspects of personal appearance.

#### **NZSTA Comment**

- 25) Suggested wording is included in Appendix 3 to accomplish some of the changes proposed in this submission.

#### **Religion in New Zealand society**

- 26) The legislation governing religious activity in schools was drafted at a time in New Zealand's history when overt Christian practice and British heritage were the social norm. New Zealand in the 21st century remains largely culturally Christian in that the Christian calendar still determines things like national holidays, but New Zealand society is very different in other respects.
- 27) In the 2013 census 42% of the population stated that they have no religion. 48% declared an affiliation with Christianity (which may simply mean that their parents considered themselves to be). A study conducted in 2010 found that the number regularly attending Christian churches is probably closer to 15%.<sup>3</sup> Other research estimates this rate is closer to 9%.<sup>4</sup>
- 28) This means that the rationale for treating bible-based Christianity (as opposed to cultural Christianity) as a default belief system in 21st century New Zealand society no longer holds the validity that it did in the 1960's when the governing legislation was passed.
- 29) The implicit and explicit framing of the discussion around religion in schools has been influenced by the assumptions that prevailed in the 1960s, when New Zealand society had not yet begun to embrace biculturalism, let alone celebrate the vibrancy of multiple ethnicities that is becoming typical of New Zealand society in the 21st century.

<sup>3</sup> Opie, Stephen (June 2008). *Bible Engagement in New Zealand: Survey of Attitudes and Behaviour (PDF)*. Bible Society of New Zealand. p. 4. Archived from the original (PDF) on 26 May 2010. Retrieved 29 May 2010. Cited in Wikipedia

[https://en.wikipedia.org/wiki/Religion\\_in\\_New\\_Zealand#cite\\_note-bibleengagement-3](https://en.wikipedia.org/wiki/Religion_in_New_Zealand#cite_note-bibleengagement-3)

<sup>4</sup> Paul Morris, private conversation October 2018. NZSTA Submission 8

- 30) In order for this to happen it is important that boards of trustees and their communities are able to identify and discuss the issues at stake clearly and impartially. The guidelines need to help boards and school communities to explore these issues constructively and in a way that is relevant to 21st century New Zealand society.
- 31) This means that drafting guidelines to be fit for purpose in 21st century New Zealand schools requires us to address the implicit prejudice in favour of Christian religious practice that is embedded in much of the discussion and documentation on religion in schools to date.

### **National Statement on Religious Diversity**

- 32) The National Statement on Religious Diversity was first drafted in 2007 and has since been endorsed by "a wide range of faith communities".<sup>5</sup> It provides a useful framework for considering the issues of religious activity in New Zealand schools in the 21st century.<sup>6</sup> Paragraph 6 is of particular relevance to the discussion of religious activities in schools:<sup>7</sup>

*The following statement provides a framework for the recognition of New Zealand's diverse faith communities and their harmonious interaction with each other, with government and with other groups in society:*

1. **THE STATE AND RELIGION.** *The State seeks to treat all faith communities and those who profess no religion equally before the law. New Zealand has no official or established religion.*

2. **THE RIGHT TO RELIGION.** *New Zealand upholds the right to freedom of religion and belief and the right to freedom from discrimination on the grounds of religious or other belief.*

3. **THE RIGHT TO SAFETY.** *Faith communities and their members have a right to safety and security.*

4. **THE RIGHT OF FREEDOM OF EXPRESSION.** *The right to freedom of expression and freedom of the media are vital for democracy but should be exercised with responsibility.*

5. **RECOGNITION AND ACCOMMODATION.** *Reasonable steps should be taken in educational and work environments and in the delivery of public services to recognise and accommodate diverse religious beliefs and practices.*

6. **EDUCATION.** *Schools should teach an understanding of different religious and spiritual traditions in a manner that reflects the diversity of their national and local community.*

7. **RELIGIOUS DIFFERENCES.** *Debate and disagreement about religious beliefs will occur but must be exercised within the rule of law and without resort to violence.*

8. **COOPERATION AND UNDERSTANDING.** *Government and faith communities have a responsibility to build and maintain positive relationships with each other, and to promote mutual respect and understanding.*

### **Recommendation 1**

NZSTA recommends that the Ministry of Education

<sup>5</sup> Statement on Religious Diversity p.1. 1.

<sup>6</sup> We understand that this statement is currently being revised. Further information is available from Professor Paul Morris.

<sup>7</sup> Statement on Religious Diversity p.3-4



- a. formally consults with the HRC's New Zealand Diversity Action Programme on the guidelines, with a view to shared authorship
- b. uses the National Statement of Religious Diversity as a touchstone, by reflecting the wording and the ideas of the Statement within the proposed guidelines
- c. explicitly reference the Statement and refer boards to it for further guidance.

### ***Boards of trustees' legal obligations***

- 33) Boards of trustees' objectives in running the school are specified in Schedule 6 (5) of the Education Act as:

#### ***5 Board's objectives in governing school***

*(1) A board's primary objective in governing the school is to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement.*

*(2) To meet the primary objective, the board must—*

*(a) ensure that the school—*

*(i) is a physically and emotionally safe place for all students and staff; and*

*(ii) is inclusive of and caters for students with differing needs...*

- 34) Any decision a board makes, including decisions about whether and how to permit religious observance or instruction at the school, must be consistent with this requirement. This means in practice, that a board is only justified in permitting the school or parts of the school to be closed for religious reasons, if they can ensure that in doing so they do not compromise the quality of education being offered to students who do not choose to participate in the religious activities. It follows that a board of trustees may only legally permit religious instruction to take place in its school once it is satisfied that:
  - no student's "ability to attain his or her highest possible standard in educational achievement" will be compromised by the provision of religious instruction
  - there is no risk that provision of religious instruction will make the school less physically or emotionally safe for any student or staff member
  - the way religious instruction is provided "is inclusive of and caters for students with differing needs".
- 35) It is not acceptable for any student to:
  - feel pressured to participate in religious instruction because the alternative options are ad hoc or not appealing
  - perceive the alternative as a punishment for not participating in religious instruction
  - be bullied, harassed or otherwise pressured by any other student or member of staff because of the decision they have made about participating in religious activities.
- 36) In effect, this means, that there is a higher risk of being found in breach of the Act than before Schedule 6 was inserted, and consequently there is now a higher burden of proof on those proposing the introduction of religious instruction to establish that the provisions

of the Act regarding the primacy of educational achievement, inclusiveness and emotional safety will not be breached by their proposal.

- 37) At a minimum, the Guidelines should reference the legal requirements of the Act and establish whether or not this legislative obligation takes precedence over the freedom to provide religious instruction for those who desire it.

### **Recommendation 2**

That the guidelines make specific reference to the provisions of Schedule 6(5) and provide advice for boards of trustees on how to reconcile other provisions with the objectives specified in it.

### **UN Convention on the Rights of the Child**

*1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.*

*2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.*

*3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.*

- UNCROC Article 146

- 38) Article 14 of the United Nations Convention on the Rights of the Child (UNCROC) establishes the right of children "to freedom of thought, conscience and religion " and to manifest their religion or beliefs "subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others," however it also explicitly recognises "the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child..."

- 39) To comply with Article 14, a school board of trustees should only permit religious activity at a New Zealand state school when the board of trustees is satisfied after consultation with the school community that the activity is consistent with it (Article 14).

### **Title and scope**

- 40) NZSTA considers that the scope of the guidelines needs to be expanded to include all religious activity in New Zealand state schools, not just religious instruction. "Religious activity" includes any religious instruction or observance. It does not include curriculum-based study and critical analysis such as the role of religion in society or comparative religions. The distinction between religious instruction and other religious activity is not always clearly understood, and indeed the guidelines as drafted are not consistent about this.

- 41) Some schools have had a tradition of permitting religious observance (e.g. prayers, hymns) as part of their school routine.

- 42) We can see no good reason why religious observance is excluded from the scope of these guidelines. The principles of secular education and the provisions of legislation apply in the same way across instruction and observance. Providing assistance on one but not the other leaves too many unanswered questions for trustees and other members of the

school community who are seeking clarity on the place of religion in New Zealand primary schools.

- 43) Although religious instruction and observance have different technical requirements in the legislation, the same good practice principles will assist boards and principals in establishing protocols for both types of religious activity. Unless they are referring specifically to either instruction or observance, these guidelines should refer to religious instruction and observance collectively as “religious activity”.
- 44) The principles of safety, inclusiveness, neutrality and promoting educational achievement apply equally to all facets of religion in schools (religious instruction, observance and education). Framing the guidelines to include only religious instruction, and excluding other religious activity such as saying prayers or singing hymns at assembly is arbitrary and legalistic, and is ultimately unhelpful to boards, principals and communities who are the target audience of these guidelines.
- 45) We recommend that the guidelines should be drafted to cover all aspects of religious activity in schools. This would require that the title is amended to reflect the revised scope.

### ***Recommendation 3***

That the guidelines

- a. are redrafted to cover all forms of religious activity in New Zealand state schools
- b. are renamed as Guidelines on religious activity in New Zealand state schools

### ***Core principles***

- 46) The boundary between the school’s responsibilities and the family’s can be highly contested, and this is particularly obvious in areas such as sexuality education, religion or bicultural practices. A board of trustees is expected both to represent their community and to lead it. These two expectations are often difficult to reconcile and where personal values or beliefs are at stake, there is often no easy recipe for a board faced with highly charged and nuanced issues to navigate. Successfully resolving issues about what a community and the individual families within it do and do not want their children brought up believing in requires a sound understanding of the rules, but also a high level of judgement and understanding of the community itself.
- 47) This means that alongside clear procedures, the guidelines need to provide a high degree of clarity and coherence at the policy level, to inform consistent
  - policy and regulatory development,
  - implementation (by officials) and
  - enactment (by schools and communities).
- 48) In our view, this requires an explicit set of principles that policymakers, enforcement agencies, boards of trustees, principals and communities can base decisions on. A principle-driven approach to the guidelines enables boards of trustees to exercise their judgement and understanding of their local community while providing a clear framework for decision-making. It also improves the transparency of the decision-making process for students and school communities, so that the necessary conversations can be explored during consultation.

- 49) NZSTA proposes that the guidelines for all religious activity in schools should be based on the following core principles:

**a. *Respect for human rights***

Every person has the right to their own beliefs, and to practise those beliefs in their own way, provided that does not interfere with the rights of others.

New Zealand state schools provide a safe physical and emotional environment for every student and staff member. Any religious activity undertaken at the school will be conducted in a way that does not make any member of the school community feel any less safe or less welcome at the school.

**b. *Neutrality***

New Zealand state schools provide a neutral environment in which children and young people of every religion including agnostic and atheist beliefs enjoy the same rights and responsibilities in expressing their spirituality or practising their religious beliefs and customs or in choosing not to do so.

Where a board of trustees chooses to consider allowing religious instruction or observance, it should ensure that equal opportunities and access are offered to all religious communities, including rationalist, atheist and other groups that believe there is no 'higher power'.

**c. *Inclusivity***

New Zealand state schools provide a respectful and inclusive environment where children and young people are free to express their spirituality or practise their religious beliefs and customs in a way that is inclusive and respectful of others who do not share those beliefs or practise those customs.

Every school has a responsibility to ensure that their policies and practices around religious instruction and observance are inclusive of all people regardless of their beliefs, including rationalist, atheist and other groups that believe there is no 'higher power'.

**d. *Community partnership***

Where a board of trustees chooses to consider allowing religious instruction or observance, it should undertake consultation with the local school community to ensure that any activities it may approve, including arrangements for any students not taking part in those activities, are acceptable to the community as a whole.

**e. *Promotes educational achievement***

Any religious activity taking place at a New Zealand state school must be consistent with the board's primary objective "to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement"<sup>8</sup>

***Recommendation 4***

That the guidelines include and are based on a set of core principles, namely

- a. Respect for human rights

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<sup>8</sup> Education Act 1989, Schedule 6 (5)

- b. Neutrality
- c. Inclusivity
- d. Community Partnership
- e. Promotes Educational Achievement

### ***Religious Instruction***

- 50) The guidelines as currently drafted appear to be inconsistent in the underlying assumptions about what is 'the norm' regarding religious instruction (or observance). The guidelines appear in places to position attendance at religious instruction as the norm rather than the exception. This approach is inconsistent with the legislation requiring state education to be secular.
- 51) The guidelines should clearly be drafted from a position that religious instruction and observance in New Zealand state and state-integrated primary schools is the exception, not the rule. Even where a majority of students at a school opt in to religious instruction, this is still an exception to the normal operation of the school, significant enough to require the premises being closed for instruction to accommodate it.
- 52) Taking a principle-based approach makes it very clear that:
  - the default expectation in a New Zealand state school is that there is no religious activity in state schools, but
  - such activity may be permitted if the board of trustees is satisfied that it is consistent with the core principles.
- 53) This is not the same thing as saying that no religious activity should ever take place, but rather it establishes that religious activity is permitted at the discretion of the board of trustees on behalf of the school community, and has no place in a New Zealand state school *as of right* unless it is part of the school's special character as agreed with the Minister.

### ***Religious Observance (practices)***

- 54) Many of the queries and complaints NZSTA deals with are about religious observance (practices) such as:
  - the use of karakia, prayers or hymns in the school
  - clothing or personal appearance (e.g. length of hair, facial hair, kirpan, turban or hijab)
  - the boundary between bicultural practice and religious practice
  - what school staff may or may not do in terms of sharing or promoting their personal beliefs to students, and how to enforce those boundaries
  - other activities or practices relating to religion, e.g. requests for religious leave, provision of facilities or time off for Muslim prayers, handing out religious material on or next to school property.
- 55) These queries relate mainly to students, but some concern issues relating to employment.

### ***Biculturalism and religious observance***

- 56) One issue that requires urgent clarification is how religious observance and tikanga Māori relate to each other.
- 57) We are aware of instances where school prayers are renamed “karakia” to deflect criticism from the staff or local community and others where parents have requested that their children are exempted from Te Reo or other bicultural classes or activities because it is “against their religion”.
- 58) Spirituality is an important aspect of te Ao Māori, and since the advent of Christian missionaries, Christian forms and beliefs have become an integral part of that spirituality. This creates mixed messaging in the Ministry’s attitudes to biculturalism and secularity in state schools.
- 59) NZSTA recognises the difficulty boards of trustees can experience in trying to reconcile the mixed messaging in this area, in the absence of clear guidance from the Ministry on how they believe the two issues can or should be resolved.
- 60) On balance, we are of the view that the obligations of te Tiriti o Waitangi should be given precedence.
- 61) Where and how contemporary Māori spirituality arose is not the main issue. Nor is it for Pākehā to decide which aspects of tikanga are valid and which are not. The fact that Christian beliefs are now embedded in Māori kawa and tikanga is what matters today.

### ***Recommendation 5***

We therefore recommend that the guidelines:

- a. specifically address the question of biculturalism and secularity in New Zealand state schools
- b. assert the authority of the Treaty of Waitangi in resolving any tension between the two.

### ***What constitutes substantive religious observance?***

- 62) The difference between prayers and karakia is a current example of a question that has underpinned tension between school communities, boards and staff for many years: What constitutes substantive religious practice? Where is the boundary between religious practice and social or cultural custom? This question has come up in a number of guises over the years, such as
  - “Can we make hot-cross buns at Easter?”
  - “Are we still allowed to sing the National Anthem?”
  - “How much is a teacher allowed to say at school about their own beliefs or values?”
  - “When do we call it values, and when do we call it Religious Instruction?”
- 63) While these questions can appear trivial at face value, they are indicative of an important area where clear and practical guidance is needed to help boards of trustees reconcile the requirements of the Act and the expectations of their community.

- 64) NZSTA is aware of the work of Professor Paul Morris<sup>9</sup> of Victoria University on religious diversity in New Zealand, and considers that it would be valuable for the Ministry to consult with Professor Morris on how to provide appropriate guidance on this question.

### **Recommendation 6**

That the Ministry consults with Professor Paul Morris of Victoria University of Wellington (VUW) with a view to providing practical advice to schools about what constitutes substantive religious observance in the school context.

### **Confusion about religious instruction, religious observance and religious education**

- 65) Confusion about religious activities in the school context, and where the boundaries are continues to create difficulties for school boards, staff and communities. Effectively resolving these issues requires a complete and coherent set of guidelines and explanations.
- 66) Guidelines for only one aspect of religious activity in schools will be of limited value. Queries received by NZSTA, as well as public discussion of the issues and in places the guidelines themselves, show a significant level of confusion about how to describe the various types of religious activities in school:
- **religious instruction / religious education** (teaching or encouraging someone to follow a religion) and
  - **religious studies** (impartial teaching about the place of different religions in society and history, their differences and similarities) and
  - **religious observance or practice** (doing things that have some religious significance).
- 67) It is not helpful that internationally “religious education” can mean either “religious instruction” or “religious studies” in different countries. In New Zealand, the programmes that providers such as the Churches Education Commission offer are clearly what the HRC guidelines refer to as “Religious Instruction”, although providers themselves are more likely to refer to them as “Religious Education.”
- 68) We recommend that the Ministry guidelines clearly establish the language that officials, boards, principals and communities should use to identify each type of activity in the school context, and that this is clarified in legislation when the Education Act 1989 is reviewed.
- 69) This is important because religious studies is an approved curriculum area in New Zealand schools, but religious instruction or religious observance are not. The usage of these terms has evolved somewhat since the 2009 Guidelines were produced.

### **Recommendation 7**

That the Ministry guidelines specify that

- a. The term **Religious Studies** is used to describe programmes or learning activities that are consistent with the New Zealand Curriculum Framework
- b. The term **Religious Instruction** or **Religious Education** is used to describe any programme offered by a church group or other religious organisation

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<sup>9</sup> Professor Morris is the Programme Director for Religious Studies at Victoria University of Wellington, and led development of the original Human Rights Commission guidelines

- c. The term **Religious Practices** is used to describe any acts that have religious significance including clothing, prayer, or aspects of personal appearance.
- 70) Religious studies is described on the curriculum website Te Kete Ipurangi:

### ***Nature of Religious Studies standards***

*The Religious Studies standards have been developed for a diverse Aotearoa New Zealand and need to be able to be used by all schools and all students – by those with a specific religious affiliation as well as by those who have none but wish to acquire knowledge and understanding of religions. This is viewed as important in the context of globalisation and of the migration of people of different faiths and cultures to Aotearoa New Zealand.*

*Understanding religions contributes to understanding how belief systems function in societies and to the fostering of an inclusive society in Aotearoa New Zealand that reflects the histories and traditions of all its people...*<sup>10</sup>

### ***Consultation***

- 71) Successfully resolving these issues also requires effective consultation with the school community. It would be helpful if the guidelines either include or reference supporting material for boards of trustees on what this means.
- 72) There is no definition of 'consultation' in the Education Act, however NZSTA offers this definition based on legal precedent and the Ministry for the Environment consultation guidelines:

***Consultation*** means actively seeking and responding to the views of other interested parties in a way that is consistent with the following criteria:

- *The nature and object of consultation is related to the circumstances;*
- *Adequate information of a proposal is given in a timely manner so that those consulted know what is proposed;*
- *Those consulted are given a reasonable opportunity to state their views;*
- *Those consulted cannot be forced to state their views;*
- *Those consulted having had both time and opportunity to state their views, cannot complain if for any reason they fail to avail themselves of that opportunity;*
- *Consultation is not treated perfunctorily or as a mere formality;*
- *The parties approach consultation with an open mind;*
- *Consultation is an intermediate situation involving meaningful discussions and does not necessarily involve resolution by agreement;*
- *Neither party is entitled to make demands;*

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<sup>10</sup> Te Kete Ipurangi website <http://ncea.tki.org.nz/Resources-for-Internally-Assessed-Achievement-Standards/Social-sciences/Religious-studies>



- *The whole process is underlain by fairness and good faith on the part of the consulting party;*
  - *There is no universal requirement as to form or duration;*
  - *Consultation is undertaken in a manner that is appropriate to the tikanga of the tangata whenua*
- 73) Based on this definition, we have developed a consultation tool<sup>11</sup> to help boards develop effective consultation practices, which may assist in this area.

#### **Other comments on the draft Guidelines**

- 74) We offer the following specific comments on the draft as presented.

#### *Introduction*

- 75) The guidelines should include a statement to the effect that

*The Ministry of Education does not endorse any third-party religious programme in New Zealand schools, even those purporting to provide a 'values-based' or 'Christian Religious Education' curriculum.*

- 76) The guidelines should clarify the advice by providing examples of the type of programmes or practices being referred to, e.g.

*The Ministry of Education (the Ministry) has developed these draft Guidelines for religious activity in state primary and intermediate schools' (the guidelines) to help clarify what boards of trustees' legal obligations are when allowing **religious instruction (e.g., CRE or Champions programmes) or observance (e.g. prayers or hymns during school assembly)**, and to help boards of trustees develop best practice policies and practices around religious activity in their school.*

- 77) The guidelines should include an explicit statement that they apply equally to all faith-based activity. Traditionally, religious instruction in New Zealand schools has been Christian-based, however the same legal and ethical provisions apply to all religions. Although this is not explicitly stated at present, there is a strong assumption in much of the discussion of religious activity in schools that this equates to Christian religious activity.
- 78) Legislation including the Education Act 1989 and the Human Rights Act requires that schools deal consistently with all religious communities, including rationalist, atheist and other groups that believe there is no 'higher power' and do not discriminate on the basis of religious belief.

#### *Legal requirements for Kura-a-Iwi*

- 79) The draft guidelines include a statement (page 2) that

*The Education Act 1989 means that the Education Act 1964's religious instruction provisions apply to State primary and intermediate schools, schools with designated special character, Kura Kaupapa Māori and some Kura-ā-Iwi.*

- 80) This is confusing, as it is not clear why the legislation would only apply to some Kura-a-Iwi. If the purpose of the guidelines is to clarify the requirements of legislation, then they should indicate how the board of a Kura-a-Iwi will know if they are covered by the legislation.

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<sup>11</sup> Appendix one.

#### *Opt-out or opt-in*

- 81) While the legal requirement in the 1964 Act is to permit students to opt out, this was designed at a time when there was still a strong social expectation that New Zealand families were practising Christians.
- 82) We recommend that it is now more appropriate, and more consistent with the secular nature of state schooling, to require any student wishing to participate to opt in.

#### *The legislative framework*

- 83) NZSTA believes that there is value in including details of the legislative framework, however we believe this is background information that would be better placed in an Appendix where they do not prevent readers from finding the practical guidance they are looking for.

#### *Who these guidelines are for*

- 84) To be effective, the guidelines should provide complete and coherent guidance for all parties likely to seek information about religious activity in state schools.

*Boards have the discretion to close to allow religious instruction programmes under certain conditions. This means that while some boards may choose to close their school, or a place in their school to allow religious instruction programmes, others may not. The kind of religious instruction, and content of religious instruction programmes allowed may vary greatly between schools.*

*These guidelines are intended to be used*

- *by boards to develop policies and to ensure that school policies and practices are legally sound*
- *by principals, to develop good understanding within the school community, and practices that are consistent with the policies developed by the board*
- *by parents and communities who wish to understand the rules about religious activities in New Zealand state schools.*

#### *Scenarios*

- 85) In principle NZSTA supports the use of scenarios, however the examples provided in the draft guidelines appear overly simplistic and of little practical use. We recommend that the Ministry engages with schools to identify some actual case studies that might provide more useful and realistic examples than those currently provided.

### **Appendices**

#### *Appendix 1 – NZSTA Consultation tool*

o Can we still sing the National Anthem?

o and what do schools do with karakia that refer to ancient atua which are as spiritually significant to some parts of our community as other religious deity are to different groups within our school communities?

## Appendix 2 – What trustees told us

If "The guidelines as drafted specifically exclude religious practices such as prayers or hymns from the advice given."

I have read the draft guidelines and want to ask about our NZ National Anthem? This fits under 'Ceremonial Observances' and so I presume is still ok to have in school assemblies?

We are a Decile 1 school with mostly Maori children. It is culturally responsive practice for us to sing karakia at the beginning of the day and do karakia before eating kai and then to do karakia at the end of the day.

Tena tatou, Maori do not see prayers and waiata as the preserve of religious instruction. They are essential cultural elements where a culture has a high regard for a spiritual creator. The guidelines excluding the practise of prayers and hymns has a cultural impact. This must not happen. Our MAORI way of life is already heavily implemented by legislation from land ownership to environmental vandalism. Much of which impacted on our indigenous population motivated by greed and unwise, selfish attempts to increase personal wealth at the demise of spiritual strength. This current set of measures further erodes the ability of Maori to practise every day their culture and connections to Matua nui o Te Rangi.

It cannot be allowed to have this impact.

I'm wondering when the instruction acquired the name "Religious Instruction" as my understanding was that it was officially called "Bible in Schools", and I have often heard "Christian Education" and was not intended to teach "religion" but Christianity.

"Religion" can be taught as part of social studies and our current curriculum can cater for that - there is no need to be portioning off new times of the school day for the study of "religion".

This does not effect Bible in Schools which is categorically a specifically Christian initiative - it's historical - and the understanding has been as it is today regarding being optional, and that any school can decide whether to have it.

The current move for change comes from (a) misunderstanding of the origins of "Bible in Schools" - which was never a "study" of Christianity - (b) a perception of unfairness to all schools of thought and (c) a likely aversion to Christianity.

I am not saying all school should have Bible in Schools, nor that other religions should not be taught; I am saying that twisting the issue - to religion rather than simply Christianity - is misleading.

While I am a committed Christian, as a school principal I recognise and adhere to the principle of a secular state education system.

The proponents of change are firing a shotgun and some are proposing sweeping changes such as a compulsory broad study of religion. In fact, they should only be looking at the one issue - Should optional Bible in Schools (Christian Education) remain as a viable option for school boards to permit in their school? ?

- School principal

Guidelines look very good – probably as good as they can be within the confines of the Education Act and what that provides for.

Should there be somewhere in there guidance on where religious instruction cuts across the NZ curriculum? Science based knowledge vs faith based beliefs? Evolution vs Giant Sky Fairy? That would be my only thought. As to how to address it – curriculum always trumps anything else. People are free to believe whatever they want but what's taught is science and rationale based.

- EBOT trustee

Hello

Our school is not a church school, but we do have Bible values, where a local member comes into school twice a month.

My view:

These days I think children do need to learn good values, this might help with their behaviour, attitudes, and perspective towards others and life itself.

- School principal

It is good that the NZSTA is addressing this rather complex issue. In short, I agree with other commentators, that the proposed document is too narrow in scope (the recent document produced by the Human Rights Commission being of more help).

As a trustee for a local primary school I have experienced much ignorance of religious/spiritual matters.

The proposed document deals adequately with the relatively simple issues of 'Religious Education' and 'Religious Instruction'. Where it comes up short is the area of 'Religious Observance'.

With increasingly diverse (mostly pagan) faith beliefs in society, care is needed to avoid the inherent conflicts of the situation when attempting to include various religious observances for cultural or political reasons in the school day. I would suggest the following material be added to the proposed document to assist trustees in their decision making regarding Religious Observances (RO's) from a governance perspective.

**Definitions:**

Spiritual: matters relating to that part of a being believed to be immortal (the spirit) which is believed to interact with God, gods and/or other beings in a spiritual realm *Appendix*

Religious Observances: those physical actions of spiritual significance carried out by individuals or groups of people.

Atheist: to not believe in the spiritual realm, the concept of god/s or the supernatural.

Agnostic: to believe in the concept of spirituality and god/s but be unconvinced of specifics

Pagan: to have individually developed spiritual beliefs and/or not be part of a recognised religion.

Pan or Poly Theistic: to believe in all or a number of gods.

Monotheistic: to believe in just one God.

## **Religious Observances**

To decide whether an activity or action is a Religious Observance or purely cultural, the question to ask is; Is this action or activity spiritually significant to the source people group? If it is, a process similar to that for enabling Religious instruction (RI) should be implemented. As with RI the core requirements are; not whilst the school is open for instruction, informed consent and the ability to opt out unobtrusively with dignity.

### **FAQ's**

*Q. What specific people groups we are likely to have to accommodate regarding RO's?*

Ans. Monotheists: Christians, Muslims and followers of Judaism.

Polytheists: Those following tribal custom. Shinto adherents and other religions of Asia.

Pantheists: Followers of the Hindu faith and its offshoot Buddhism.

Pagans: New Agers, Wiccans.

Atheists

*Q What are the inherent conflicts to look out for?*

Ans. Atheists often will not wish their children to take part in any activity that assumes a spiritual worldview, so having a Christian hymn as an anthem is tough for them. There are fundamental conflicts in the theologies of Christianity, Islam and Judaism. Furthermore the members of these monotheistic faiths are explicitly forbidden from activities designed to engage with other gods/spiritual beings.

*Q. What are likely examples of RO's found in schools.*

Ans. Christian: National Anthem (hymn), christmas carols, bible readings and possibly grace (a prayer before a meal).

Tribal custom: Karakia, formal mihi, Waiata, Haka Matariki

Hindu: Yoga, Diwali

Buddhist: Mindfulness

Shinto and similar: martial arts

Wiccan/New Age: Solstice and other 'Earth Mother' type celebrations.

*Q. I see some surprising inclusions in the above list. Some of those activities occur at our school whilst it is open for instruction and we have never been consulted.*

Ans. Quite right, this is an area where in a rush to welcome diversity and be seen to be inclusive, acting in genuine ignorance, schools have stepped beyond the law. However at times deliberate attempts to circumvent the law for convenience or in evangelical zeal for a cause, appear to be the case. Furthermore an oxymoronic tyranny of tolerance has taken root in society and our schools are not immune. It is important to remember freedom of religion includes freedom from coercion or manipulation to adopt or be subjected to parts of another.

*Q. Can't a lot of these activities be stripped of any 'religious' words or references and then be deemed be purely 'cultural'?*

Ans. In short, no. Any activity of this nature is a conditioning mechanism and hence all are a marketing/evangelical/reinforcement tools for the particular spirituality/religion they form a part of. As an evangelical tool RO's usually bypass the rational mind and are used to create a sense of ease and familiarity which can be utilised when attempting to influence the rational mind subsequently. Often they are in a language the new participant does not speak and contain forms/actions with spiritual meanings they are never made aware of, and yet they are very effective coercive tools.

Q. Our school has a 'non religious' karakia all our students have to learn, what's with that?

Ans. Good question. Karakia is an original Maori te reo term for a spoken ritual to 'engage the spiritual powers (being a cornucopia of Atua; rivers, mountains, ancestors, animals, deities) to ensure the positive outcome of a particular activity'. So irrespective of what words are said the ritual is a polytheist RO by way of its purpose and so forbidden for monotheists. Some Christians call their prayers Karakia when speaking te reo but it is somewhat of a misuse of the term.

Q. Mindfulness, we learnt that at work, surely that can not be 'religious'

Ans. Unfortunately yes indeed. A very effective introduction to a pantheist Buddhist practice and promoted as such internally by high profile adherents. Most Pagans, Agnostics and Atheists will have no problem with it at all as it seems pleasant and harmless. Christians on the other hand are instructed not to 'empty' the mind but instead to meditate on their God.

Q. What about religiously motivated jewelry, grooming and clothing, are we able to regulate them as a RO?

Ans. A very difficult area, and set to become more so. Article 4 (spoken only) of Te Tiriti 'o' Waitangi says "The Governor states; of the several faiths of England, the Wesleyans, of Rome and Maori custom will alike be protected by him". With this proclamation it was declared there would be no state religion, and we became a pluralistic society with freedom to practice our various faiths publicly whilst complying with Common Law. Attempts to ban outward evidence of adherence to a particular religion/spirituality are fraught with legal danger as would be attempts to enforce a religiously motivated dress code, for instance.

The above material is intended as a starting point and can certainly be expanded and referenced as necessary.

- Parent trustee

### **Appendix 3 – Suggested wording**

#### **3.1 Why guidelines on religious instruction and observance?**

The Ministry of Education (the Ministry) has developed these draft '*Guidelines for religious instruction in state primary and intermediate schools*' (the guidelines) to help clarify what boards of trustees' legal obligations are when allowing religious instruction (e.g. CRE or Champions programmes) or observance (e.g. prayers or hymns during school assembly), and to help boards of trustees develop best practice policies and practices around **how** to offer religious instruction.<sup>12</sup>

Traditionally, religious instruction in New Zealand schools has been Christian-based however the same legal and ethical provisions apply to all religions. These guidelines apply equally to all faith-based instruction or observance. If your school is considering whether to permit or continue

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<sup>12</sup> The Ministry of Education does not endorse any third-party religious programme in New Zealand schools, even those purporting to provide a 'values-based' or 'Christian Religious Education' curriculum.

religious instruction to be offered in your school, you must be prepared to deal consistently with all religious communities, including rationalist, atheist and other groups that believe there is no 'higher power'.

Some schools have also had a tradition of permitting religious observance (e.g. prayers, hymns) as part of their school routine.

Although religious instruction and observance have different technical requirements in the legislation, the same good practice principles will assist boards and principals in establishing protocols for both types of religious activity. Unless we are referring specifically to either instruction or observance, these guidelines will continue to refer to religious instruction and observance collectively as "religious activity".

### 3.2 Legal requirements

The Education Act 1964 states that teaching in all state primary schools must be **entirely of a secular character** (non-religious) while the school is open. This is the default for all state schools with students in Years 1 - 8.

The Education Act 1964 also gives boards of trustees an option to close the school, or a place within the school, to allow religious instruction **under certain conditions**. Your board of trustees can also decide what kind of religious instruction is allowed. The Education Act 1989 applies provisions of the Education Act 1964 about religious instruction to State primary and intermediate schools, schools with designated special character, Kura Kaupapa Māori and Kura-ā-Iwi.

Boards must also comply with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, which give all people living in New Zealand the right and the freedom to their own religious beliefs, and ensure that people are not discriminated against because of their religious, or nonreligious beliefs. All schools have obligations to protect and promote the rights of students and parents in a multi-cultural and multi-faith society.

What this means in practice is that, while the board of trustees can permit the principal to close the school (or part of the school) to offer religious instruction, they must do so in a way that does not discriminate against anyone who holds different beliefs. These draft guidelines provide practical advice for boards on how to ensure that any decision to close their school for religious instruction, protects the rights of diverse students, and their families and whānau to a secular education that does not put any student at a disadvantage in order to provide religious instruction for other students.

### 3.3 The difference between religious instruction, religious observance, and religious education<sup>13</sup>

**These guidelines are focused on religious instruction and religious observance, not religious education**

**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 the religion being taught. Religious instruction is **not** part of *the New Zealand Curriculum* or *Te Marautanga o Aotearoa*.

**Religious observances** are ceremonial or devotional acts of religion, such as prayers, Christian karakia, the singing of hymns, or religious readings. They support or encourage adherence to a particular belief or religion. Religious observances are **not** part of *the New Zealand Curriculum* or *Te Marautanga o Aotearoa*. Although these guidelines do not specifically address religious

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<sup>13</sup> These definitions are informed by *Religion in New Zealand Schools - questions and concerns* published by the Human Rights Commission.

observances (such as prayers or rituals associated with Easter, Diwali or Hannukah) the same principles apply as for religious instruction.

**Religious education** 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. Religious education **is** consistent with *the New Zealand Curriculum* and *Te Marautanga o Aotearoa*

### 3.4 Core Principles

The core principles that inform these guidelines are:

- Respect for human rights: Every person has the right to their own beliefs, and to practise those beliefs in their own way, provided that does not interfere with the rights of others
- Inclusiveness: Every school has a responsibility to ensure that their policies and practices around religious instruction and observance are inclusive of all people regardless of their beliefs, including rationalist, atheist and other groups that believe there is no 'higher power'.
- Neutrality: Where a board of trustees chooses to consider allowing religious instruction or observance, it should ensure that equal opportunities and access are offered to all religious communities, including rationalist, atheist and other groups that believe there is no 'higher power'.
- Community partnership: Where a board of trustees chooses to consider allowing religious instruction or observance, it should undertake consultation with the local school community to ensure that any activities it may approve, including arrangements for any students not taking part in those activities, are acceptable to the community as a whole.

### 3.5 Religious Observances

The principles that these guidelines are based on also apply to religious observances such as including prayers or hymns at assembly.

When allowing religious observances such as prayers, singing hymns, or other activities that are designed as acts of worship or to spread belief in a particular religion, schools must:

- observe the relevant time constraints;
- make sure any religious observance occurs when that part of the school is closed for instruction;
- allow students to opt out;
- and respect students' and teachers' rights to manifest their religion in practice and observance.

### 3.6 Opt-out or opt-in

While the legal requirement in the 1964 Act is to permit students to **opt out**, this was designed at a time when there was still a strong social expectation that New Zealand families were practising Christians.

We recommend that it is now more appropriate, and more consistent with the secular nature of state schooling, to require any student wishing to participate to **opt in**.

### 3.7 Guidelines on religious activities in state primary and intermediate schools



## Summary

Schedule 6, Clause 5 of the Education Act 1989 specifies that

(1) A board's primary objective in governing the school is to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement.

(2) To meet the primary objective, the board must—

(a) ensure that the school—

(i) is a physically and emotionally safe place for all students and staff; and

(ii) is inclusive of and caters for students with differing needs.

Any decision a board makes, including decisions about whether and how to permit religious observance or instruction at the school must be consistent with this requirement

When making decisions about whether and how to deliver religious instruction and observance, Boards of trustees should always base their decision-making on ensuring that they are protecting the rights of students and their family and whānau.

Boards should consider how their policies and practices in relation to religious instruction or observance impact on the rights of students, their parents, caregivers, families and whānau, to hold different religious and non-religious beliefs. Boards should consider how to balance diverse beliefs in a manner that protects students and their parents, caregivers, families and whānau, while meeting the needs and wishes of the communities they serve.

Boards have the discretion to close to allow religious instruction programmes under certain conditions. This means that while some boards may choose to close their school, or a place in their school to allow religious instruction programmes, others may not. The kind of religious instruction, and content of religious instruction programmes allowed may vary greatly between schools.

These guidelines are intended to be used:

- **by boards** to develop policies and practices that address each of these scenarios
- **by principals** to ensure that school policies and practices are legally sound, and demonstrate good practice<sup>1</sup>
- **by parents and communities** who wish to understand the rules about religious instruction or observance in their school.

### 3.8 The Ministry recommends that boards of trustees:

1. Consults with their community<sup>14</sup> to inform decision-making before making any commitment to offer religious instruction
2. Provides full and accurate information to students, families and whānau about the proposals being considered, and how they would be implemented, to help them make informed decisions
3. Adopts a signed consent (opt-in) approach to religious instruction or observance

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<sup>14</sup> See NZSTA Consultation tool

4. Does not permit teaching staff to lead religious instruction or observance
5. Ensures that school and student support services are secular (i.e. not faith-based)
6. Requires safety checks for all volunteers, in line with the school's child protection policies
7. Provides easy access to the school's policy and procedure for raising complaints and concerns for students and their whānau
8. Uses the school's policy and procedure for raising complaints and concerns about religious instruction or observance
9. Treats all communications in an inclusive and sensitive manner

### *Consulting with the community*

There can be diverse religious beliefs held across a community and within a school. When making decisions about whether to allow religious instruction, boards should ensure that the views of all members of the school community are given fair consideration, to uphold the rights of students and their parents, caregivers, families and whānau.

The Ministry recommends school boards:

- seek community input in the most appropriate way for that community (for example written survey, open meeting) about whether to allow religious instruction and how it should be offered
- present the regular school programme as the default activity and religious instruction as an option that students may opt into, rather than the other way around
- seek to ensure that parents and whānau are made fully aware during the consultation process of the nature and content of any proposed programmes and the non-religious education alternative that will be offered
- have a transparent and open decision-making process, and make the findings from consultation available to the school community
- consult every three years, or when there has been a noticeable change in the needs of the community, or if there is a proposed change to the religious instruction offered.

### *What do we mean by 'consultation'?*

There is no definition of 'consultation' in the Education Act, however NZSTA offers this definition based on legal precedent and the Ministry for the Environment consultation guidelines:

Consultation means actively seeking and responding to the views of other interested parties in a way that is consistent with the following criteria:

- The nature and object of consultation is related to the circumstances;
- Adequate information of a proposal is given in a timely manner so that those consulted know what is proposed;
- Those consulted are given a reasonable opportunity to state their views;
- Those consulted cannot be forced to state their views;

- Those consulted having had both time and opportunity to state their views, cannot complain if for any reason they fail to avail themselves of that opportunity;
- Consultation is not treated perfunctorily or as a mere formality;
- The parties approach consultation with an open mind;
- Consultation is an intermediate situation involving meaningful discussions and does not necessarily involve resolution by agreement;
- Neither party is entitled to make demands;
- The whole process is underlain by fairness and good faith on the part of the consulting party;
- There is no universal requirement as to form or duration;
- Consultation is undertaken in a manner that is appropriate to the tikanga of the tangata whenua

In addition to the above recommendations, boards should consider how they collect and compare information from groups who wish to provide religious instruction in their schools. This is so the board is capturing accurate and consistent information from potential providers, and is able to demonstrate to the community a neutral, transparent selection process.

*Providing full and accurate information to students, families and whānau*

Information provided to students, their parents, caregivers and whānau, should

- inform them of the nature and content of any religious instruction or observance
- inform them of the educational programme that will be taking place for students who do not wish to remove themselves for religious instruction
- ensure that students, families and whānau are made fully aware of what students will be learning while in each of the programmes. Information should be provided during consultation (see guideline 1), and on a regular basis after consultation.

The Ministry recommends that students, their parents, caregivers and whānau are provided with clearly communicated written advice:

- on the nature of content being included in any religious instruction or observance and alternative programmes
- that this instruction or observance is not religious education and therefore not part of the New Zealand curriculum
- that attendance at any religious instruction or observance is completely voluntary
- which religion, faith or belief set the religious instruction or observance in question endorses, and which religious artefacts or rituals will be used or referred to (e.g. Bible, Book of Mormon, Qur'an, Torah, praying, singing/chanting)
- on who will be taking each of the programmes, and the time and place that the programmes will be held.

The Ministry recommends that boards communicate information to students, families and whānau, including through regular community consultation (for example every three years).

*Ensure that the safety, wellbeing and education of other students is not compromised*

The board's primary objective under the Education Act is to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement. That means in practice, that a board is only justified in permitting the school or parts of the school to be closed for religious reasons, if they can ensure that in doing so they do not compromise the quality of education being offered to students who do not choose to opt in to the religious activities.

It is not acceptable for any student to

- feel pressured to participate in religious instruction because the alternative options are ad hoc or not appealing
- perceive the alternative as a punishment for not participating in religious instruction
- be bullied, harassed or otherwise pressured by any other student or member of staff because of the decision they have made about participating in religious activities.

The Ministry recommends boards decide, in consultation with the community, how the quality of education provided to other students will be maintained while religious instruction takes place (see guideline 1). Information should be provided on the alternative during consultation and on a regular basis thereafter. The information should include:

- the nature and content of the alternative programme and that it is non-religious
- who will be taking the programme, and the time and place that the programme will be held.

To ensure the rights of students, families and whānau are protected, boards could consider offering religious instruction at a time when the school is usually closed for teaching, such as before or after school, or during lunchtime. This approach would help schools avoid the risk of discrimination towards a student based on their religious or non-religious beliefs, or those of their parents, caregivers or whānau.

Making religious instruction available to students at a time when the school is usually closed for teaching means that it would not be necessary for schools to offer an alternative.

*Require signed consent for religious instruction*

Providing religious instruction is a variation from the normal functioning of the school. Where there is any room for doubt, standard school protocols should apply, i.e. students should **not** be included in religious instruction or observance until a signed consent form has been received from the parents authorising them to take part.

The Ministry therefore recommends requiring signed consent for participation in religious instruction. You may wish to require signed instructions from all parents indicating whether or not they wish their child to participate in religious instruction or other religious activity, however the default is that all students are to continue with their regular classroom routines unless the school has received written authorisation for them to absent themselves to attend religious instruction.

Requiring signed consent ensures that students who participate in religious instruction are there with the knowledge and explicit consent of their parents, caregivers and whānau. It aligns the protocols for religious instruction with those for other off-campus activities such as school field trips, and helps to ensure students' rights are protected.

Requiring signed consent should also lower the risk of indirect pressure for students to participate in religious instruction. Indirect pressure can come about if students are embarrassed or confused about why they have been withdrawn from a class.

The Ministry recommends boards instruct their principals to:

- require signed consent for all religious instruction offered, to make sure parents, caregivers and whānau agree to their child's participation
- adopt the default position of non-participation where families and whānau have not provided signed consent (i.e. students must "opt-in" to religious instruction)
- offer parents the opportunity to give their signed consent
  - at enrolment, and
  - each year, prior to the commencement of a religious instruction programme
- keep a record of the signed consent on the school's Student Management System.

*Use volunteers who are not school staff members to lead religious instruction*

Ensuring that religious instruction is taken by volunteers lowers the risk that students will become confused about the status of religious beliefs and practices within the curriculum. Using volunteers reduces the risk that some students feel excluded from their teacher and peers, reducing the pressure students may feel to participate in religious instruction.

The Ministry recommends that:

- The board does not permit any of its employees to lead religious instruction
- The board may permit staff to be present in a supervisory role to ensure student safety as set out in the school's Child Protection policies

*Provide secular school and student support services*

[No change]

*Perform safety checks on volunteers*

The Vulnerable Children Act 2014 (VCA) introduced a number of requirements including that paid workers who work with children need to be **safety checked** by their employer. (also known as police vetting). The overarching purpose of undertaking the safety check is to ensure that employers know who the people working with children are, and that there is no reason to be concerned that that children might be unsafe around them. A safety check comprises six main elements – an identity check, an interview, a police vet, work history check, referee checks and a risk assessment.<sup>15</sup>

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<sup>15</sup> Although it is not required, the Ministry and NZSTA suggest that it is good practice for members of the school's board of trustees to be safety checked as well, to set an example for other adults coming into the school.

The VCA also requires schools to have a Child Protection Policy in place from 1 July 2016. This policy should outline the board's commitment to child protection and recognise the important role and responsibility of all staff (including volunteers) in the protection of children.

While volunteers (people who are not paid for their time) are not required under the VCA to be safety checked, the Ministry recommends that boards **safety check all volunteers who will have access to, and who will have regular or overnight contact with, children**. The Education Act 1964 requires that volunteers deliver religious instruction programmes. Safety checks should be completed before the volunteer is allowed to begin the delivering the religious instruction programme.

Some providers of religious instruction programmes may complete some elements of the safety check, such as a police vet, on volunteers as part of their processes. Where some or all components of a safety check have been completed by another organisation on a board's behalf, the board is still responsible for confirming that these components have been completed, and ensuring that a full safety check has been done. Where this is the case, the Ministry recommends that the principal

- still undertakes an identity check of the volunteer
- Sights the original notice provided by the New Zealand Police (permission is required from the volunteer before this can be done)
- Keeps a copy on file, as set out in the school's Child Protection policies.

Where a volunteer has not undergone a safety check, the Ministry recommends that a school staff member attends the religious instruction or observance in a supervisory role. The staff member should not participate in the religious instruction programme. (see section 6)

For more information on the Vulnerable Children Act 2014 and helpful resources, see the Ministry website and the *Children's worker safety checking under the Vulnerable Children Act 2014* resource.

*Communicate the complaints procedure to families and whānau and use that complaints procedure to resolve issues*

Boards should aim to have open lines of communication with students, families, whānau and the community. School boards should be able to use these guidelines to design policies and practices around religious instruction that reflect community need while at the same time protect the rights of students, their families and whānau.

However, there may be times where families and whānau are dissatisfied with the way that religious instruction is handled.

The Ministry recommends that:

- boards ensure they have a clear and accessible concerns and complaints policy that staff and parents are all familiar with
- the complaints procedure (or how to access information about it) is regularly communicated to families and whānau through the school newsletter and website
- principals ensure that staff and the community are regularly reminded of the established procedure, and reminded that the purpose of the procedure is to ensure that concerns are resolved as quickly and effectively as possible.

Note: Every school's complaints and concerns process should be well publicised and readily accessible to parents and caregivers.<sup>16</sup>

For more information on handling complaints, see the Ministry's website for Educational Leaders on *Dealing with complaints* and a report from the Ombudsman's Office on *Good complaints handling by school board of trustees*.

Released under the Official Information Act 1982

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<sup>16</sup> For a sample board concerns and complaints policy see the Operational Policies section of the NZSTA Governance Framework, available from the NZSTA website [www.nzsta.org.nz](http://www.nzsta.org.nz)

#### 45. [REDACTED] - Anonymous

Submission on draft guidelines on religious instruction in state primary and intermediate schools

Thank you for the opportunity to provide feedback on the Draft Guidelines on Religious Instruction in State Primary and Intermediate Schools (**Guidelines**). The Guidelines appear to be a good first draft to encourage consideration and discussion of the issues around religious instruction (**RI**) in state primary and intermediate schools.

### 1. Summary

- 1.1 Allowing boards of trustees (**BOTs**) to decide to close their school in order to allow RI is fraught with complex issues around human rights and natural justice. RI turns a secular environment in which a variety of beliefs are acknowledged and explained in an educational and factual way into a place where children are segregated into what is perceived to be normal or other. The provision of RI requires BOTs and schools to make complex leaps in logic in order to justify closing their schools to allow for selected religious groups to have direct access to children whose critical thinking skills have not yet developed, often without parental consent or even knowledge. Allowing RI in schools is divisive and controversial. There are numerous other options available for families who wish their children to be familiar with religious doctrine and few for families who wish their children to be educated in a fully secular environment. The simplest way to alleviate all of these issues is to repeal the legislation which enables BOTs to allow RI in their schools.
- 1.2 In the interim, the Guidelines provide a good discussion point but require significant work to make them effective. The most important change required is to ensure that the Guidelines are mandatory and that a body is tasked with oversight and enforcement. There are currently obligations on BOTs in relation to RI under the Human Rights Act 1993 (**HRA**) and New Zealand Bill of Rights Act 1990 (**NZBORA**) which boards are either unaware of or choose to ignore. There is no reason to believe a BOT flouting its legal obligation would be any more likely to follow the suggestions provided in an optional guideline.
- 1.3 Several key legislative references have been omitted from the Guidelines and should be added. In particular the obligations on BOTs under the Education Act 1989 (**EA 1989**) with regard to student achievement and wellbeing.
- 1.4 The focus of the Guidelines is very narrow and should be expanded to include religious observances (**RO**), school camps, early childhood centres and high schools.
- 1.5 The Guidelines would also benefit from the inclusion of sections dealing with conflict of interest by BOT members and on managing the implementation of RI, for example holding RI outside of classrooms and restricting the distribution of treats such as sweets and stickers to RI children.

### 2. Background

- 2.1 RI is able to be held in schools due to section 78 of Education Act 1964 (**EA 1964**). Originally EA 1964 included more than 200 sections, of which only 15 remain, including the 6 sections (77 to 81) that deal with RI. One of these sections, s77 which requires that while a school is open teaching must be entirely secular, was amended by the Education Amendment Act 2016. Further changes were made to EA 1964 by the Education (Update) Amendment Act 2017. It is not clear why the remaining sections in EA 1964 were not dealt with by one of those amendment Acts either by repealing the sections or, where they are deemed to still be appropriate for a modern school environment, by moving them to the EA 1989.



- 2.2 Section 78 EA 1964 gives BOTs the authority to close their school in order to allow a religious group access to children to provide 'religious instruction'. The way this authority has been implemented in many schools overrides children's rights to freedom from religion and to an emotionally safe place.
- 2.3 Families who wish their children to learn religious doctrine have many options including attending church (or mosque or temple) or Sunday school (or equivalent sessions for other religions), church-run after-school programmes or attending religious schools. For families who want their children to have a secular education, the only options are very expensive private schools for those who have one in their area (for example ACG) or state-run schools. If a school chooses to hold RI, the family is forced to either
- (a) remove their child from RI which can make the child feel pressured or excluded;
  - (b) allow the child to attend a programme at odds with the family's belief; or
  - (c) attempt to find another school for their child to attend. The latter is increasingly difficult as zoning becomes more common and for rural families there may not be an alternative school option.
- 2.4 Some schools have stated that it is difficult to balance the rights of families to have RI in the school with the rights of families to not have RI. This is an odd position. EA 1964 requires the BOT to actively make a decision to close the school in order to hold RI. Until the BOT makes such a decision, there is no conflict between the rights of the students whose families support RI and students whose families do not support RI. By default, state schools are secular, it is only a BOT's decision that imposes an imbalance.
- 2.5 Repealing the legislation that allows RI to be held would provide the most sensible and straightforward solution to this issue. In the interim, this submission suggests that the Guidelines could be improved through the changes described below.

### **3. Legislative Framework**

- 3.1 This part of the Guidelines sets out legislation relevant to RI. However, key provisions within EA 1989 have been omitted and should be added to this section:
- (a) Schedule 6, s5(1): the primary objective of a BOT is to ensure every student is able to attain their highest possible standard of achievement;
  - (b) Schedule 6, s5(2): BOTs are required to ensure the school is (a) a physically and emotionally safe place for all students and staff; and (b) inclusive of and caters for students with differing needs; and (c) Schedule 6, s13: BOTs are given complete discretion to exercise their powers subject to EA 1989, any other enactment and the general law of New Zealand.
- 3.2 These provisions are at the core of any decision to allow RI in a school and it is baffling that they have been omitted from the Guidelines.
- 3.3 As student achievement is the primary objective of the BOT, it follows that this must underpin every decision a BOT makes. It may be that the Ministry believes that this is implied and therefore does not need to be explicitly stated in the Guidelines. However, to allow RI in a school, the BOT must decide to close the school. BOTs often choose to do this within standard teaching hours which impacts on the ability of teachers to deliver the curriculum and therefore on the ability for students to attain their highest standard of achievement. BOTs should be specifically directed to consider the impact of the lost teaching time on the students in making their decision to allow RI.

- 3.4 An issue that is repeatedly encountered by children and families is that the children do not want to opt out of RI due to, or because of fear of, teasing and bullying by RI children. Many are not comfortable opting out and those that do opt out are excluded and segregated from their class and their peers. To meet their obligations referred to above in 3.1(b), the Guidelines should explicitly state that BOTs must consider if they can provide RI in a way that does not make the school an emotionally unsafe place for non-RI children, and they must ensure it is inclusive of the needs of those students.
- 3.5 The limit on the BOT's power in s13 Sch 6 does create some ambiguity. A BOT may exercise its powers subject to other enactments but neither NZBORA nor HRA overrides other legislation therefore BOTs generally interpret this to mean that the power to close a school for RI overrides children's rights under NZBORA or HRA.
- 3.6 However, while NZBORA does not override other legislation, s5 of that Act requires that any limits on a person's rights or freedoms, for example under NZBORA or the HRA, may only be *reasonable* limits as can be demonstrably justified in a free and democratic country. In lay terms, there must be a very good reason to limit a person's freedom. The Supreme Court in *R v Hansen* helpfully provided a four-step process for determining whether a decision meets the threshold:
1. Does the limiting measure serve a purpose sufficiently important to justify the limitation of the right or freedom?
  2. Is the limiting measure rationally connected with the purpose?
  3. Does the limiting measure impair a right or freedom no more than reasonably necessary for achievement of the aim?
  4. Is the limit in due proportion to the importance of the objective?
- 3.7 If a BOT chooses to close their school for RI, the Guidelines should require that the BOT has identified and considered the rights of children that will be impacted, the purpose for which they are impacting on those rights and that they have deemed the objective sufficiently important to justify the impact on that child's rights. In the secular school setting, it is not clear what objective a BOT could have that would be sufficiently important to impact on a child's right to freedom from religion and to be treated no differently from their peers and a BOT should be required to be able to fully articulate their reason.
- 3.8 To illustrate how this might work in practice, a common reason given by BOTs for allowing RI is that it provides values education for children. A BOT choosing to close their school for RI as part of the school's values education would need to consider the questions above and be able to clearly articulate why the New Zealand curriculum values, taught by the school's registered qualified teachers are inadequate for teaching values to children. They should be able to explain why that inadequacy was better met by excluding non-RI children from their class and segregating them from their peers rather than, for example, upskilling the teaching staff in how to adequately deliver a mandatory curriculum requirement.
- 3.9 There are also a number of principles in the general law of New Zealand that are applicable to the exercise of a legal discretion, such as the discretion to close a school for the purpose of RI. Many BOTs appear unaware of these principles and it would be good to include them in the Guidelines. For example, the requirement to take all relevant considerations and no irrelevant ones into account; not rigidly applying a predetermined position such as may occur if a BOT decides it will allow RI regardless of any information presented to them; and the legitimate expectation of a school community that if all other

extra-curricular activities are opt in, held outside standard school hours and notified well in advance that the same will apply to RI.

#### **4. Community Consultation**

- 4.1 The Guidelines recommend community consultation about RI, which at first glance seems a sensible and good idea. Consultation is only as good as the information that is provided to the school community and on the information provided by the responders. Even where good, correct information is provided, overwhelming support from the community does not negate any impact on a student's wellbeing (see above at section 3 in reference to the BOTs primary objective).
- 4.2 The Guidelines offer the example of a public meeting to discuss RI. Anecdotally it appears that such meetings are rare and when they are offered the opponents of RI within a school community are often given little notice and very limited opportunities to speak or ask questions.
- 4.3 The discussion and decision on whether to allow RI is very often taken "in committee". One of the most common reasons given for moving discussions "in committee" is to protect the privacy of BOT members in relation to their religious beliefs. BOTs who take this course of action appear unaware of the irony that they seek to keep private their own religious beliefs while they are effectively forcing children and their families into a position where their religious beliefs or lack thereof become public knowledge within the school community. The BOT member's religious beliefs may also represent an interest that should be registered as a conflict which prevents that BOT member from making an objective decision about RI. It should be a requirement that any discussion on RI be held in public, properly minuted and any conflicts recorded.
- 4.4 Schools that have large non-English speaking populations should ensure non-English speakers are well-catered for, such as providing information in several languages and giving the opportunity for anonymous feedback.

#### **5. Full and accurate information**

- 5.1 It is excellent to see the Guidelines recommending schools provide full and accurate information on RI. It is still common to see schools claim their RI programme is approved by the Ministry of Education and/or that it is religious education. All information provided on RI should be approved by the Ministry to ensure it is accurate and/or checked by ERO during their regularly scheduled visits. Where a school has previously provided incorrect information to its community, the school should be required to correct that misinformation.
- 5.2 Any BOT considering holding RI should be required to review the content of the proposed programme including any teaching manuals and to make all information available for the school community to view throughout the school year.
- 5.3 A generic overview of RI should be provided by the Ministry (or an independent body, see below at 11.3) which sets out basic information about the programme – for example that the school is closed and therefore both RI and non-RI children will not be doing schoolwork during that time but that all non-RI children will be supervised during RI to enable the school to comply with its obligations under the Health and Safety at Work Act 2015, that the programme is not approved by the Ministry, that parents can opt their children out at any time etc. The BOT could then provide information specific to their programme to go along with the Ministry information to inform parents about the programme in their individual school.
- 5.4 Where there has been an independent review of RI material, as an example, Professor Paul Morris's review of the Churches Education Commission's Life Choices syllabus, that

review should form part of a BOT's decision making process and should be made available to the school community.

## **6. Valid educational alternative**

- 6.1 This part of the Guidelines is confusing. The Guidelines acknowledge that the school must be closed for teaching during RI yet state that an educational alternative should be offered. The example given in the first box "inquiry based around values, family and culture in a non-religious context" sounds very much like a standard social studies topic. It is not clear how this could be reconciled with the requirement the school be closed for teaching. It is also important to note that when non-RI children are made to do what they perceive as normal schoolwork while their peers sing songs and play games in RI, the non-RI children often feel that they are being punished.
- 6.2 The example in the second box, to hold RI at the start of the school day with the standard teaching hours pushed back by half an hour, creates logistical challenges for working parents as well as administrative issues for the school. Most parents cannot change their working hours to cater for late starts on days where a school holds RI. Does the Ministry envisage that before school care would be made available for these children and if so, at whose cost? If a RI volunteer is not able to attend the school, for example due to illness, this prime learning time is not able to be used for curriculum work as the school is closed and non-RI children are not expected to be present at school.
- 6.3 Starting the school day later also raises practical issues around when the school roll should be taken. The roll could be taken after RI once all children are in class. This would be technically correct as the class would not be 'open for instruction' until after RI. However, this would not enable the accounting for all children on school premises until after RI, causing fire evacuation inaccuracies and delaying the alarm being raised if a child is missing after being sent to school. The alternative is that the roll is taken at the start of the RI session with non-RI children being marked absent or late which provides a further form of ostracism for an already marginalised group and is incorrect given the school is closed.
- 6.4 Some schools hold RI during lunchtimes to avoid the issue of an alternative programme but this has its own implications. One of the key benefits of the lunchbreak is to encourage children to be active, to get their blood flowing through running and playing. This benefit may be lost if the children are effectively in another lesson. There is also higher risk of non-RI children being gathered in to the RI session when they are in a larger group as they may not be as easily identified as they are in their usual classroom group.
- 6.5 All of these issues should be included in the Guidelines for BOTs to consider in their decisions.

## **7. Consent**

- 7.1 Requiring parents to actively consent to their child's participation is an excellent suggestion. Where the school community includes non-English speaking families the Guidelines should suggest the consent form should be provided in the languages spoken by families at the school. The consent form itself should include the key information about RI discussed above in 5.

## **8. Volunteers who are not staff members**

- 8.1 This is an excellent suggestion and should be expanded to include BOT members.

- 8.2 In relation to staff supervision, it should also be noted in the Guidelines that staff should be made aware of their own rights under the HRA that they are not required to attend RI if they do not wish to. Many schools require teachers to supervise RI classes. Where a staff member does not want to attend, the school should have a clear and supportive process in place to enable the staff member to do so. They should not be made to feel they are shirking their duties or feel pressured to attend.
- 8.3 A BOT deciding to offer RI should include supervision expectations in making its decision process.

## **9. Secular support workers**

- 9.1 It is good to see this included in the Guidelines as this is an increasingly common practice. There often appears to be no non-religious support alternative for non-RI children which creates a situation where families may be forced to choose between allowing a religious support person unsupervised access to their child or to not having the support available for their child.
- 9.2 There is also increasing use of chaplains in schools. The purpose of this is not clear and often their existence is not made known to families.
- 9.3 The example given in the Guidelines that the provider of support services agrees that support will be secular is quite confusing. While it appears to offer a solution, it is not clear how the secular requirement would be enforced – who would be supervising the support worker to ensure they did not breach this obligation?
- 9.4 There is also the wider issue that often representatives from religious groups interact with schools in a secular way as an introduction to children. Once they have built up familiarity and trust they are then able to encourage children to attend events outside of school which are specifically for the purpose of evangelising. A major provider of RI in NZ, the Churches Education Commission, has previously referred to NZ state primary schools as “untapped mission fields”, a description which illustrates why any opportunity for evangelists to enter schools should be extremely tightly controlled.

## **10. Safety checks**

- 10.1 This recommendation states that checks should be done by the school or by the RI organisation and that if checks have not been done the volunteer should be supervised by a staff member. It would be more appropriate to not allow the volunteer onsite until a check has been done. Children will assume that a person allowed into the school to talk to them is a safe adult and this could lead to risk if a child sees a volunteer outside the school.
- 10.2 As the school is required to be closed for RI and the programme is not part of the curriculum, the cost of vetting volunteers should fall to the RI provider, not to the school itself.

## **11. Complaints procedure**

- 11.1 One of the key issues regarding complaints about RI is that the very people who made the decision to allow RI, the BOT, are the same people who hear any complaints. This leads to a position of conflict in investigating any complaints.
- 11.2 Where a family is not satisfied with the outcome of a complaint, there is not a clear path for escalation. Currently families may complain to the Ministry but are often told that as RI is not part of the curriculum the Ministry cannot help. They may approach the Human Rights Commission but this generally only gives the option of an offer of mediation. If the

school chooses not to engage the family may be left with no further option. In some cases they may take an action in the Human Rights Review Tribunal but this involves lengthy delays. Some complaints, for example those involving the decision making process by the BOT, are more appropriately placed with the Office of the Ombudsman but that Office will often refer the complainant to the HRC even where the complaint is not related to rights.

11.3 There is a clear and urgent need for an independent body that can investigate complaints and provide guidance and objective information for families and BOTs.

11.4 The provision of RI should also be subject to ERO oversight to ensure it does not impact on delivery of curriculum requirements or on the wellbeing of students and is within the legal requirements. While RI itself may be outside the curriculum, it is only able to occur due to the provisions in EA 1964 and as such ERO should ensure that schools comply with the restrictions contained in EA 1964 and EA 1989.

## **12. Additional requirements**

12.1 There are a number of items that are currently not covered in the Guidelines:

### **12.2 Mandatory Guidelines**

(a) The Guidelines themselves should be mandatory. There is currently no oversight of the provision of RI and the Guidelines do not appear to suggest there will be in the near future. If RI is to be allowed to continue, it must be done in such a way that it complies with the requirements.

(b) The current requirements of closing the school in order to hold RI and holding RI for a maximum of 20 hours per year are legal obligations yet many BOTs are ignoring those requirements. Schools that flout their legal obligations even when informed of them are not likely to comply with any optional guidelines.

### **12.3 Out of the classroom**

(a) Many schools currently hold RI in classrooms. Children are taught from year 1 (or even year zero) to listen to the adult at the front of the room (in a modern learning environment that term may be figurative) and that what that person tells them is correct and true.

(b) When a qualified, registered teacher is teaching about myths or reading fiction, they will make it clear to the children that they are not teaching truth. Many RI volunteers are known to teach the Bible as fact and even those who do not cannot help but impart RI information as if it were true as the volunteer believes it to be so. Children attending RI may be as young as 5. They have not yet learned the critical thinking skills to evaluate whether information may be true – a “teacher” says it, so they believe it.

(c) If RI takes place in their classroom non-RI children are banished from their classroom for the duration of the session. They are excluded from their friends and their classroom, and sent away somewhere else in the school. However well intentioned, this is subconsciously telling the non-RI children that they are ‘other’ than their peers, which for most children will be damaging to their emotional well-being.

(d) Additionally, some RI providers will leave Bibles in classrooms, ostensibly because this is easier than bringing them to and from the school or class each week. In practice, this normalises having the main Christian text available to children in a

secular school. The Guidelines should require RI be held outside of the classrooms with no RI materials left in the room.

#### 12.4 *Early childhood and secondary schools*

- (a) The Guidelines apply only to state primary and intermediate schools. The Guidelines should be expanded to cover both early childhood centres (including kindergartens, play centres etc) and state high schools.
- (b) For some time it has been common for high schools to hold mandatory assemblies where all students are given a bible which they are required to take. Students are usually not given the option to opt out of the assemblies. It is not clear how a high school BOT reconciles this with students rights under the HRA and including high schools in the Guidelines would allow high schools to critically examine their practices.

#### 12.5 *Religious Observances*

- (a) The Guidelines only apply to RI. They should be expanded to include RO, for example, the use of explicit Christian (or other religious) prayers during assemblies and classes. These might include saying grace in a classroom before a break time or using a Christian prayer in te reo as a karakia (as opposed to a secular karakia).
- (b) There are also instances of schools holding special religious assemblies, for example Christmas events with a christian focus. These are problematic for non-RI families as their children do not wish to 'miss out' on whatever their friends are doing. There is pressure on parents to allow their children to attend performances that do not match their beliefs.

#### 12.6 *Treats*

- (a) A number of RI volunteers provide treats to children. These might include food or stickers or small toys. The treats are generally only provided to the RI children with non-RI children feeling excluded yet again.
- (b) The Guidelines should include a requirement that treats should not be provided by RI providers.

#### 12.7 *School camps*

- (a) The Guidelines should also cover school camps held. A number of Christian camp providers require children to say grace before meals and/or attend RI. Schools are generally not considering how to reconcile such provider expectations within the RI/secular school framework. Communication about RI and/or RO obligations is poor or non-existent, opt-in/out provisions are rare as is informed consent from the families.
- (b) School camps provide one rare example of where schools need to be aware of and balance competing rights in relation to religion. They should be mindful of both students who wish to undertake their own religious observances and students who wish to be free from religion and make accommodation for both.

#### 12.8 *Funding*

- (a) Schools should be prohibited from using school funds, either operational funds or from general donations, to fund RI. Any costs associated with RI, including photocopying or other resources, should be paid by the RI provider or clearly

identified to opt-in parents as a direct RI cost so that families can make an informed choice on whether to send their child to the programme.

#### 12.9 *Conflicts of interest*

- (a) BOT members involved in a decision to hold RI should be required to declare any conflicts of interest. Conflicts of interest are not solely pecuniary and can arise solely due to perception. For example, if a BOT member is a preacher or a member of an evangelical organisation, families opposed to RI may perceive that the BOT member may not be able to make an objective decision on RI due to their own personal beliefs.
- (b) Any potential conflict should be declared prior to any discussion on the topic. A clear process for conflicts, including non-pecuniary conflicts should be determined by the BOT, perhaps with guidance from the Ministry or New Zealand School Trustees' Association.

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46. [REDACTED]

### Submission for religious education in schools

Submission made by [REDACTED], [REDACTED]

Thank you for opening this issue up for submission.

Firstly, I think the guidelines are just that; a guideline that states what the law from 1964 is and how that can be applied to schools now. I agree that it is overdue for this conversation to happen as many schools are trying to work out how to manage this. The guidelines spell out what the rights and responsibilities of the board, teaching staff and school operate under. I think that there is adequate reference to the Humans rights Act, Vulnerable Children's Act and the school's responsibility with regard to this. I agree with offering the consultation process and the examples in the document seem to be very helpful with regard to this.

However, my concerns relate to the decisions required before this document needs to be implemented and my questions are:

1. What constitutes religious education and what is cultural or historical and therefore, when do these guidelines need to be implemented?
2. Does the school remain open to teach more religious aspects of culture and should this go for consultation?
3. If they are implemented who polices the 'out of school' teaching when the school is closed.

In the past many schools chose to have volunteers come in, often through Christian organisations, to have the Christian values of love and respect for others taught within their school and there are many anecdotal stories of how this has made a big change within the culture of the school and that the school staff as a whole supported this. There have been a few anecdotal stories of unhelpful comments made that have upset children as well. These lessons have often happened between the hours of 9am and 3pm but officially the school has been closed. This has caused confusion to both children and parents as they are not able to separate out when the school is 'closed' and when it isn't. Therefore, a number of people don't realise the school has been officially closed. Now, this is becoming more transparent to both students and the community through consultation.

However, if we make it more transparent about when we are closing a school for religious teaching for what traditionally has been Christian education, we have to look at what other religious teaching we also stop to be fair to all religions. This is much harder for other religions as often the culture and the religion are very intertwined and by ignoring this, we can be ignoring their culture and, therefore directly contravening the Human Rights Bill, the very reason this discussion has come up. A case in point is in many preschools now lunch is started with a Maori karakia which, if translated is a Christian grace. However, this is not allowed to be said in English as that would offend. As a Christian I find that a double standard as we are being tolerant to the Maori culture and religion (which I am very happy about) but not to Christian religion, both I understand have a similar representation within our population as at the last census. Do we go out for public consultation and 'close' the preschool for five minutes to say a karakia? Or is it only a problem if it is translated into English?

I am aware that many children are now not allowed to use the word Christmas at their school as it refers to Christ, a Christian reference. However, they learn about Ramadan, a Muslim festival, they make dogs to celebrate the Chinese year of the dog, which can be linked to Confucianism and have lights for tihar or Diwali, a key hindu festival and are taught Maori mythology often during reading and writing time. I am happy for them to learn about lots of other cultures festivals,

many of which are being celebrated in NZ more and more. How much of the learning about other cultures and therefore religion is allowed before going out for consultation?

This gets more confusing when we start looking into history or social studies topics. There is strong historical evidence for the events of Christmas occurring. What can be taught as history and what is taught as religion?

If religious education is taught when the school is closed there is also an issue for the board of trustees to manage: 'who's going to monitor what is taught?' Many religions have some extreme wings that teach some very militant actions. Most people in NZ would be appalled to think this was happening on a school property but is it the school's role to monitor the events that happen when people rent the hall for a morning a week? On the flip side, there also needs to be the option for like minded students to be able to congregate and support themselves as they find ways to express their religion and their beliefs in society such as lunch time bible studies or prayer time for those who observe regular times of prayer.

In conclusion I think the guidelines are a good start but I think there are still a lot of issues that face school boards and are a discussion that almost needs to happen prior to engaging with these guidelines such as what is historical or cultural and what is religious. If the guidelines are implemented and teaching is allowed on campus how is this monitored?

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47. [REDACTED]

Be Proud. Read Aloud at School. Let's listen to each other.

It's really simple:

1. Identify the languages and religions or non-religious beliefs in the school population. Create a demographic profile.
2. Apportion a representative part of assembly time to each section.
3. Each section chooses a passage, to read aloud in one or two languages, from a book from the library.
  - Christians may choose to read from the Bible
  - Indigenous peoples may chose to read a mythology
  - A rationalist may choose to read some science or philosophy
  - A Chinese may choose to read from Confucius or the Tao
  - Muslims may choose to read from the Koran
  - Other

[REDACTED] [REDACTED]

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48. [REDACTED]

While these guidelines might make a slight difference in the few schools that choose to adopt them (a guideline is a toothless tool that only the more conscientious schools will take heed of) they do absolutely nothing to stop the instruction and recruitment of very vulnerable aged children in a particular religion. This standard practice makes a mockery of the Act as it is clearly NOT education about religion; it is instruction in a particular religion. This is evidenced by the instruction being given by religious zealots who have no monitoring or control of what they are preaching.

There is ample opportunity for parents who want their children to be indoctrinated with a particular religion to do this outside school hours. It is unbelievable that in the 21st century a secular education service is providing this privilege to a particular religious group at the tax payers expense! I find it incredible that there is more R.I. in NZ schools now than when I attended in the 1960s!!

***For there to be any improvement in this dubious practice the guidelines MUST become mandatory and be changed to:***

1. Replace religious instruction with religious education i.e. discuss the history and details of ALL religions and humanism without favouring any.
2. That the above be provided by trained teachers NOT by members of a particular religious group.
3. If the above is done then there would be no need to exclude some children, close schools for R.I.

***In the likely event that none of the above happens then schools must:***

- A. Require children to opt in rather than opt out.
- B. Prevent, and police, the enticement of children into the 'classes' by way of gifts, rewards etc.
- C. Give truly meaningful activities for those who do not opt in (no more collecting rubbish, sitting in corners or libraries etc) such as fun outdoor activities.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

49. [REDACTED] - NZEI

6 December 2018

***NZEI Te Riu Roa response to the Ministry of Education Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura***

*Introduction: NZEI Te Riu Roa policy on religious instruction*

NZEI Te Riu Roa would support a challenge to those sections of the Education Act which currently allow a board of trustees to offer religious instruction during a period when the school is open for teaching.

NZEI policy on religious instruction in school is that all teaching in primary schools, other than those of special character, must be entirely of a secular nature while the school is open for instruction.

As the Education Act currently allows religious instruction to take place in schools when open for instruction or closed for teaching NZEI Te Riu Roa also has policy on how that is best managed including:

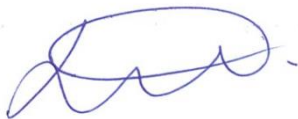
- that no more than one half hour a week is made available for religious instruction
- only accredited instructors should provide religious instruction
- no teacher should take part in a religious instruction programme.
- attendance of pupils at religious instruction programmes must be voluntary
- parents or caregivers who wish their children to attend religious instruction should be required to opt into the programme in writing rather than parents or caregivers who do not wish their children to attend having to opt out.

***NZEI Te Riu Roa comments on the Ministry of Education draft Guidelines on Religious instruction in primary schools.***

- 1) NZEI Te Riu Roa supports the Ministry of Education recommendations set out in the guidelines. In particular we applaud the following:
- 2) adopting a signed consent form – “opting in”
- 3) using volunteers not teaching staff
- 4) safety checks for the instructors
- 5) NZEI notes the useful information provided in the guidelines including:
- 6) the secular nature of teaching
- 7) that religious instruction is not part of the curriculum
- 8) the importance of avoiding discrimination.
- 9) NZEI Te Riu Roa suggests:
- 10) The guidelines would be easier to read if some of the detailed text was removed to an information section (for further reading/explanation)

- 11) Some sections need to be more clearly defined e.g.
- a. **Using community consultation to inform decision making:** This is about deciding, through consultation, whether or not religious instruction will be provided in the school
  - b. **Provide full and accurate information to, students, families and whānau to help them make informed decisions:** The decision to allow religious instruction in the school has been made. This information is to help people decide if their child will participate.
- 12) **Offer valid educational alternatives to religious instruction:** There are two situations here: The first is where the school will be open during religious instruction and the second is where the school will be closed during religious instruction.
- 13) The guidelines will give some assistance to schools working through this issue which is fraught with potential to cause divisions within a community adding to the workload of principals and boards of trustees. Trying to reach agreement that would satisfy all within a school community is not an easy task.
- 14) Thank you for the opportunity to comment on the guidelines. A version of how the guidelines might look if NZEI's suggestions were actioned is attached for your consideration.

Ngā mihi



Lynda Stuart

Te Manukura | National President

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### **Why guidelines on religious instruction?**

The Ministry of Education (the Ministry) has developed these draft '*Guidelines for religious instruction in state primary and intermediate schools*' (the guidelines) to help boards of trustees understand the legal obligations of allowing religious instruction and how to develop best practice policies and practices when offering religious instruction.

The Education Act 1964 states that teaching in all state primary schools must be *entirely of a secular character* (non-religious) while the school is open.

What this means in practice is that schools can close to offer religious instruction

There are however human rights laws that require any closure to offer religious instruction to be carried out in a way that does not discriminate against students because of their religious or non-religious beliefs. The draft guidelines provide practical advice for boards on how to enable the closure of schools for the delivery of religious instruction programmes in a way that reduces the possibility of discrimination.

### **The difference between religious instruction, religious observance, and religious education**

These guidelines are focused on religious instruction only and do not cover religious observance or religious education

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 the religion being taught. Religious instruction is not part of *the New Zealand Curriculum* or *Te Marautanga o Aotearoa*.

Religious observances are ceremonial or devotional acts of religion, such as prayers, Christian karakia, the singing of hymns, or religious readings. They support or encourage adherence to a particular belief or religion. Religious observances are not part of *the New Zealand Curriculum* or *Te Marautanga o Aotearoa*, and are not covered in these guidelines.

Religious education 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*.

### **The application of the guidelines**

These guidelines apply to state primary schools. This includes intermediate schools, kura, Kura Kaupapa Māori and Kura-ā-Iwi, and schools with designated special character because they are designated as primary schools under the Education Act 1989. The guidelines apply to activities run on a school's premises, as well as school activities based offsite (such as school camps).

### **The legislative framework**

**Education Act 1964** requires all teaching in state primary schools to be secular, but gives boards of trustees of state primary schools the choice of whether to close their school (or a class or classes within the school) to allow religious instruction or observances under set conditions. The relevant sections of the Education Act 1964 include Permission for religious instruction to be taken by volunteers when either the school, a class or multiple classes, are closed.

Closure of the school for the allowance of religious instruction can occur at any time of the school day for a period of up to 60 minutes per week, and no more than 20 hours per year

Allows for extra provision of religious instruction or observances where this is supported by the majority of a school's parent community, and the Minister approves it

Requires that attendance at religious instruction is not compulsory. A student is not required to attend if any parent or guardian has conveyed this in writing to the school.

Permits a teacher to ask the board's approval to be freed from school duties to take part in religious instruction or observances for up to 30 minutes per week.

*(See full text on page 17)*

**New Zealand Bill of Rights Act 1990** sets out a range of rights and freedoms that anyone carrying out a public function are required to affirm uphold and protect. In practice, this has a moderating effect on *how* religious instruction is decided on and delivered within a school but does not override a board's authority to close the school to allow religious instruction to take place.

*(See full text on page 18)*

**The Human Rights Act 1993** gives more information on what types of discrimination are unlawful including discrimination based on religious and non-religious belief. What this means in practice is that, while boards of trustees can choose to close their school to allow religious instruction, they must do it in a way that does not discriminate against anyone who holds different beliefs.

*(See page 18 for the relevant sections)*

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## ***Guidelines on religious instruction in state primary and intermediate schools***

### *Summary*

Boards of trustees (boards) of state primary schools should, when making decisions about whether and how to deliver religious instruction, always keep the protection of the rights of all students, their family and whānau at the centre of decision-making.

The kind of religious instruction, and content of religious instruction programmes allowed may vary greatly between schools.

Boards have the discretion to close the school to allow religious instruction programmes under certain conditions. This means that while some boards may choose to close their school, or a place in their school to allow religious instruction programmes, others may not.

These guidelines are intended to be used by boards to develop policies and practices that address each of these scenarios.

The Ministry recommends that boards of trustees:

- Use community consultation to inform decision-making
- Provide full and accurate information to students, families and whānau to help them make informed decisions
- Offer valid education alternatives to religious instruction
- Adopt a signed consent approach to religious instruction
- Use volunteers who are not teaching staff to lead religious instruction
- Perform or sight safety checks for volunteers
- Provide secular school and student support services
- Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues

## Deciding whether to allow religious instruction

Use community consultation to inform decision-making

There can be diverse religious beliefs held across a community and within a school. When making decisions about whether to allow religious instruction, boards should ensure that the views of all members of the school community are given fair consideration, to uphold the rights of students and their parents, caregivers, families and whānau.

The Ministry recommends school boards:

seek community input in the most appropriate way for that community (for example written survey, open meeting) about whether to allow religious instruction and, **if so, then** how it should be offered

seek to ensure that parents and whānau are made fully aware during the consultation process of the nature and content of any proposed programmes and the non-religious education alternative that will be offered **if the religious instruction takes place when the school is open for teaching.**

have a transparent and open decision-making process, and make the findings from consultation available to the school community

consult every three years, or when there has been a noticeable change in the needs of the community, or if there is a proposed change to the religious instruction offered.

In addition to the above recommendations, boards should consider how they collect and compare information from groups who wish to provide religious instruction in their schools. This is so the board is capturing accurate and consistent information from providers, and is able to demonstrate to the community a neutral, transparent selection process.

### **A scenario for community consultation to inform decision-making**

A board was reviewing its religious instruction programme. It decided to hold a community meeting as part of a pre-organised whole school cultural event. The board advertised the meeting as part of the event in the school newsletter, on its website and social media pages, and sent information home with students.

During the meeting the board presented information on the nature and content of the proposed religious instruction programme and on the alternative non-religious programme that would be available to those that do not participate.

The board welcomed discussion from students, families, whānau, and community members. Attendees could leave comments on a feedback form that they dropped into a box if they did not feel comfortable speaking at the meeting.

The board considered all the feedback and decided to offer religious instruction alongside the proposed alternative for students who do not participate in the religious instruction programme. The board summarised and published the feedback and final decision, including how it arrived at the decision, in the school newsletter and on its website.

### Decision made to allow religious instruction

Provide full and accurate information to, families and whānau to help them make informed decisions **on whether their child will participate.**

Information provided to students, their parents, caregivers and whānau, should inform them of the nature and content of any religious instruction programme(s) **(where can this be accessed?)** and the education alternative(s). This will ensure that students, families and whānau are made fully aware of what students will be learning while in each of the programmes. Information should be provided during consultation (see guideline 1), and on a regular basis after consultation.

The Ministry recommends that students, their parents, caregivers and whānau are provided with clearly communicated written advice:

on the nature of content being taught in any religious instruction and alternative programmes

that any religious instruction programme is not religious education and therefore not part of the New Zealand Curriculum

that attendance at any religious instruction programme is voluntary and is not compulsory

that the religious instruction programme endorses a particular religious faith and will use or reference religious documents, such as the Bible

on who will be taking each of the programmes, and the time and place that the programmes will be held.

The Ministry recommends that boards communicate information to students, families and whānau, including through regular community consultation (for example, every three years).

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Offer valid education alternatives to religious instruction

When the decision is that the religious instruction takes place when the school is open for teaching

If boards choose to offer religious instruction during a time that the school would usually be open for teaching (i.e. the school is **not** closed), students who do not participate in the religious instruction programme should be provided with a well-planned, valid education alternative.

This is important in order to ensure that students are not treated in a discriminatory manner based on their beliefs. Students should not feel pressured to participate in religious instruction because the alternative options are ad hoc or not appealing. Students should not perceive the alternative as a punishment for not participating in religious instruction.

The Ministry recommends boards decide, in consultation with the community (see guideline 1), on a valid education alternative to religious instruction. Information should be provided on the alternative during consultation and on a regular basis thereafter. The information should include:

The school remains open for instruction

the nature and content of the alternative programme and that it is non-religious

who will be taking the **alternative** programme, and the time and place that the programme will be held.

#### **A scenario for offering alternative programmes**

After consulting with its community, a board decided to offer a Christian based, and an Islam based, religious instruction programme, to reflect both the Christian and the increasing Muslim populations in the community.

The board also introduced an education alternative option for students who do not participate in the religious instruction programmes.

As a result of community consultation it was decided that the education alternative would be an inquiry based around values, family and culture in a non-religious context.

Offer valid education alternatives to religious instruction

**The decision is that the religious instruction takes place when the school is closed for teaching**

To ensure the rights of students, families and whānau are protected, boards could consider offering religious instruction at a time when the school is usually closed for teaching, such as before or after school, or during lunchtime. This approach would help schools avoid the risk of discrimination towards a student based on their religious or non-religious beliefs, or those of their parents, caregivers or whānau.

Making religious instruction available to students at a time when the school is usually closed for teaching means that it would not be necessary for schools to offer an alternative programme

**A scenario where a school is closed when religious instruction programmes are offered**

A board decided after consultation with its community to continue to provide religious instruction.

The community supported starting the school day later on a Friday, at 9.30am instead of 9.00am.

Students who participated in religious instruction came to school at 8.45am. The religious instruction programme ran through to 9.30am, at which time the school opened for teaching.

As the school was closed for normal teaching, those who did not participate in the religious instruction programme started school at 9.30am.

The school opened the library for students who caught the bus to school or needed to be dropped off at the usual time.

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## Require signed consent for religious instruction

The Ministry recommends requiring signed consent for participation or non-participation in religious instruction.

Requiring signed consent helps schools to align practices and processes with the protection of students' rights and ensure students are free from discrimination. This lowers the possibility that students will face discrimination based on their religious or non-religious beliefs. This is because with signed consent, students who participate in religious instruction are there with the knowledge and explicit consent of their parents, caregivers and whānau.

Requiring signed consent should also lower the risk of indirect pressure for students to participate in religious instruction. Indirect pressure could come about if students are embarrassed or confused about why they have been withdrawn from, or not included in, a class.

The Ministry recommends boards:

require signed consent for all religious instruction offered, to make sure the school has evidence that parents, caregivers and whānau have agreed to their child's participation

adopt the default position of non-participation i.e. participation in the alternative, non-religious option where families and whānau have not provided signed consent and the religious instruction takes place when the school is open for teaching

require signed consent at enrolment, prior to the commencement of a religious instruction programme if never offered before, and prior to the commencement of a religious instruction programme if any aspect of the programme has changed from previous years

keep a record of the signed consent.

### **A scenario of a signed consent process for religious instruction**

After consulting the community, the board decided to allow religious instruction and one non-religious alternative.

Families and whānau received written advice that outlined the nature and content of the two options (provided during community consultation). They were asked to select one of the two options for their child and sign and return an enclosed form.

Some families and whānau did not return the form. The children were placed in to the alternative non-religious programme. The school kept copies of the signed consent forms as part of the students' records of information.

After reading the full and accurate information provided by the school (see guideline 2), some families and whānau were still not sure about which option to select. The board included on the consent form the contact information of the provider of the religious instruction programme so that families and whānau could contact the provider directly for more information. The board also provided the contact information of the staff who would take the alternative programme.

Use volunteers who are not school staff members to lead religious instruction

The Education Act 1964 specifies that all religious instruction be taken by volunteers.

When religious instruction is taken by a member of the teaching staff, it may be difficult for students to distinguish between the teaching of the curriculum, and the teaching of a particular faith, outside of the curriculum.

Ensuring that religious instruction is taken by volunteers lowers the risk that students will become confused about the place of religious instruction within the school.

Using volunteers reduces the risk that some students feel excluded from their teacher and peers, reducing the pressure students may feel to participate in religious instruction.

The Ministry recommends that:

all religious instruction is taken by volunteers

volunteers who take religious instruction classes do not fulfil any other teaching or support role within the school, such as teacher aides or counsellors

the teaching staff of the school have no role in leading religious instruction that takes place at the school, but if necessary may need to act in a supervisory role (see guideline 7).

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### Provide secular school and student support services

The Ministry recommends no counselling and support staff be linked to the religious instruction programmes offered at the school.

In order to provide all students the same opportunity for access to support, the Ministry recommends that all pastoral and support services should be secular in nature.

Support services might include those provided by health and youth workers, counsellors, or mentors, or it might include the provision of specific learning and/or behaviour programmes. This will ensure that students, families and whānau of diverse beliefs feel confident they can access the support they need.

#### **A scenario for secular support services**

A board was offered the help of a small, not-for-profit organisation that would provide support services to students, families and whānau by way of a trained individual support worker. The organisation was founded on Christian principles and provides a range of services to the community.

The board and the organisation worked together to establish what services the support worker would offer to students and both agreed that any support would be secular in nature. The support worker signed an agreement outlining these terms.

The board and the organisation also agreed that the organisation would not be a provider of religious instruction at the school while it provided secular support services.

The school communicated to its community about the arrangement and indicated that students, families and whānau could expect only secular support from the individual support worker and the organisation in the context of the school setting.

The arrangement worked successfully with the expectation of secular support established early, and families and whānau informed of the kind of support they could expect to receive.



## Perform safety checks on volunteers

While volunteers (people who are not paid for their time) are not required to be safety checked under the Vulnerable Children Act 2014 (VCA) the Ministry recommends that boards *safety check* the volunteers delivering religious instruction programmes.

*(see page 19 for detailed information)*

Safety checks should be completed by the school (or the religious instruction organisation) prior to the volunteer commencing involvement with the religious instruction programme allowed in the school.

Some providers of religious instruction programmes may complete some elements of the safety check, such as a police vet, on volunteers as part of their processes.

A school may choose to rely on these elements as part of its safety check. Where some or all components of a safety check have been completed by another organisation on a board's behalf, the board is still responsible for confirming that these components have been completed, and ensuring that a full safety check has been done. Where this is the case, the Ministry recommends that the board sight a copy of the police vet after gaining authorisation from the volunteer (a police vet should be less than three years old). In these circumstances, the Ministry also recommends that the board still undertake its own identity check of the volunteer.

Where a volunteer has not undergone a safety check **and the board sees fit to allow the religious instruction programme to take place**, the Ministry recommends that a school staff member attends the religious instruction or observance in a supervisory role. The staff member should not participate in the religious instruction programme.

### **A scenario for undertaking or sighting safety checks**

A board was allowing a religious instruction programme delivered by a large provider of religious instruction. All volunteers for the organisation were subject to a police vet as part of their induction. The board sought authorisation from the volunteer assigned to take the religious instruction to see their police vet and will seek authorisation from any volunteers who might fill in from time to time. The board completed the other components of a safety check on the volunteer including an identity check, an interview, a work history check, referee checks and a risk assessment. The board's Child Protection Policy states that it will safety check all volunteers and requires volunteers to sign in and out at the office when visiting.

Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues

Boards should aim to have open lines of communication with students, families, whānau and the community. School boards should be able to use these guidelines to design policies and practices around religious instruction that reflect community need while at the same time protect the rights of students, their families and whānau.

However, there may be times where families and whānau are dissatisfied with the way that religious instruction is handled.

The Ministry recommends that:

boards ensure they have a clear and accessible complaints procedure that staff are familiar with

the complaints procedure (or how to access information about it) is clearly communicated to families and whānau

boards follow the established complaints procedure in an effort to find a satisfactory solution.

If boards do not have a complaints procedure, the Ministry recommends that boards proactively develop one.

For more information on handling complaints, see the Ministry's website for Educational Leaders on [Dealing with complaints](#) and a report from the Ombudsman's Office on [Good complaints handling by school board of trustees](#).

#### **A scenario for communicating and dealing with complaints**

A teacher received a complaint from a parent regarding the school's practice in religious instruction. The parent was unhappy that their child attended a religious instruction class when they had not given consent for their child to participate in to the lesson.

The teacher, using the school's complaints policy, took time to listen to the parent and make sure their concern was understood then advised the parent that they would take some time to investigate what had happened. The concern was relayed to senior management at the school. Upon investigation, it was found that a reliever, who did not have knowledge of who had given consent for which option, was taking the class on the day in question. This led to the child remaining in the class while the religious instruction took place.

The board asked senior management to decide on a number of practical steps to improve communication between permanent staff, relievers and the provider of religious instruction to address the concern. The teacher communicated these solutions to the parent who confirmed that they were satisfied with the outcome.

## Glossary

Closed -	The school (or a designated area of it) is not open for instruction
Karakia -	Māori prayers or incantations (may be religious or non-religious)
Religious Education -	The neutral teaching and presentation of information about religion, in the context of another curriculum subject, such as the social sciences learning area of the New Zealand Curriculum
Religious Instruction -	The teaching or endorsing of a particular faith. It is the non-neutral, partisan teaching of religion which supports or encourages student belief in the religion being taught
Religious Observance -	Ceremonial or devotional acts of religion such as: prayers, karakia, the singing of hymns, or religious readings. It supports or encourages adherence to a particular belief or religion
Safety checks -	As required by the Vulnerable Children Act 2014 requires confirmation of identity, collection of information including work history and an interview, third party checks with police or licensing bodies like the Education Council
Secular -	Not connected with religious matters
Support Services -	Counselling, youth work or health services
Te ao Māori -	The Māori worldview
Te reo Māori -	The Māori language
Tikanga Māori -	The Māori way, culture, custom
Volunteer -	A person who performs work for an organisation without being paid

Detailed information or further Information

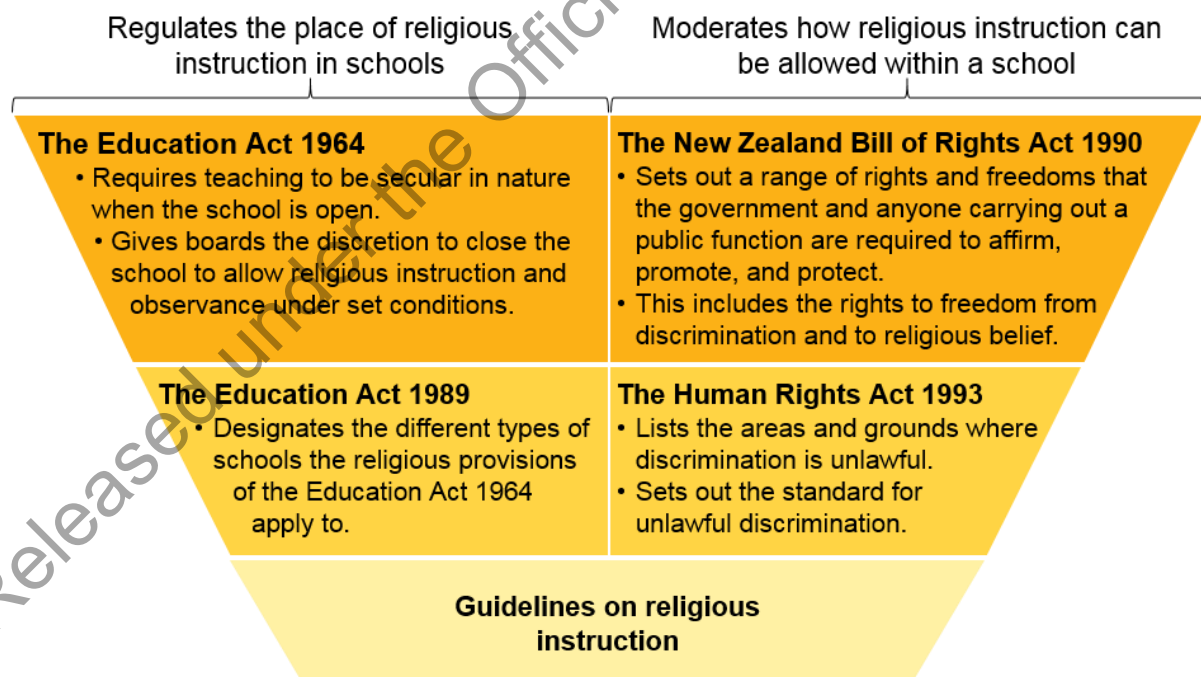
From Page 2

The Education Act 1964

The Education Act 1964 states that teaching in all state primary schools must be *entirely of a secular character* (non-religious) while the school is open. However the Education Act 1964 also gives boards of trustees a choice of whether to close the school, or a place within the school, to allow religious instruction under certain conditions. Boards of trustees can also decide what kind of religious instruction is allowed. The Education Act 1989 means that the Education Act 1964's religious instruction provisions apply to State primary and intermediate schools, schools with designated special character, Kura Kaupapa Māori and some Kura-ā-Iwi.

What this means in practice is that, while schools can close to offer religious instruction, they must do so in a way that does not discriminate against anyone who holds different beliefs. The draft guidelines provide practical advice for boards on how to enable the closure of schools for the delivery of religious instruction programmes, while doing so in a way that keeps the rights of diverse students, and their families and whānau, at the centre of their decision making to reduce the possibility of discrimination.

*The diagram below shows how the different pieces of legislation work together to shape how boards can allow religious instruction to be offered to students in state primary schools*



From Page 3

The application of the guidelines

The guidelines do not apply in the same way to state secondary schools, State integrated schools, or private schools. However, these schools are bound by the Bill of Rights Act 1990 and the Human Rights Act 1993 in the same way as other schools. The boards of these schools should therefore find these guidelines useful when deciding whether to allow, or how to offer religious instruction. State integrated schools will also still need to meet their obligations under the Education Act 1989.

The guidelines do not apply in the same way to religious observances. (Add the footnotes)

For more information, contact your [regional Ministry of Education Office](#).

From pages 4 and 5

The legislative framework

**Education Act 1964** requires all teaching in state primary schools to be secular, but gives boards of trustees of state primary schools the choice of whether to close their school (or a class or classes within the school) to allow religious instruction or observances under set conditions.

The relevant sections of the Education Act 1964 are as follows.

[Section 77](#) requires all teaching in state primary schools to be entirely of a secular character.

[Section 78](#) permits religious instruction to be taken by volunteers and religious observances to be conducted in a manner approved by the board, when either the school, a class or multiple classes, are closed. Closure of the school for the allowance of religious instruction or observances can occur at any time of the school day for a period of up to 60 minutes per week, and no more than 20 hours per year.

[Section 78A](#) allows for extra provision of religious instruction or observances where this is supported by the majority of a school's parent community, and the Minister approves it.

[Section 79](#) requires that attendance at religious instruction or a religious observance is not compulsory. A student is not required to attend if any parent or guardian has conveyed this in writing to the school.

[Section 80](#) permits a teacher to ask the board's approval to be freed from school duties to take part in religious instruction or observances for up to 30 minutes per week.

**The Education Act 1989** defines that **State primary schools** are those that offer education anywhere within the range of Years 1-8, and include **State intermediate schools**, schools with a designated special character, Kura kaupapa Māori and Kura-ā-lwi.

The relevant sections of the Education Act 1989 are as follows.

[Section 5](#) sets out primary school enrolment criteria by age.

[Section 145](#) designates intermediate schools as primary schools.

**Section 156 sets out that designated character schools, including Kura Kaupapa Māori are State schools.**

**Sections 444 and 445 regulate the place of religion in State integrated schools in a different way to other State schools.**

**New Zealand Bill of Rights Act 1990** sets out a range of rights and freedoms that the government and anyone carrying out a public function are required to affirm, uphold and protect. The New Zealand Bill of Rights Act 1990 means that students, their parents, caregivers, family and whānau have the right to freedom to religious or non-religious belief, as well as the right to freedom from discrimination.

In practice, this has a moderating effect on *how* religious instruction is decided on and delivered within a school. The New Zealand Bill of Rights Act 1990 does not override a board's authority to close the school to allow religious instruction to take place.

The relevant sections of the New Zealand Bill of Rights Act 1990 are as follows.

**Section 3** provides that the Bill of Rights only applies to acts done by the government or anyone carrying out a public function

**Section 13** gives everyone the right to freedom of thought, conscience, and religion.

**Section 15** gives everyone the right to manifest their religion and belief - manifestation of religion and belief is how people express their beliefs (such as participating or leading religious ceremonies or wearing religious dress)

**Section 19** gives everyone the right to be free from discrimination on the grounds included in the Human Rights Act 1993.

**Section 20** reinforces that people who belong to ethnic, religious or linguistic minorities also have these rights protected.

**The Human Rights Act 1993** gives more information on what types of discrimination are unlawful. These grounds include discrimination based on religious and non-religious belief, including agnostic and atheistic belief.<sup>17</sup> What this means in practice is that, while boards of trustees can choose to close their school to allow religious instruction, they must do it in a way that does not discriminate against anyone who holds different beliefs.

The relevant sections of the Human Rights Act 1993 are as follows.

**Section 21 sets out that discrimination on the basis of religious or non-religious belief is unlawful.**

From page 13

Perform safety checks on Volunteers

The Vulnerable Children Act 2014 (VCA) introduced a number of requirements including that paid workers who work with and provide regulated services to children will need to be *safety checked* by their employer. The overarching purpose of undertaking the safety check is to ensure that people working with children do not pose a risk to their safety. A

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<sup>17</sup> Human Rights Commission (2010). Human Rights in New Zealand Ngā Tika Tangata O Aotearoa. p. 141. Retrieved from [https://www.hrc.co.nz/files/7014/2388/0544/Human\\_Rights\\_Review\\_2010\\_Full.pdf](https://www.hrc.co.nz/files/7014/2388/0544/Human_Rights_Review_2010_Full.pdf)

safety check comprises six main elements – an identity check, an interview, a police vet, work history check, referee checks and a risk assessment.

While volunteers (people who are not paid for their time) are not required under the VCA to be safety checked, the Ministry recommends that boards *safety check all volunteers who will have access to, and who will have regular or overnight contact with, children*. The Education Act 1964 requires that volunteers deliver religious instruction programmes. Safety checks should be completed by the school (or religious instruction organisation) prior to the volunteer commencing involvement with the religious instruction programme allowed in the school.

Some providers of religious instruction programmes may complete some elements of the safety check, such as a police vet, on volunteers as part of their processes. A school may choose to rely on these elements as part of its safety check. Where some or all components of a safety check have been completed by another organisation on a board's behalf, the board is still responsible for confirming that these components have been completed, and ensuring that a full safety check has been done. Where this is the case, the Ministry recommends that the board sight a copy of the police vet after gaining authorisation from the volunteer (a police vet should be less than three years old). In these circumstances, the Ministry also recommends that the board still undertake its own identity check of the volunteer.

Where a volunteer has not undergone a safety check, the Ministry recommends that a school staff member attends the religious instruction or observance in a supervisory role. The staff member should not participate in the religious instruction programme.

The VCA also requires schools to have a Child Protection Policy in place from 1 July 2016. This policy should outline the board's commitment to child protection and recognise the important role and responsibility of all staff (including volunteers) in the protection of children.

▲

For more information on the Vulnerable Children Act 2014 and helpful resources, see the [Ministry website](#) and the [Children's worker safety checking under the Vulnerable Children Act 2014](#) resource.



50. [REDACTED]

***Submission on the draft guidelines on religious instruction in state primary and intermediate schools me ngā kura***

Tēnā koe

Thank you for the opportunity to make a submission on the draft guidelines on religious instruction in state primary and intermediate schools me ngā kura.

Before I comment on the content of the guidelines themselves, I would like to make a general statement around the need for these guidelines, and the sections of the Education Act 1964 that make religious instruction in state schools possible.

*General comment: Education Act 1964*

The Education Act 1964 is contradictory – it both requires teaching to be secular, and enables religious instruction. Granted, this must only occur when the school is “closed for instruction”, but in practice we know that this distinction between a classroom being open or closed is arbitrary. Granted, there is an “opt out” provision, but we know that this can go unnoticed by parents. Any guidance produced will only go so far to address these issues. If individual school boards do not see the issue around blurring the lines between education and religious instruction, they will likely ignore the well-intentioned guidelines.

Schools will continue to be able to choose to tell very young children, during what are essentially school hours and in regular school classrooms (sometimes by their teachers instead of volunteers), that religion is essential in order to have morals and values. Children who ‘opt out’ are the subject of discrimination from their peers (ostracised socially as an ‘out group’ and missing out on what all their friends are doing, or simply being told they will go to hell) and their school (some schools have children wash dishes, clean the staff room or sit by themselves while their peers have religious instruction, which may be seen as punishment).

This violates the Human Rights Act and the Bill of Rights Act, and any argument that it does not deals in semantics and technicalities and not in the lived reality of the child and their family/whānau. If the Ministry of Education continues to allow schools to deliver religious instruction under the Education Act 1964, it will continue to allow religious discrimination to occur against young children in state schools.

At the very least, my recommendation would be to change the Education Act 1964 to *require religious instruction to happen outside of regular school hours and on an opt in basis only and remove the ability for teachers to deliver this instruction*. The ideal scenario would be to remove the relevant sections from the Education Act 1964 entirely – religious instruction has no place in New Zealand’s **secular** state schooling system.

Perhaps some provisions could be retained or brought in elsewhere to enable some religious observances.

This brings me to my first comment around the draft guidelines, below.

*Feedback on the draft guidelines: Omissions*

Religious observance

The draft guidelines do not provide guidance to schools on offering religious observances, which are also required to be delivered while the school is closed for instruction. If a clear need for guidelines for how to deliver religion in the state school



environment has been identified, it follows that schools would also benefit from guidance around how to deliver religious observances.

In a general sense, discrimination is unlawful under the Human Rights Act, so religious observances should also have guidance as they are likely to result in discrimination (e.g., if children who have “opted out” need to walk out of a school assembly while everyone else sings a religious song or says a prayer, and especially if said song or prayer is led by a member of school teaching staff).

In particular, by carving out ‘observances’ entirely, the guidelines miss an opportunity to support schools in teaching tikanga Māori and te reo Māori in a way that is culturally appropriate and respectful, and may stifle the teaching of these important aspects of the culture of New Zealand.

It is understandable why the Ministry has carved out observances in this way – it may be put in the “too hard basket” as spirituality is so intertwined with tikanga Māori, so to give guidance that limits what religious observances should be carried out in the state school may be viewed as scaring schools away from doing this. However, I would argue that providing schools with explicit examples about what’s ok in a secular schooling context (e.g., a traditional karakia before eating) and what may be less appropriate for a secular school (e.g., the Lord’s Prayer said in te reo during a school assembly or at the start of a class) may make schools feel more comfortable teaching these elements of Māori culture. This would support state schools which are truly interested in secular teaching to deliver te reo and tikanga Māori confidently and in a way that is appropriate.

The protection and promotion of tikanga and te reo Māori in a manner that is consistent with the principles of the Treaty of Waitangi is required of schools under the Education Act 1989. Guidance could support schools in meeting these Treaty obligations. Currently, the guidelines do not acknowledge these obligations, which could be construed as ignoring the tensions that exist in this space.

I believe the Ministry of Education would benefit from working together with Iwi and Māori cultural experts to design guidance for schools to deliver tikanga and te reo Māori properly.

#### Working together with Māori

The introduction to the draft guidelines doesn’t mention who was worked with on their development. Were schools involved in their development? What about representatives from Iwi? The guidelines apply to Kura kaupapa Māori and Kura-ā-Iwi, and yet religious instruction in these environments is not really discussed. We know that spirituality has a large role in te reo and tikanga Māori which is embedded in these schools, and yet the implication is that the guidelines will apply to them in the same way and work just as well as in other state schools. Without ensuring the guidelines are fit for purpose in these schools, they are likely to be largely ignored.

If Māori haven’t been actively engaged as part of the development process, I hope they are engaged during this consultation and worked with following consultation to ensure the guidance is fit for purpose.

#### *Feedback on the draft guidelines: Individual guidelines*

##### Guideline 3: Offer “valid education alternatives”

It is not clear what a ‘valid education alternative’ is. If it’s a ‘values’ programme, who would take this at a time when the school is closed for instruction? Would a teacher be expected to take this? Are there volunteer groups for these like there are for religious

instruction, or do schools need to pay for this? The scenario under 'Guideline 4' suggests "staff" would be taking the alternative programme.

My concern is that schools will completely ignore this whole guideline as they may consider these expectations to be unrealistic, difficult and costly to implement. Take the first scenario: it recommends offering three separate programmes for this school community. Would a better alternative not be to have **no** religious instruction at all, and instead teach values family and culture as part of regular classroom teaching, and offer 'religious education' about Christian and Muslim religious beliefs during a class like social studies? This would be an appropriate way to teach about the beliefs of a community in a way that is appropriate in a state school (i.e., in a secular way), while also helping children and their families learn to be respectful, understanding and tolerant of each other.

#### Guideline 7: Safety checking

Volunteers spending time alone with children should be **required** to be safety checked, not just "the Ministry recommends". Furthermore, the guidelines recommend that if a volunteer has not been safety checked, a school staff member should attend the religious instruction or observance in a supervisory role. Having a staff member/teacher attend the religious instruction may defeat the purpose of having it run by volunteers. This will blur the lines between secular teaching and religious instruction for the children, and may lead to them thinking the teacher enforces the programme (further contributing to the discrimination the children who are opted out would feel).

If it cannot be made mandatory for these volunteers to be safety checked under the Vulnerable Children Act, then the Ministry of Education should give safety checking of volunteers as an explicit example of something schools should do as part of their Child Protection Policy. (e.g., "The Ministry of Education recommends that the Child Protection Policy include the safety checking of all volunteers.")

I hope you find this submission useful.

Many thanks again for the chance to make a submission.

Ngā mihi

██████████

51. [REDACTED]

Religious instruction should not be a part of a state schools program.

[REDACTED]

"South Pacific Islanders are close family of Aotearoa. Therefore they are no burden to us by definition"

Released under the Official Information Act 1982

52. [REDACTED]

Regarding religious instruction in primary schools.

My actual preference would be for religious instruction to not be allowed in primary schools at all, but if it is going to be offered anyway I would like to see it more clearly separated from the secular instruction.

I mostly support these guidelines.

However, I think it is unclear what constitutes the 'closing' of a school or class. As it seems from the guidelines that an area of a school or a class may be 'closed' for up to 60 minutes a week to allow for religious instruction. If a primary school student is in a class that is then 'closed for instruction' for 60 minutes at 10 am on a tuesday every week, how is the student to distinguish between the secular education they receive for the rest of the school day and the religious instruction they receive? I think the guidelines should require there to be a stronger delineation between the religious instruction and the secular education; for instance, religious instruction must occur in a separate location to the student's usual classes, and the closure must only occur at the beginning or end of the school day or at lunchtime or on a day when school is usually closed. Better yet would be if it was only allowed outside of regular school hours and never during the standard school day. The students must be able to understand the religious instruction is entirely separate from the secular education and of a different nature. Requiring that the volunteers not be part of the regular teaching of a school is a good step towards this.

I believe that guideline three should have positive language about the equal appeal of non-religious alternatives to religious instruction. Rather than (or as well as) "Students should not feel pressured to participate in religious instruction because the alternative options are ad hoc or not appealing." I would like to see a statement along the lines of "alternative secular options for students should be equally as appealing/fun as religious instruction and include similar activities". I also think that there might need to be some guidelines around ensuring that if only one or a few students opt out of religious education that there is some way to ensure that they take part in activities with a number of other students (for instance placing them with students from other classes) to prevent them feeling lonely or outcast from the social group.

Thank you,

[REDACTED]

53. [REDACTED]

Dear Sir/Madam

From the subject line you will see my view on what is being pushed at state schools as fact. It is not. It is a belief system that has no place in secular society and the indoctrination of children in New Zealand schools is reprehensible, wrong and should be stopped.

From my own experience with my child, I find it offensive and obscene. The schools are teaching Christianity. That is all. To claim otherwise is false. THEY ARE NOT TEACHING RELIGIOUS INSTRUCTION because if they were, I would not be writing to you. They are proselytising, preaching their god as the only god in town and that only their view/way/instruction is correct. If it were a \*true\* religious instruction class, I'd be happy for my child to attend. I DO NOT AND NEVER WILL APPROVE OF THE UNSANCTIONED PREACHING OF CHRISTIANITY.

Schools have NO BUSINESS getting unqualified, in the main uneducated, simple, credulous people in to preach their message of Jesus. If they taught Hinduism, Buddhism, Islam, Zoroastrianism, Sufi, Sikh beliefs, and respect for all, that would be acceptable in a curriculum. Ramming your dead god down a child's throat is what's happening, and is not on.

WHO THE HECK DO THESE ARROGANT IDIOTS THINK THEY ARE?

Guideline 1 is essential. I received no choice. My son was ostracised because he didn't believe in their dead god. I tried telling him the whole parable re the flight from Egypt/Christmas. He was more concerned that Joseph hadn't provided somewhere for his wife to give birth, he concluded Joseph was a rubbish man. He was 6. I have obviously raised a critical thinker. He is happy with our gods and goddesses, which, incidentally, are passed off as myth/superstition, while a talking snake in a garden with two naked people is accepted without question by all the credulous who believe the Cosmic Zombie Jesus came back to life (sounds legit, right? LoL) after 3 days. The major difference between our Maori gods/goddesses and any other religion, is that MY gods/goddesses exist whether I believe in them or not. Ra will rise tomorrow. Tawhiri Maatea will blow, whether I can see Him or not: I can see the damage/effect. I digress. Wouldn't it be awesome for children to be introduced to the indigenous pantheon of the divine? At least they exist!

Never mind the guidelines, per se. Take it out of education and make these desperate people teach this bs on their own time. We are a secular society, and imaginary friends have no place in teaching. My son was made to do mahi instead of attending the JAM classes (Jesus and Me - see? they weren't even bothering to HIDE the fact it was all about the dead zombie fellow, what contempt! at [REDACTED], Kapiti.

Time to legislate imaginary friends out of our schools. Teach your kids lies, bullshit and falsehoods on your \*own\* time.

Nga mihi

[REDACTED]

54. [REDACTED]

06 December 2018

## **SUBMISSION ON DRAFT GUIDELINES ON RELIGIOUS INSTRUCTION IN SCHOOLS**

Kia ora koutou,

I have some brief comments on the 2018 draft guidelines on religious instruction in state primary and intermediate schools me ngā kura.

**1) Religious instruction and religious observances have no place in a modern, secular New Zealand school.** The teaching of religious studies as a subject (where religion as a phenomenon is studied from an objective point of view) is substantially different and acceptable in a secular society. Indeed, the history of belief, however faulty those beliefs might be, is in itself the history of mankind. By learning objectively about our historical lapses in reason and rationality our children can be helped to think for themselves using sound knowledge and logic.

**2) The guidelines are unacceptable** in that their starting position is that religious instruction can or should be allowed in our schools and kura in the first place. No religion or faith should be afforded such a priority that a school is legally closed to allow children to be indoctrinated into its belief system. Best practice is to not allow religious instruction at all.

I have three children, two currently still in state school. As a parent I am aghast that this practice of allowing religious instruction continues. I opted my children out of religious instruction and sitting in the library to read was the default activity for them. In 2018 no child should have to be separated out from their peers due to non-educational instruction occurring in their classroom that in reality is nothing more than outright proselytism.

I recommend to the Ministry that religious instruction, and the legal supports which enable it in state schools, be removed.

Nāku noa

[REDACTED]  
Wairoa

## 55. [REDACTED] Secular Education Network

Submission on Draft religious guidelines for state schools

by [REDACTED] – party to guideline consultation with the Ministry of Education, 23 February 2015

public relations officer, Secular Education Network

[REDACTED]

[REDACTED]

[REDACTED]

6 December 2018

### **Introduction**

The Ministry's draft guidelines recognise some serious problems with religious instruction in schools and if adopted by schools would reduce some of the harm that parents have been complaining about on the Secular Education's Facebook group for six years. But other serious problems have been ignored.

Unfortunately, the guidelines barely mention the problems arising over religious observances, and problems in high schools are not discussed at all.

Both areas were addressed in 2015 in a mediation between the Ministry of Education on one hand and myself and colleague [REDACTED] on the other, so we are well qualified to comment.

The problems associated with religious instruction:

The draft guidelines deal well with religious instruction: these guidelines are more practical than those issued previously by the Ministry and the Human Rights Commission.

Two further details are worth being mentioned:

**Guideline 1** emphasises the need to consult the community. It could add:

- A board meeting called to discuss religious instruction should be held in open meeting.
- Parents and caregivers should have a right to be supported by friends who are not part of the local community. Supporters from the Secular Education Network are frequently treated with hostility when we give assistance to local parents, including a refusal to provide information requested under the Official Information Act. In 2013 I conducted a survey of religious instruction and 1000 schools failed to reply, making the largest non-compliance the Ombudsman had ever received.

**Guideline 2**, emphasises the importance of full and accurate information being given to students, family and whanau. This rarely happens, because the only information presented is from the RI provider. To meet this need:

- The RI provider should be required to make copies of their syllabus material to the public, so they can be compared and reviewed by parents and the public, and so new parents can have this information before letting their children be enrolled in particular schools. Two of the major suppliers of religious instruction have refused to make copies of their materials available to schools, or to the public.

**Guideline 3**, makes a strong case for schools to provide valid educational programmes, as an alternative for children not enrolled in RI, and a few schools, in our experience, are doing this. However this guideline does not address the concern about the loss of education time. An ad hoc secular programme still reduces the time available for the NZ Curriculum:

- School should consider whether the NZ Curriculum can be adequately taught in a regularly shortened week. This is one of the main reasons for schools discontinuing RI; a neutral set of guidelines should raise this question, rather than pass over it in silence.
- School should consider whether the segregation of religious and non-religious students for religious programmes in their lunch-hours is consistent with valuing diversity and inclusiveness. It is not teaching time, but the children are still in the school's care
- The guidelines give an example of the fairness of a school which provides Christian and Muslim religious instruction, but such a situation almost never arises, because most non-Christian groups do not believe in religious instruction, or lack the resources to provide it. In that situation, a school should ask why it is hosting one religion at all, since it cannot be provided fairly.
- This section assumes that section 78-79 of EA 1964 is consistent with the Bill of Rights Act. A board should debate this, and compare it with the alternative of not providing religious instruction at all. Instead of considering alternative non-curriculum programmes at the school, schools should consider whether there are organisations that can provide religious instruction outside the school altogether.

**Guideline 4 requires written consent** from parents before their children are placed in religious instruction. This guideline is excellent, and is already being used by some schools.

**Guideline 5 suggests schools use only volunteers to lead religious instruction.** This guideline is excellent.

**Guideline 6 suggests all pastoral and support services should be secular in nature.** This is good as far as it goes. We suggest the following additional guidelines should be included:

- The guideline should also suggest no chaplains be appointed at state schools. (A chaplain is a religious counsellor).
- No payment should be made for these services. At present 24/7 youth workers get paid for their services, yet are selected on a religious basis. These payments amount to endorsement of Christianity by the school board and a religious bias in their appointment of staff

**Guideline 7 about safety checks on volunteers** is good.

**Guideline 8** about communicating to families and whanau the complaints procedures is good. However:

- schools should also publicise the rights of minorities to seek a review of their grievances through the Human Rights Commission and to seek mediation if they wish.
- If dissatisfied with commission process complainants should be told of their rights to appeal to the Human Rights Review Tribunal, but should also be advised that there are delays of years due to lack of judicial staff.



- They should also be advised of their right to seek information under the Official Information Act, and to appeal to the Ombudsman if information is not provided within 20 days. The Ombudsman's office has been the only effective redress for religious minority groups, in our experience.

***Three areas not covered by the eight guidelines.***

**9. Religious observances** are explicitly omitted from the guidelines, despite a footnote on page 3 saying schools must observe the relevant time constraints and make sure any religious observance occurs during a time, and when that part of the school is closed for instruction etc. The commentary says the guidelines do not apply in the same way to religious observances, but it fails to spell out the differences.

- If religious observances are suggested to be held during periods such as the school assembly, schools should consider whether the school can be declared closed at the time: since an assembly is part of the regular school programme.
- It is not likely to be practicable to have an alternative assembly.
- It is not likely to be practicable to have students opt out of assemblies
- If volunteers are used to conduct religious observances during assemblies students are likely to see these people as being endorsed by the school (This problem was identified in the 2006 guidelines). If staff members or students conduct them, this is likely to make the observance appear to be part of the school curriculum.
- Nearly all religious instruction programmes include religious observances as well as instruction, but this is frequently denied by the providers. Schools should insist that this be communicated to parents, and that they be explicitly asked whether they consent to Christian prayers and songs.
- Some karakia take the form of religious observances, but a majority of schools ensure that their karakia are not religious. Schools should consider whether their karakia are religious in content, and if so whether opting out is feasible and, if not, whether they are appropriate or should be replaced by secular karakia.

**10 high schools are explicitly excluded from the guidelines** on page 3. But the commentary says these are still bound by the Bill of Rights Act 1990 and the Human Rights Act 1993 in the same way as other schools. It is true that they are bound by the Bill of Rights Act etc, but their situation is not the same as for primary schools, because primary schools have to balance BOR against the provision in EA1964 for religious instruction and religious observances. No such compromise is legally required in secondary schools.

In particular:

- the parents of high school children should not need to be consulted about religious instruction or religious observances, because they should not be held there at all.
- The parents should not need to opt their children out of secondary school programmes because none of them should be discriminatory.
- No alternative programmes should need to be held, since the secular school programme should not need to be closed for the purpose of discriminatory activities.
- As in guideline 6, pastoral activities and support services in secondary schools should be secular, yet in fact they are often not.

- If, despite these guidelines, discriminatory activities happen in secondary schools, the same safeguards should apply: ie the same rights to complain to the Human Rights Commission, the Human Rights Review Tribunal and to the Ombudsman.

## **11 The risk of political interference.**

- The guidelines which we discussed with the Ministry in 2015 were based on guidelines which the Ministry itself had produced in 2006. In 2006, they were presented to the science and education select committee, and were due to be implemented soon after. They were suddenly removed later the same day at the order of the Labour government Minister of Education, following objections by the two Anglican archbishops.
- The guidelines which we discussed with the Ministry in 2015 were themselves dropped a few months later. Despite our protests, the Ministry never moved to the step of promulgating them for wider discussion, so it appears they too were cancelled by the then Minister of Education.
- The guidelines that were issued this year follow a change of government, to one more sympathetic to the rights of diverse students. However these too have evidence of heavy editing, possibly through political interference, or through lack of time to finish the job.
- Since the current guidelines are not mandatory, and since they are subject to the same kind of political interference, complainants should be advised of their right to seek changes to the law, and that Tanya and I are bringing such a case in 2019. They should be advised that religious instruction and religious observances could be coming up for discussion following the court case if it is successful, and they have a right to express their views on law change, to their politicians.

## **12 Are these guidelines redundant?**

- The Secular Education Network since it commenced in 2012 has received thousands of complaints about religion in state schools. If these guidelines had been available and had been followed, a high proportion of these would have been resolved by now.
- It could be argued that these guidelines are too late, since the High Court campaign brought by [REDACTED] and me could make them redundant. However, I believe they are a step in the right direction, and an insurance against the possibility that our court case could face further delays, or defeat.
- As recently as November 2 2018, Red Beach School decided to cancel its controversial religious instruction programme. Announcing this decision, the Board of Trustees said they had taken these draft guidelines into account. About 100 other schools have dropped religious instruction over the past year, citing issues, such as the need for more time for education.
- These guidelines could assist this process. I hope they will be edited and published without delay.

56. [REDACTED]

Dear MOE,

There are a number of obvious problems with the Ministry of Education providing guidelines on religious instruction. I will respond to them in order...

*1. Use community consultation to inform decision-making*

This guideline passes responsibility for allowing religious instruction to a local community and encourages a decision based on popular opinion instead of a decision based on reason and the values that the Ministry of Education promote. This allows a majority to impose their religious views on a secular school and impact on the education of all children. It is divisive and disruptive. A popular vote does not decide what is right or moral and community consultation does not justify promotion of religion within a secular state school.

*2. Provide full and accurate information to students, families and whānau to help them make informed decisions*

I have seen this guideline "fulfilled" before by schools. What they do is offer promotional material from the Churches Education Commission for their deceptively misnamed Christian "Religious Education" classes. Not only does the material give the impression that the classes are all about values but the title implicitly states that they are "religious education" and not "religious instruction". There is no indication at all in any material they provide that children will be taught the Christian god exists that he created the world, that Jesus is his son or that classes include prayers children are invited to join in.

This "full and accurate information" that you expect to be provided will be offered by the same Board of Trustees who have considered and approved of the religious instruction classes enough to try and promote them in the school. I find it highly unlikely (and have never seen) any board would offer any material giving reasons against religious instruction. An informed decision cannot be made by only viewing promotional material.

*3. Offer valid education alternatives to religious instruction*

This guideline again makes a mockery of a secular state school education by "suggesting" that religious instruction be held outside of normal school hours. Clearly, this is something that should be happening as a matter of course, at a place and time of the parent's choosing. Teachers already have a heavy workload and expecting them to come up with a syllabus for a secular values class on top of their existing duties is absurd. Likewise, requiring parents to take time away from their normal day to create and be involved in a class that only exists due to the imposition of religion on the school is insulting.

Despite your interpretation of the laws allowing religious instruction your scenarios do not display the options for alternative programmes properly. [Section 78 of the Education Act 1964](#) does not require the entire school to close during the class. While children that do opt out are generally required to stop their curriculum learning so that the children involved in religious instruction do not miss out on anything, they are not required to by law. The "valid alternative" is simply not necessary. If some children want to go off and do a religious instruction class, the students that do not attend should not be forced to stop their curriculum learning. This is inherently discriminatory. It is saying; "I want to study the bible, so you have to stop learning". Students attending religious instruction should have to make up the lost teaching time and not affect other students who are not involved.

#### *4. Require signed consent for religious instruction*

The biggest problem with signed consent is the aforementioned lack of information provided regarding the case against religious instruction. Religious adherents will always consent and non-religious parents will be handed a pamphlet promoting the classes and have to search for any information against them.

This guideline also contradicts the law regarding religious instruction. There is no requirement for the school to change to an opt in model. The law only allows the ability to opt out, so the student is considered to be part of the class unless the parents specifically opt them out.

#### *5. Use volunteers who are not school staff members to lead religious instruction*

This has long been the stance of the NZEI in an effort to protect their members from conflicts involving religion. However, it does not address the problem of children being confused about the place of religious instruction in the school. The children are, after all, in their school. The teacher is normally present in the class while the children are being taught religious faith as fact. Obviously, when their teacher is present in their normal place of learning, what they are being taught must be true. It is only logical for the child to think that. Why would anyone be teaching them an opinion based on faith as if it were fact when everything else they learn is considered "true"? Removing the teacher removes the "borrowed authority" the church volunteer gains while the teacher is present but it subjects children to unsupervised evangelism from an individual who is not monitored by the MOE or the ERO. Teachers should not be asked to step aside and pretend that they are not validating what is being taught in their classroom. It is an insult to the teacher and their profession.

#### *6. Provide secular school and student support services*

This is a great guideline! But why should it be a guideline at all? Our schools should be secular and so religious groups should not be providing support or counselling services and there certainly should be no chaplaincy. The recommendation against connections with religious instruction providers only exposes the concern regarding religious infiltration of schools as a whole. Why would it be ok for a Baptist church to run religious instruction and a Brethren church to provide a counsellor???

#### *7. Perform safety checks on volunteers*

This is a bit of a no brainer as it is already required.

#### *8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues*

I have personal experience of complaining to both the school and the Ministry of Education and found them to be obstructive and generally supportive of the "status quo" rather than willing to address the principles underlying complaints about religious instruction. School boards should not be able to make decisions regarding the promotion of religious beliefs within a secular state school. The integrity of our secular schools and government should be recovered by the termination of the Education Act 1964 and any other acts of parliament that allow religious privilege within what should be secular organisations.

*These are only guidelines*

A school with a religious bias that wishes to promote their favourite religion can ignore them with impunity. As long as the law allows secular schools to promote religion, the

school can promote any religious beliefs they choose in any way they choose to. Guidelines actually do nothing.

*They don't cover other aspects of religious promotion*

What about prayers at assembly, hymns or the inevitable insertion of religious observances by over-zealous teachers?

*They only cover primary and intermediate schooling*

These guidelines have no bearing on either early childhood education nor high schools. Children within a state school or a non-religious state-funded facility should not have to be concerned about religious agendas affecting their educational experience.

*The goal of religious instruction undermines effective education*

Religious instruction is effectively the antithesis education. Religious instruction has the aim of convincing children to believe in one specific god, whereas education about religion teaches children about what gods people believe in. Religious instruction is contrary to the very purpose of education. It would be like a music teacher only ever taught children that Boy George was the best musical artist of all time, to live according to his beliefs and never teach them about any other music. The law allowing religious instruction is ridiculous

Our secular school system is made laughable by provisions within the Education Act 1964, which allow the school to "close" for religious instruction. My wife would not agree that I am married and monogamous only while I'm wearing my wedding ring and I don't think a school can just flip a switch from being secular to suddenly being a place to promote religion to children who are effectively a captive audience.

*The goals of evangelical churches are being misrepresented or ignored*

You would have to be incredible gullible or wilfully ignorant to believe that churches are only interested in promoting good values to children in a religious instruction class. New Zealand evangelical churches have repeatedly identified young children as being a target of their ministries. The Lausanne Movement is an international group that produced a document called "[The Evangelisation of Children](#)" that specifically comments on the access churches have to primary school children in New Zealand. Among the authors is a representative from the Elim Church who is one of the main players in the Churches Education Commission, who claim that school Bible classes are not a form of evangelism.

*Government should not support religion*

While we have no official separation of church and state, we should do within our education system. No government department should be involved in providing guidelines or justifying the promotion of religion to children in a secular school.

*The guidelines undermine MOE curriculum values*

The guidelines undermine many of the [curriculum values](#) that the Ministry of Education promote. Promoting one religious faith;

- Does not value **diversity** within the school community.
- Does not value **equity** by treating everyone fairly within the school.

- Does not value **community**, but instead creates divisiveness.
- Does not value **integrity** of education. Instead promoting religious beliefs over evidence-based reason.
- Does not value **respect for others**. Instead imposing some people's religious views on a secular school community.

### **Conclusion**

While the law applies to all religions, the reality is that virtually all religious instruction classes in secular state primary schools are Christian with a tendency toward more evangelical and fundamental Christian beliefs.

Some of what is taught completely contradicts curriculum science teaching and certainly contradicts the teaching of reason and critical thinking. The lessons are not taught as something to be questioned or critiqued, they are taught as correct and true.

Some of the values taught are contradictory to what most of us would consider to be "good values". For instance, the whole "killing someone to atone for the wrong-doings of others" basis of Christianity is probably something that most people don't carry over into their every day life. Likewise, a belief system where punishing someone for all eternity if they break the rules is not something that I want to encourage in my 5 and 8 year old girls.

The experience of children and families affected by religious instruction within a state primary school speaks for itself. It took over 6 years of complaints and a high court case before Red Beach School [eventually removed religious instruction](#). [Parents are not fully informed](#) and are often misled. [Minorities are ignored](#). [Children who opt out](#) receive second-rate supervision and activities and have to deal with the stigma of being different as opting out of religious instruction [often creates negative attention](#).

Finally, guidelines from the MOE will do nothing to change the inherent discrimination faced by non-Christians who may be out-numbered by Christians in a rural school community who believe their religious values should be promoted within the school. The recommendations do not change the fact that the guidelines support the division of the school community along the lines of religious beliefs. Religious instruction is the promotion of some people's religious faith within a secular school. This is at the inconvenience of non-Christian children and families who are forced to not only identify themselves as disagreeing with what is being taught but have to inform the school to remove their children from their own classroom while outside religious volunteers take over their classroom to promote their beliefs. In some schools, this can mean being alone or part of only a small number of children who are opted out. This can be frightening and isolating. It not only makes children a target for bullying by their peers but is in fact, state-supported religious bullying, which you are supporting by providing guidelines to continue the practice. Solve the problem and remove religious instruction entirely.

regards,

██████████

57. [REDACTED]

Good afternoon

I support all of the below proposed guidelines.

1. Use community consultation to inform decision-making.
2. Provide full and accurate information to students, families and whānau to help them make informed decisions.
3. Offer valid education alternatives to religious instruction.
4. Adopt a signed consent approach to religious instruction.
5. Use volunteers who are not teaching staff to lead religious instruction.
6. Provide secular school and student support services.
7. Perform or sight safety checks for volunteers.
8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues.

However, I would suggest that they should ideally be codified into law.

Kind regards

[REDACTED]

Released under the Official Information Act 1982

58. [REDACTED]

Submission re Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura

I am writing re the draft guidelines on RI.

I live in Oamaru and my two boys go to [REDACTED].

We have relatively recently finished with RI at the school after a sustained and cynical "infiltration" of the school. This included the board (incl Chairman), chaplains at lunch time roaming the playground, and the use of their bouncy castle at school fundraising events (with the church's name on it). There was possibly some collusion with the principle, and it was incredibly hard and unpleasant for the community to evict these people, with minimal help from MoE.

From this direct experience with RI, I have two problems with ANY RI:

1. Any platitudes, programs etc cannot be trusted once an RI person is in the classroom alone with the kids. And I cannot imagine that anyone is going to be able to police this effectively.
2. It is divisive. It is easy for RI to focus on one religion and present a bias view of that religion. One only needs to look around the world to realise that any divisiveness leads to serious problems for communities and countries. If RI is taught by an agnostic, trained teacher and is about all religions and acceptance of differences then it might even be positive. However, I am very sceptical whether the right people could be found to do the job, and trusted to do the job.

And what happened to a secular education system? Closing the school is a joke. We send kids to school to learn, to open their minds, to be exposed to differences, and for critical thinking, not to be brainwashed. The stakes are too high... kept ANY RI out.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



59. [REDACTED]

6 December 2018

Tēnā koutou

Thank you for the opportunity to comment on the *Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura*. I am a parent of a ten year-old boy who is currently in Year 5 and attends a state primary school in Canterbury.

First and foremost, while I strongly believe in the notions of religious freedom and religious education, I don't believe there is a place in state schools for religious instruction (RI). If a state school education is to be truly secular, as sacrosanct in our law, then any engagement by schools in RI is in conflict with this.

In addition, my personal experience of my son's school's engagement in RI, where the Board of Trustees have not followed *best practice* as outlined in the examples I have included below, has been incredibly upsetting and stressful for our family and highlights the problematic nature of engaging in RI in a supposed secular environment. However, as these will only be *guidelines* on religious instruction, Schools and Boards of Trustees can simply choose to ignore them. The Ministry of Education should therefore either implement these guidelines as *explicit policy*, or recommend that government remove the possibility of RI entirely from taking place within state school system.

This also raises the underlying issue of whether or not the appropriate *Education Act* sections on RI (and also overall) are 'fit for purpose'. If the applicable law is so ambiguous as to allow confusion and uncertainty in their interpretation then the Ministry of Education should be asking the Government to enact new explicit legislation more fit for the job.

Nonetheless, I would like to offer the following general and specific comments regarding the draft guidelines:

### **1. General Comments**

In general and overall, I found the Draft guidelines reasonably clear and concise, easy to understand and very helpful.

However, while the guidelines *should* 'help school boards of trustees allow religious instruction in a way that does not discriminate against anyone who holds different beliefs' unfortunately our experience with our son's school's Board of Trustees this year highlights that Boards often do *not* follow best practice or act in ways that are transparent to their school community. Therefore, two key factors which are missing from the guidelines is *what are the consequences for Boards of Trustees who don't follow best practice* and *what can parents do if they are wholly unsatisfied with the actions of a particular Board of Trustees in relation to RI?*

### **2. Application of guidelines to secondary schools**

Why are the guidelines intended for primary and intermediate schools only? In order that things are consistent for all concerned throughout their entire state school education it would be helpful to apply the same rules to secondary schools as are applied to primary and intermediate schools.

### **3. The difference between religious instruction, religious observance, and religious education**

While the definitions in the guidelines themselves are quite clear, the reality is that Boards of Trustees need to be strongly reminded that best practice is to use appropriate terms and definitions when discussing RI, religious observances (RO) and religious education (RE) and to also *not* use *inappropriate comparisons* to what RI is when communicating with their school communities so as not to be misleading or misinform parents/caregivers as to what is actually taking place.

At our son's school this year for example, the Board of Trustees who do not currently have a policy on RI, decided to allow an RI session to take place in the context of a year 5-6 school camp at [REDACTED] near Christchurch and they made the decision to officially close 'a part of the school' for the session. This was only done, however, after I complained to the Board. I only became aware that [REDACTED] runs a compulsory gospel programme at school camps when I was scanning through their website with my son with a view to giving us both more information about what activities he could expect to undertake at his upcoming camp. I was surprised to see the statement on [REDACTED] 'Schools' page of their website that "As part of the mission of this camp we run a compulsory 'Camp Gospel Program' (1hr max). This is usually done on the first night and is both informative and entertaining" [REDACTED] Website, Schools page, available at [REDACTED].

As my son's school is a state school my immediate thought was that the gospel session would therefore not take place at his upcoming camp. However, when I raised this with my son's teacher the following day I was told that as the school was using [REDACTED] facilities they were entitled to run an activity such as the gospel programme, but that my husband and I would be able to opt our son out of this (although notably as highlighted above the session is advertised as 'compulsory'). Upon reflection and discussing this issue with my husband, and further researching it with regard to the applicable New Zealand law relating to RI in state schools I then wrote to the school and asked them to address this as being an inappropriate session given the School's legal obligations with regard to RI.

However, numerous email correspondences with my son's teachers and Principal were ineffective in getting the school to address this as an issue. Ultimately, the only communication that was sent to parents/caregivers was from a year 5-6 teacher who advised parents that:

*"Concern has been expressed by a family about the One hour Gospel programme which is presented at [REDACTED] camp. It appears to consist of a story, games and competitions ... [REDACTED] compare their facility with a visit to a Marae where the usual protocols are followed. This means that they offer the Gospel programme and they like grace to be said before meals. They believe it allows students to show respect to another group of people and their beliefs."*

After this communication, my husband and I then wrote to the Board of Trustees with a full outline of the issues and correspondence between the school and myself up to that point stressing the urgency of the matter as the camp was only 4 weeks away. Nonetheless, the Board only replied to our letter three (3) working days before the camp was to take place advising us that they had made the decision to officially close part of the school to allow the session to take place, presumably to meet the requirements of *Section 77 of the Education Act 1964*. However, at no time before the camp was this information then communicated to parents/caregivers. Nor were parents/caregivers ever advised that the gospel programme was in fact RI.

I believe that aligning specific values to one religion as expressed in the communication from the year 5-6 teacher is very misleading. Arguably, any teaching of values would be much more effective if approached from a RE focus rather than from one particular religious interpretation. In addition, I genuinely believe comparing an RI session at a state school camp to a Marae visit presents a very false picture of Māoritanga and [REDACTED] usurpation of Māoritanga for its own ends. I asked the school numerous times in writing leading up to the camp to remedy to parents/caregivers the omission of an explicit definition of RI and the inappropriate framing and comparison of the 'gospel programme' at [REDACTED], nonetheless, the Board simply ignored my requests.

#### **4. Section 2. Provide full and accurate information to students, families and whānau to help them make informed decisions**

I note in this section that the Ministry recommends school boards: "... communicate information to students, families and whānau, including through regular community consultation (for example, every three years)." [REDACTED]

It would be useful here to include information that communication to students, families and whānau should be included in a *timely*, not just regular manner. Particularly if issues arise or the situation with regard to RI within the school changes. For example in the camp example highlighted above, the School did not at any time prior to the camp consult with the school community on this matter. When my husband and I challenged this approach the Board's only response was that 'things would potentially be different in the future'. While looking to the future might be aspirational it should not excuse Boards of Trustees from dealing with situations *as they arise* and in a *timely*, not just regular manner.

#### **5. Section 4. Require signed consent for religious instruction**

I fully support the advice to require signed consent for religious instruction.

While I requested the Board of Trustees at my son's school to adopt an 'opt-in' approach to the RI session taking place at the year 5-6 camp, they nonetheless took an 'ostrich like' approach instead and at no time were parents/caregivers provided with a formal process as to exactly how they were to even 'opt-out' their child/ren from the session, to whom, or by when. Again, the only communication to parents/caregivers was from a year-5-6 teacher who noted:

*"Because of the strong feelings of a family we have negotiated the ability to choose between the Gospel activity run by the camp and a recreation time supervised by some parents and staff where students can play board games, do artwork etc. At the end of a busy day we will not be offering outdoor activities at that time. ... You may like to discuss the options with your child or leave the decision to them at camp time. The choice is up to each individual family."*

The statement in this correspondence to parents/caregivers suggesting that families leave the decision to children "at camp time" is of particular concern to me. Year 5 and 6 children cannot be expected to make fully informed and considered decisions about attending RI at camp while being away from their usual home support networks and without any context or understanding of the school's legal obligations to provide a secular environment. Particularly as, parents and caregivers themselves were not ever given transparent and accurate information regarding the gospel programme and the details relating to it being in conflict with the School's legal obligations to provide a secular environment. Although I strenuously raised this point with the Board of Trustees more than once in our communications, they again simply ignored by protestations.

## **6. Section 5. Use volunteers who are not school staff members to lead religious instruction.**

The guidelines need to make it clearer as to what constitutes 'volunteers'. While it may seem there is no need to define what the term volunteers means because it is commonly understood to mean somebody 'who is not paid', as RI is generally undertaken by third party organisations the question is, does 'volunteers' only mean those people who are not being paid *by the school*, or does 'volunteers' also include people even if they are being paid by a *third party organisation* or even those who work for a third party organisation who then 'volunteer' their time, but in fact are *not* being paid *solely for the RI session*?

In the example of the 'gospel programme' at [REDACTED], staff members of the camp undertook the RI session and as both the school and parents were paying for the camp, it was arguable whether or not the RI was therefore being undertaken by 'volunteers'. The school's view was 'that they were not paying for the RI specifically', while we argued that 'in any reasonable person's view staff of the camp could not be considered volunteers'.

The question also remains if an organisation puts forward a paid staff member to undertake RI but does not pay them for *that time only*, can those individuals still be considered as 'genuine volunteers'?

## **7. Appropriate contexts for RI to take place**

This example brings up another point that needs further clarification and advice from the Ministry of Education for Board of Trustees, which is to specifically state *what is and what is not an appropriate context for RI to take place*.

I note the section titled '*The application of the guidelines*' states that "The guidelines apply to activities run on a school's premises, as well as school activities based offsite (such as school camps)". The guidelines do not however address the issue as to whether official school activities based offsite, particularly in the case of a school camp where children are away from their whānau and usual support networks, is *an appropriate context* for RI. In addition while the guidelines acknowledge that 'some boards may choose to close their school, or a place in their school to allow religious instruction programmes' it does not address any issues or guidelines for *managing RI* taking place on an official school activity based offsite.

## **8. Ministry of Education complaints procedure for parents/caregivers unsatisfied with Boards of Trustees management of RI issues**

While I acknowledge that Section 8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues recommends school's proactively develop a complaints procedure, it does not outline the procedure for parents/caregivers who are questioning Boards of Trustees management of RI issues within their children's schools. If having gone through the process of the school's complaints procedures remains unsatisfactory, what does the Ministry of Education then recommend parents/caregivers do? In short, what remedies exist for parents/caregivers if the school does not follow best practice, the appropriate laws or the Ministry of Education guidelines?

It is also imperative that the Ministry of Education does not simply 'fob-off' parents and recommend they go back to the school's Board of Trustees for future action, particularly when they are the very group the parents/caregivers wish to complain about and who may not be acting either within the law or in accordance with guidelines from the Ministry of Education. The Ministry needs to actively acknowledge concerns of

parents/caregivers and get involved in the process of holding Boards of Trustees to account for any inappropriate actions, policies or procedures.

### **9. The rights of third party organisations policies vs the school's legal obligations**

The example of [REDACTED] running a 'compulsory camp gospel programme' as outlined above raises the question as to whether the rights of third party organisations to impose their policies on school's using their facilities outweighs the school's legal obligations with regard to RI. For example, The Board of Trustees at our son's school took the stance that because the school was using [REDACTED] facilities they could impose whatever conditions they liked on the school including running an RI session even though all educational activities, including camp, are meant to be secular. In fact the Board of Trustees stance to ultimately officially close off part of the school and enable the RI to take place only served to strengthen [REDACTED] position rather than dealing with the underlying issue that this was not an appropriate activity for a state school camp.

It would be useful to have specific guidance from the Ministry of Education with regard to this point and also some general *common sense* guidelines for Boards of Trustees as to whether having inappropriate conditions placed on schools by third party organisation's is acceptable within the context of Boards of Trustees responsibility to "consider how their policies and practices in relation to religious instruction impact on the rights of students, their parents, caregivers, families and whānau, to hold different religious and non-religious beliefs".

Thank you again for the opportunity to comment.

Yours sincerely

[REDACTED]

Released under the Official Information Act 1982

60. [REDACTED]

My name is [REDACTED], and this is my submission on the Draft Guidelines on religion instruction in state primary and intermediate schools and kura.

I am making comments under each of the points below. Then I have further comments to make in summary.

In relation to the Ministry's recommendations to BOTs:

***The Ministry recommends that boards of trustees:***

*1. Use community consultation to inform decision-making.*

I AGREE – BOTs should consult with their school community.

*2. Provide full and accurate information to students, families and whānau to help them make informed decisions.*

My position is that this really DOES need to be accurate in relation to the specific content. I do not believe any religious instruction should tell children what to believe or say that one religion should be prioritised over any others. Instruction should be about religion in general, but not instructing or even suggesting children to believe anything specifically, or presenting any religious views as fact (or the impression that they are, which is tricky with such impressionable young minds).

*3. Offer valid education alternatives to religious instruction.*

Absolutely. Children not opting in (as opposed to opting out) should absolutely be offered valid educational and teacher led alternatives to religious instruction, and not in any way made to feel they are missing out etc.

*4. Adopt a signed consent approach to religious instruction.*

YES. MUST be OPT-IN only, with signed consent.

*5. Use volunteers who are not teaching staff to lead religious instruction.*

AGREE. Needs to be neutral and not use teaching staff so to not make children feel they could be penalised or judged for not opting in.

*6. Provide secular school and student support services.*

No comment.

*7. Perform or sight safety checks for volunteers.*

AND have a neutral observer in classes to ensure content does not stray from what is prescribed. NO scaring children to believe in anything, no talk of heaven and hell and punishment etc.

*8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues.*

And adhere to this.

***Overall Comments***

I am STRONGLY OPPOSED to religious instruction in schools in any form other than presenting a non-biased, objective, FACT based education about a WIDE VARIETY of religions and the role they play in society. I see this could be valid in the form of 'social studies' type learning that helps our young people to learn about the world they are part of.

BUT I am completely opposed to ANY RELIGIOUS teaching that presents religious beliefs as facts, or encourages or influences or even scares children into following any beliefs of any specific religion. I believe this is a matter for individual families to decide and guide their children according to their personal beliefs and convictions.

Time and again I have been frustrated by the Bible in Schools (or similar) spokespeople who appear in the media with statements along the lines of "Oh, but we are teaching VALUES including respect, honesty, fairness, etc etc...." But they NEVER admit that they are teaching them tied into a religious framework and teaching religious beliefs. Such values are universal and cannot be claimed under one religion. Values stand strongly in on their own and do not need to be cased in religion to be relevant.

I have no problem with values at all, and support helping develop these universal values in our children. But I am sick of hearing these religious 'educators' try and appear like they are 'just teaching common values'. It is very misleading. If they stood up and admitted things like "We are teaching your children about going to hell, or that they can 'hold God's heart' or even admitting 'we are teaching your children religious beliefs' etc I expect there would be a massive push back, and these educators know it – hence you never hear them really being fully open and honest about what they do. Where are they demonstrating their commitment to the value of honesty?

Overall I do not consider our state schools an appropriate place for introducing any form of religious beliefs. It is a minefield and there will be clearly be strong beliefs on either side. I respect the right of individuals to have religious freedom – it is a core human right. But NO ONE has the right to try and push their beliefs on my children, especially when I am not present – not under the guise of 'values' or anything else. It is underhanded and disrespectful for someone to do this to my children.

I have complained to our local primary school about the practice of handing out Christian religious material at Easter time, and am frustrated that I had to ask for our children to be excluded from receiving this handout.

I believe that if religious views are important to a family then surely the parents will make it a priority to convey this to their children – through going to church, Sunday school, mosque, temple etc. They won't be sitting back and expecting schools to do this of course. So there is no need for bible people to come into our children's schools and take it upon themselves to put their religion up for all children. It is just fundamentally wrong. Our schools are already overloaded trying to deliver a quality curriculum, and they don't need time diverted onto religious instruction pushing just one faith on our very impressionable children.

I hope that this consultation leads to constructive and positive outcomes that respect every person's right to freely belief what they want, without being pressured or influenced by special interest groups.

Please advise if I need to supply any further personal details in order to have my submission acceptable.

Thank-you for the opportunity to submit.

\_\_\_\_\_  
\_\_\_\_\_.

**61. [REDACTED] – Anonymous**

I am grateful for any guidelines that will enable the freedom to teach the bible in schools. That this can be done openly and transparently for the good of the children, with full cooperation of parents, care givers, teachers and volunteers.

With out discriminating against anyone with or without religious beliefs.

This good news is for sharing.

Thank you [REDACTED]

Please note: I do not wish my name , address or e mail address to be used. Thank you

Released under the Official Information Act 1982



62. [REDACTED]

**Submission: Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura**

I would like to see all religious *instruction* removed from state schools.

A long-standing tradition of religious instruction prevails in many NZ primary schools without scrutiny or question. It is often presented as benign 'education' about morals, values and heritage told through Bible stories and the CEC likes to imply, or sometimes state, that it is aligned with the values section of the NZ curriculum.

We have first hand experience of the insidious nature of RI. My partner and I have had to fight to have our questions answered by our then Board regarding the content of RI and the process by which the Board and the Principal had decided that it was relevant and worthwhile. We had to fight to have copies of the lesson plans available to parents and up until the last two years of RI at the school, children not attending were doing supervised colouring in or very easy worksheets.

Many of CEC's lesson plans seem mild enough (many are not if anyone takes the time to read ALL of them), and even though that organisation says that its volunteers stick to those, it is clear they do not. There are always stories of RI volunteers going beyond their remit and talking about aspects of Christianity that are not suitable eg heaven and hell.

In our school the pastor of [REDACTED] became our Board Chairperson because others on the Board did not want the position. He was also one of two chaplains the school allowed to chat to 'troubled' children or just to be a friendly face in the playground. Luckily for us, he made the mistake of recording a sermon in which he talked proudly of 'infiltrating' our school and bringing 'the kingdom' to the Board and the school. He also pointed out that another church member was newly appointed to the board.

After a long, divisive fight, we no longer have chaplains or RI at [REDACTED]. Once parents were given *transparent* information about the content of RI and it was clearly pointed out that the Ministry of Education does not approve these lessons, RI numbers dropped from 70% to under 50% and after a robust consultation RI was offered as a lunchtime class, but only 14 children were registered. It did not go ahead.

The thing is, RI is divisive. State schools are supposed to be secular. Why can't parents take their children to church themselves? Why are Boards allowed to act as vehicles for churches? The ONLY reason CEC pushes RI into schools is to recruit new Christians. They will never admit that though.

What I would LOVE to see, is religious *education* being included in the primary school curriculum. It could include some philosophy and ethics too! It's so important to understand each other and to widen our children's horizons. Not many kids are going to get the opportunity to travel widely. It would be wonderful if their education could include learning about all aspects of humanity.

While the proposed guidelines would definitely have helped us at [REDACTED], I strongly feel that there is no place for RI, no matter what religion, in state schools.

Thank you.

[REDACTED]

63. [REDACTED]

6 December 2018

[REDACTED]

[REDACTED]

**Submission on the Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura**

Thank you for giving the opportunity to make a submission on these guidelines.

I am against religious instruction within schools (especially within normal operating hours) for the following reasons:

1. There is no reason for religious instruction to be held within school hours. If parents want their children to undergo religious instruction, this should be done outside school hours, and preferably at a different location such as a church. Teaching about 'morals' and 'values' does not require any association with religion.
2. Holding religious instruction within school hours gives access to a very vulnerable and captive audience, often by christian or religious fundamentalists
3. Religious Instruction is absolutely discriminatory. Children who come from families of other faiths or who are non-religious and therefore (understandably) do not want to take part are excluded and made to wait until school reopens.
4. School is a place for learning and where children should be able to trust their teachers. Often no distinction is made between 'school time' and 'religious instruction time'. Religious instructors rely upon this trust and confusion to further impress their beliefs on vulnerable young minds, and grow their following.

**Concerns regarding the Guidelines:**

1. Comment on first recommendation (Use community consultation to inform decision-making.)

Allowing religious instruction within schools should not be decided by a popular opinion. A popular opinion does not decide what is moral or right, and allows a majority to impose their religious views on the minority.

2. I'm concerned that these are only guidelines, and I'm unsure how they would be enforced
3. Secondary schools should be included. So should religious observances.

Please stop all religious instruction within schools now. It is not required and is discriminatory.

[REDACTED]

64. [REDACTED]

**Submission on Guidelines for Religious Education in State Primary and Intermediate Schools Me Nga Kura.**

Submission by:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]

I generally support these guidelines. They clarify the requirements of Boards Trustees. I wish to make two points regarding guideline 2. Firstly, that religious instruction is happening under topic studies for some religions because they are closely tied to culture, while in some schools Christian words including Christmas are not permitted. Secondly Christian instruction in schools can improve cooperation between students which is more difficult to convey to parents.

These guidelines are already being implemented in many schools that have 'Bible in Schools' or similar programs being taught by volunteers. Parents are being notified of Christian instruction programs, but regarding guideline 2 instruction of other religions is often happening in topic studies without notification because in many other cultures their religious beliefs are closely intertwined with their culture. Increasingly schools are getting complaints of Christian words, eg Christmas and Easter being used when they are festivals with national recognition but other faith instruction is being encouraged as acceptance of cultural diversity.

A few years ago a new headmaster came to the primary school near where I was living. He was concerned with the level of aggression and bullying in the school. He used procedures outlined in these guidelines and 'Bible in Schools' was introduced. He was surprised at the change that happened. There became fewer fights and more cooperation between students. As a result of the instruction of caring and supporting one another, the school environment became calmer and the teachers were able to spend more time teaching than managing behaviour. Although the parents were aware of the calmer atmosphere their children were working and playing in, this is harder for the teachers to convey to the parents.

I generally support these guidelines but want guideline 2 to be used fairly across all religions and cultures. There can be wider benefits to closing a school for 'Bible in Schools' or similar programs than can be easily conveyed to parents.

65. [REDACTED] – New Zealand Humanist Society

To: [RIO.submissions@education.govt.nz](mailto:RIO.submissions@education.govt.nz)

**Submission to the Ministry of Education's consultation of their Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura**

***About Us***

*Humanist NZ*

Humanist NZ is a national charity working to promote humanism by supporting and representing the non-religious in New Zealand. We promote a secular state and equal treatment of everyone, both in law and policy, regardless of their religion or belief. Humanist NZ works on behalf of the 42% (over 1.6 million) of people in New Zealand who declare themselves to be non-religious, and who seek to live ethical and fulfilling lives on the basis of reason and humanity.

*Humanism*

Humanists are non-religious people who live by moral principles based on reason and respect for others. One of the aims of humanist organisations around the world is to promote humanist views on public policy, especially where others are actively promoting views opposed to humanist values, or where non-religious perspectives are excluded or weak. Humanists use reason, evidence and compassion to form our views on public policy.

***Submission***

We would like to comment broadly on the proposed guidelines document, and then make suggestions on each of the document's eight recommendations.

*Overview*

In general terms, the document does a good job of trying to bring potential issues with offering religious instruction to the attention of schools. These issues are both legal and ethical, and it is important that the focus of this document is kept on the rights and wellbeing of the children.

We would like to see more weight given to the precautionary principle in this document. We feel that it is important to ensure that any decision made by a school about religious instruction is made with the understanding that not allowing religious instruction in school does not infringe on the human rights of children with a religious belief, whereas allowing religious instruction has a real risk of infringing on the human rights of a child who does not have a religious belief. Because of this risk, it would be prudent to stress in the guidelines that if a school is unsure about offering religious instruction they should err on the side of caution, and choose to not allow religious instruction in the school.

*Document Status*

These guidelines are an effort by the Ministry of Education to ensure that the legal rights of children are protected, and because most schools won't be able to dedicate the time and expertise needed to make an informed independent decision on the topic of religious instruction, we think that it is important that all schools follow these recommendations. As such, we believe that this document should be a set of rules rather than guidelines, and that all eight recommendations become requirements. We know that the Ministry of Education have requirements for schools in other important areas, such as First Aid,

Record Keeping and Property Design, and we would be keen to see the Ministry elevate the document to the status of being a set of requirements for schools rather than just guidelines.

### *Scenarios*

It is concerning to see that all of the scenarios given in this document talk about schools either starting or continuing to offer religious instruction. None of the scenarios discuss schools deciding not to offer religious instruction, or choosing to stop offering religious instruction.

We think that the scenarios in this document need to be balanced, so as not to introduce bias in the reader. We understand that this document is concerned with scenarios where religious instruction is being considered, so some of the scenarios have to be about a school which offers religious instruction, but having every single scenario conclude with a school allowing religious instruction is likely to sway readers towards seeing allowing religious instruction as the norm.

In our responses to the individual guidelines below, we will make recommendations as to where we think a scenario could be edited or added to help bring balance to the document.

### *Semantics*

**Offer.** The document talks about boards of trustees and schools “offering” religious instruction, but the sessions are actually offered by the religious groups who run them, and permission to run the sessions within the school is given by a board of trustees. We think that the document should be edited throughout to talk of religious instruction at the school being “**allowed**” by boards of trustees and schools, and “**offered**” by religious instruction providers. We are happy with the terminology of a school “offering” an alternative non-religious programme as this is an accurate description.

**Lesson.** Given that religious instruction is not a part of the New Zealand curriculum, and that it is also not generally considered to be educational, we believe that use of the word “lesson” in the context of religious instruction is problematic. We would like to see this changed throughout the document to “**session**”.

### *Use of Technology*

We would like to see this document stress the use of technology, including schools’ websites and communication apps (e.g. Skoolbag), as a preferred way to disseminate information to the local community about religious instruction.

Making this information available on the school’s website, for example, has numerous benefits over more traditional dissemination methods such as sending children home with printouts. It allows the information to be anonymously viewed by parents, makes it widely available to everyone (including the parents of prospective students at the school), and ensures the information is always available and easily accessible.

### *Templates*

We can see that the Ministry of Education has done a commendable job, on their website, of offering document templates for schools on a variety of topics including Enrolment, Financial

Policy and Emergency Management. Given that these draft guidelines talk about communicating information to parents and whānau, it would be great to see a set of

templates offered to schools alongside this guidance document. These templates would include:

- An example written survey seeking community input (Guideline 1)
- An example of clearly communicated written advice to parents, caregivers and whānau about religious instruction programmes and the education alternatives (Guideline 2)
- An example of a signed opt-in consent form (Guideline 4)
- An example complaints procedure, and a complaint form (Guideline 8)

### *Distribution*

We would be interested in hearing how the Ministry plans to ensure that these guidelines are disseminated to schools, including to teaching staff and school boards. We would be keen to see the Ministry take all possible measures to ensure the guidelines are understood and adopted promptly by all schools.

### *Compliance*

We would like to see the Ministry outline their plans for ensuring that these guidelines are followed by schools. It is our understanding that the Ministry of Education currently collects no information on how religious instruction is run in New Zealand schools, including even basic details such as which schools offer religious instruction. It will be impossible for the

Ministry to have any idea of the success of their guidelines if they continue to have no insight into the running of religious instruction in schools.

We recommend that the Ministry of Education implement a procedure whereby schools are required to report a few basic details to the Ministry every year about religious instruction.

These would include:

- Whether religious instruction is run at the school
- Whether a consultation was run in the previous 12 months, and if so why the consultation was run
- Which year groups the sessions are offered to
- The opt in/opt out numbers for each year group
- What time of day the sessions are run
- Which organisations are running the sessions
- What teaching materials are being used
- How many volunteers in the previous 12 months passed, and how many failed, safety checks

These details could then be used to identify schools likely to be having problems with following the Ministry's guidelines, which would help the Ministry to proactively ensure

that schools are compliant with their legal obligations and reduce the potential for religious instruction to be the cause of social problems for students.

### ***The Guidelines***

#### **1. Use community consultation to inform decision-making**

We believe that consultation with the community should be performed frequently, given that in any 12 month period there is a whole new class of students who will have started at the school.

We think that ideally consultation should be run every 12 months, but that failing this it should be stressed that every 3 years is a minimum frequency.

The following bullet point can be made clearer that a consultation with the community needs to be performed regularly:

- consult every three years, or when there has been a noticeable change in the needs of the community, or if there is a proposed change to the religious instruction offered

This should be changed to:

- consult at least every three years, and also whenever there is a substantial change, such as a change in the needs of the community, or a proposed change to the religious instruction offered

It should be stressed that community consultation should not result in a simple majority being seen as a justification for offering religious instruction. The rights of all children should be considered when making this decision, not just the rights of the children of a majority of the parents.

In the scenario for this guideline, the wording makes the religious instruction program sound like it is owned by the school board:

“A board was reviewing its religious instruction programme.”

We think this should be changed to:

“A board was reviewing the religious instruction programme being run in its school.”

We would like to see a second scenario added to this guideline, where a school is approached by an organisation to allow religious instruction. The school asks for feedback from the community, receives strong views from both sides, and decides that the best course of action is to not allow religious instruction at the school. This would also be a good opportunity to highlight the use of a school's website for disseminating information:

#### ***A second scenario for community consultation to inform decision-making***

A board was approached by a local religious group about the possibility of offering religious instruction at the school. The board decided to make information about the nature and content of the proposed religious instruction programme, and on the alternative non-religious programme that would be available to those that do not participate, available on its website. The board advertised the web page in the school newsletter, on the front page of its website and social media pages, and it also sent information home with students.

The web page welcomed feedback from students, families, whānau and community members. A feedback form was hosted at the bottom of the page, with the option for submitted comments to be anonymous. The postal address of the school was given for physical submissions, and advice was given that written feedback could also be handed in to the school office.

The board considered all the feedback, and found that the community had very strong views about religious instruction, both for and against. The board decided not to start offering religious instruction at the school.

The board summarised and published the feedback and final decision, including how it arrived at the decision, in the school newsletter and on its website.

2. Provide full and accurate information to students, families and whānau to help them make informed decisions

The last bullet point in this guideline needs to make it clear that a school should let parents and whānau know which religious faith group is running religious instruction at the school, and also which individual volunteers are running the program. The point currently reads as:

- on who will be taking each of the programmes, and the time and place that the programmes will be held

This should be changed to:

- on who will be taking each of the programmes, the religious group they belong to, and the time and place that the programmes will be held

We would like to see that schools are also asked to mention any conflicts of interest among staff and board members. This could be done by adding an extra bullet point to the list:

- on any conflicts of interest among school staff or board members

The transparency of information mentioned in this section should go beyond the families and whānau of children, and should always be made publicly accessible - preferably with placement of the information on the school's website.

We would like to see the addition of a scenario to this guideline which talks about a school gathering information about their religious instruction programme and the education alternative, and placing it in an easily accessible place on their school website, as well as sending a link to the web page to all parents:

*A scenario where a school informs the community about their existing religious instruction programme*

After receiving a new set of guidelines on religious instruction from the Ministry of Education, a board decided to inform the local community about a religious instruction program that had been running at their school for many years.

The board collated information on the nature and content of both the religious instruction programme and a new alternative non-religious programme they had recently started offering to students. This information was converted into a set of PDF documents.

The information was uploaded to a new page on the school's website, and a link to the page was shared on the front page of the website, the school's Facebook and Twitter



accounts, and the school's Skoolbag app. The school newsletter let parents and whānau know about the availability of the information, and advised that a printed hard copy of the documents could be created and made available for pick-up at the school office if required.

### 3. Offer valid education alternatives to religious instruction

Given that religious instruction is not education, it seems overly restrictive that mention is made in these guidelines of the need for a "valid education alternative" to be offered to opted out students. This should simply be a "valid alternative", as it seems unfair for exempted students that their activities would be restricted to educational activities only, when there is no such restriction on the students in a religious instruction session.

We think that more stress needs to be given to the preference for before or after school as an acceptable time to offer religious instruction, given that running sessions at this time is less likely to cause social issues for exempted children. We have heard many stories of children feeling left out because of being exempted from religious instruction, and ensuring that these exempted children are not at school at the times when religious instruction occurs would reduce the chance of these children feeling different to the children attending religious instruction. It is also possible that a more general division or segregation could occur among students, due to them being regularly separated into groups based on their families' religious instruction preferences.

Related to this point, we consider it should be stressed to schools that ideally religious instruction should work around a normal school day, rather than having a school day being altered to allow for religious instruction. We think that it is unnecessarily burdensome on parents, and confusing for children, to have a school start later or end earlier on one or more days in order to cater for religious instruction.

To support the idea of religious instruction being minimally intrusive of a school day, the second scenario given in this guideline should be changed to talk about the school starting at the same time on Friday, 9.00am, as the rest of the week, and religious instruction starting earlier, at 8.30am:

*A scenario where a school is closed when religious instruction programmes are offered*

A board decided after consultation with its community to continue to provide religious instruction on Fridays. School started at 9.00am. Students who participated in religious instruction came to school at 8.30am. The religious instruction programme ran through to 9.00am, at which time the school opened for teaching.

### 4. Adopt a signed consent approach to religious instruction

The following sentence is ambiguous, and gives the impression that signed consent is sufficient to protect a child from discrimination:

"Requiring signed consent helps schools to align practices and processes with the protection of students' rights and ensure students are free from discrimination"

This sentence should be changed to:

"Requiring signed consent helps schools to align practices and processes with the protection of students' rights, and is a step that helps to ensure students are free from discrimination"

We think it is important that consent should be given by all legal guardians of a child before they are allowed to attend religious instruction. In cases where parents are in

disagreement about whether a child should receive religious instruction, the precautionary principle should be followed and the child should be considered to be non-participatory.

We are concerned about the end of the scenario given for this section, where the religious instruction provider's contact details are given to parents.

"The board included on the consent form the contact information of the provider of the religious instruction programme so that families and whānau could contact the provider directly for more information."

We do not feel that the best way to receive impartial advice about a religious instruction provider would be to ask them directly. It seems implausible that a religious instruction provider would ever say anything other than positive words about their own services.

Instead, we think that families and whānau would best be directed to the website or other material of the provider, in order to be able to make up their mind without feeling pressured or coerced, and that they can then choose whether to contact the provider using the contact information supplied in their promotional material.

#### 5. Use volunteers who are not teaching staff to lead religious instruction

We are concerned that the use of teachers in a supervisory role during religious instruction sessions gives them undue legitimacy. Ideally supervision should be performed by a staff member not associated by the children with learning, but we recognise that this could be difficult given that children will tend to see all adults working at the school as teaching staff.

At the very least we consider it important that any supervision is undertaken by a staff member other than the students' regular teacher.

#### 6. Provide secular school and student support services

A paragraph should be added to this guideline stating that any volunteers from external student support services who have an affiliation with a religious group should not be allowed to promote to students any religious activities occurring outside of the school.

To offer balance, the scenario in this guideline should end with the school deciding not to allow the pastoral worker to offer services in the school, because of their affiliation with a Christian organisation:

##### *A scenario for secular support services*

A board was offered the help of a small, not-for-profit organisation that would provide support services to students, families and whānau by way of a trained individual support worker. The organisation was founded on Christian principles and provides a range of services to the community.

The board was aware that the organisation had also requested to become a religious instruction provider at the school. The board decided that, although the organisation claimed that the services the support worker would offer to students would be secular in nature, the risk of conflict in having a Christian organisation offering secular services in school was unacceptable.

The board decided to decline the organisation's offer, and the school communicated this decision, and its reasoning, to the community.

## 7. Perform or sight safety checks for volunteers

We believe that the scenario given in this guideline should be changed to suggest what a school should do if the documentation for background checks is not in order:

### *A scenario for undertaking or sighting safety checks*

A board was allowing a religious instruction programme delivered by a large, well organised religious instruction provider. All volunteers for the organisation were subject to a police vet as part of their induction.

The board instituted a Child Protection Policy which stated that it will safety check all volunteers, and requires volunteers to sign in and out at the office when visiting. The board sought authorisation from the volunteer assigned to take the religious instruction to see their police vet and will seek authorisation from any volunteers who might fill in from time to time.

The board completed the other components of a safety check on the volunteer including an identity check, an interview, a work history check, referee checks and a risk assessment.

The volunteer was unable to provide a satisfactory work history, and the board decided that it would not allow the volunteer to offer religious instruction at the school. The board communicated their decision, and the reasons for it, to the provider, and reminded the provider of the safety checks that all volunteers need to pass before being allowed to run religious instruction sessions in the school.

## 8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues

We feel that the first paragraph should be stronger when it comes to talking about the importance of students' rights, as the second sentence currently makes it sound like the community need and rights of students should be balanced:

"School boards should be able to use these guidelines to design policies and practices around religious instruction that reflect community need while at the same time protect the rights of students, their families and whānau"

A preferable wording like below would stress that the protection of students' rights is paramount:

"School boards should be able to use these guidelines to design policies and practices around religious instruction that reflect community need while at the same time ensuring that the rights of students, their families and whānau are always protected"

Due to the sensitive nature of people voicing their views on religious instruction, there should be mention of schools offering an option for families and whānau to make an anonymous complaint. This would obviously come with a disclaimer explaining that there can be no feedback or two way communication when using this form of complaint.

The guideline for this complaint should be changed to show a school taking sensible precautions when a religious instruction provider fails to abide by agreed-to rules:

*A scenario for communicating and dealing with complaints*

A teacher received a complaint from a parent regarding the school's practice in religious instruction. The parent was unhappy that their child attended a religious instruction class when they had not given consent for their child to participate in the lesson.

The teacher, using the school's complaints policy, took time to listen to the parent and make sure their concern was understood then advised the parent that they would take some time to investigate what had happened. The concern was relayed to senior management at the school.

Upon investigation, it was found that a reliever, who did not have knowledge of who had given consent for which option, was taking the class on the day in question. This led to the child remaining in the class while the religious instruction took place.

The board considered the issue and concluded that, although a school staff member had allowed the child to stay in class during religious instruction, ultimately it was the responsibility of the volunteer working for the religious instruction provider to ensure that only opted in children were attending the session. Religious instruction was suspended at the school, and the provider was advised that the sessions could continue once they had demonstrated the changes they had made in their procedures to ensure that a similar mistake would not happen again.

Please also be aware that there is a typo in the existing scenario:

"for their child to participate in to the lesson"

If the scenario is retained as is, this should be changed to:

"for their child to participate in the lesson"

We are grateful for being given the opportunity to give feedback on this set of guidelines, and thank the Ministry of Education for their diligence in taking on this important task.

This submission has been made by [REDACTED] (President) and [REDACTED] (Vice President), on behalf of Humanist NZ.

66. [REDACTED]

To whom it may concern,

I'm writing in regards to the issue of Bibles taken out of schools, this is not only concerning but also brings sadness to my heart. I've been studying the Bible for a couple of years now and I can't express the pure joy it brings to my heart, for example you have beautiful texts like Galatians 5:22-23 "But the fruit of the Spirit is love, peace, patience, kindness, goodness, faithfulness, gentleness and self control" N.I.V. Are these not very good values we'd like to see not only in our kids but in all of us? And also learning truths and exposing lies of the world like in John 3:16 "For God so loved the world that He gave His one and only Son, that whosoever believes in Him shall not perish but have eternal life", which clearly explains that God is not a tyrant that would send somebody to eternal torment (by using the word perish). Also, if there's no God the other option is evolution which can be very dangerous, for example Hitler was a very strong evolutionist that viewed human existence as breathing matter, not as a beautiful creation with the ability to choose the difference between right and wrong. Since science clearly explains that matter can't produce information where do the morals come from let alone the complex information that is needed for life. So, I beg of you and pray that God is not kicked out of schools for this is the step in the wrong direction to kick God out of the future of this country.

Thank you so much for your time, God bless.

Sincerely

[REDACTED]

Released under the Official Information Act 1982

67. [REDACTED]

Kia Ora

I would like to express my support for these guidelines. I think they are balanced, fair, and allow school boards of trustees to hold religious instruction in a way that does not discriminate against anyone who holds different beliefs. I think it's very important that alternatives to the instruction not be chores, or negative activities.

I do think that religious instruction is important, and a valid and necessary thing to have on offer. I think these guidelines promote best practice for the purpose of allowing religious instruction programmes.

Thank you for the opportunity to submit.

[REDACTED]

Released under the Official Information Act 1982

68. [REDACTED]

In a chance supermarket conversation, a local Mum said she was disappointed that the Bible in Schools (Christian religious instruction) programme wasn't running any longer at her school. This has prompted me to make a submission supporting the option for schools to continue being allowed to provide a religious instruction programme. I realise schools must balance this with all their other demands on time.

My children attended the same primary school as this Mum and for several years I was part of the Christian religious instruction (CRI) team there. Our team was made up of volunteers from the local churches of various denominations, included a number of trained teachers (not school staff) and were under the auspices of the Christian Education Commission (CEC). CEC provided ongoing training modules and assessment and did the police checks. In addition, volunteers had to be endorsed by their local church leaders. The CRI curriculum used was approved by the school Board of Trustees. Class teachers remained in the classroom and were responsible for class discipline. All of these are in line with the draft policy.

The value of a local CRI programme is:

- building community. "It takes a village to raise a child." Children get to know their CRI teachers and see them along the street and in the local mall or shops, where teachers get many friendly greetings and see the local children as they grow and mature.
- promoting values, such as self worth and integrity, care for each other and our environment, which are helpful both at school and throughout life.

Thanks, [REDACTED]

Released under the Official Information Act 1982

69. [REDACTED]

To who it may concern:

In principle, I am opposed to the current practise of religious instruction. Children as young as 5 are not capable of critically evaluating information given to them, and as such it is important that the adults entrusted with teaching then take care not to present articles of faith as articles of fact.

I would much rather have religious instruction replaced with religious education, with an academic approach to learning about many world religions, to give children more exposure to the faiths of their multi-cultural friends and neighbours so they may better understand them. However, I acknowledge that the scope of this process is limited to guidelines for schools working within the education act as it stands.

Overall I find that these guidelines, especially the suggestion that classes should be opt in and the provision of alternative education options, are an improvement. My own experience as an opt out child of religious instruction, back in the 1980s, saw myself and 2 other kids relegated to a spare room to essentially amuse ourselves- having a set lesson plan would have been an improvement.

I do have some suggestions however.

#### Guideline 1

I would like boards, as part of the consultation process, to float the possibility of allowing religious education in place of religious instruction.

#### Guideline 2

- *that any religious instruction programme is not religious education and therefore not part of the New Zealand Curriculum*

Parents will not know the distinction between religious instruction and religious education. Schools should inform parents of the distinction. I suggest:

- *Boards should inform parents that the religious instruction programme is a course providing informat on on a particular faith, and that this information is not part of nor drawn from the New Zealand Curriculum, and is not necessarily presented by trained and qualified teachers.*
- *Boards should draw a distinction between religious instruction and religious education, and explain that religious education involves learning about many religions and their tenets.*

#### Guideline 3

Under the example for offering alternative activities, the following text is used:

- *As a result of community consultation it was decided that the education alternative would be an inquiry based around values, family and culture in a non-religious context.*

This sounds like an excellent activity, and I would like it to be included as an example of an alternative parents can be offered under Guideline 1.



General

I wonder if it would be of value to schools to present some model consultation and information literature for them to use when consulting the community; my fear is that otherwise an overworked board may instead leave this consultation fully in the hands of religious instruction organisations.

Thank you for the opportunity to review and make a submission on this issue.

Yours sincerely,

████████████████████

Released under the Official Information Act 1982

70. [REDACTED]

Submission for the RI guidelines - Ministry of Education Consultation 2018

**Introduction:**

My name is [REDACTED] my children attended [REDACTED], a year 1-6 state primary school in Oamaru, North Otago from [REDACTED].

[REDACTED] aggressively defended its right to hold RI against parent opposition from [REDACTED]. My submission looks at these draft guidelines and measures how they may have been able to help the situation that evolved at [REDACTED].

I am a parent of primary-aged children with no involvement in the Education system other than my children attend a state school.

There are two elephants in the room with regard to these Guidelines which must be addressed:

A – is the legislation allowing RI to occur, EA 1964, still relevant in 2018? It is now 55 years old, NZ has changed and is no longer the Christian-dominant society it was in the 20th century. The Guidelines attempt to make this outdated system mesh with NZBORA and HRA, but fundamentally do not address the problem of whether the EA 1964 law itself is fit for purpose given it promotes discrimination in a state school setting.

B – these Guidelines will not change the actions of BOT and principals who are determined to have RI at the school regardless. These Guidelines would not have been followed at [REDACTED]. These Guidelines are not mandatory. School BOTs can choose to ignore them with no penalty and no one holding them to account.

I also note with interest that all the Scenarios offered in the Guidelines end with the school allowing RI. In the interests of non-biased information from the Ministry, at least some of the Scenarios should end with the school going through the process of deciding whether to allow RI – and deciding not to.

**Section 1: Why guidelines on religious instruction?**

This section talks about the EA 1964 and the HRA and NZBORA. EA 1964 enables religious instruction to occur in a school but conflicts with HRA and NZBORA.

The section on the EA 1989 omits Schedule 6 which talks about the rights and responsibilities of the BOT.

**Section 2: The application of the guidelines**

Religious observances should be opt in in the same way that RI is. School wide prayers and hymns should be included in these guidelines and opt in.

Secondary schools should be included in these guidelines.

**Section 3: The legislative framework**

*“The New Zealand Bill of Rights Act 1990 does not override a board’s authority to close the school to allow religious instruction to take place.”*

This shows clearly the conflict between the NZBORA and the EA 1964.

*"What this means in practice is that, while boards of trustees can choose to close their school to allow religious instruction, they must do it in a way that does not discriminate against anyone who holds different beliefs."*

This shows clearly the conflict between HRA and EA 1964. The BOT is closing the school for some children to do RI and the children who do not do RI are prevented from continuing with their classwork and learning from the curriculum.

The section on the EA 1989 omits Schedule 6 which talks about the rights and responsibilities of the BOT.

#### **EA 1989 Schedule 6: 5 Board's objectives in governing school**

*(1) A board's primary objective in governing the school is to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement.*

*(2) To meet the primary objective, the board must—*

*(a) ensure that the school—*

*(i) is a physically and emotionally safe place for all students and staff; and*

*(ii) is inclusive of and caters for students with differing needs; and*

*(b) have particular regard to any statement of National Education and Learning Priorities issued under section 1A; and*

*(c) comply with its obligations under sections 60A (in relation to curriculum statements and national performance measures), 61 (in relation to teaching and learning programmes), and 62 (in relation to monitoring of student performance); and*

*(d) if the school is a member of a community of learning that has a community of learning agreement under section 72, comply with its obligations under that agreement as a member of that community; and*

*(e) comply with all of its other obligations under this or any other Act.*

This is critically important for guidelines on an extra-curricular activity that is controversial like RI. A BOT must hold these principles first – educational achievement, keep the school as safe place for all students and staff, be inclusive of and caters for students with differing needs.

Every time RI is held in normal classtime the BOT is consciously and deliberately closing the school and removing curriculum time from all their students, decreasing their ability to deliver the National Curriculum to all their students. At 30 min a week, 40 weeks a year and 6 years of schooling this adds up to 120 hours of curriculum time lost.

The amount of time used by the BOT, principal, senior staff at [REDACTED] on dealing with RI complaints, logistics and management over a period of decades is/was completely out of proportion for a school that was supposed to be putting educational achievements first. If another extra-curricular activity, eg ripper rugby, took up this amount of time and energy for the principal, staff and BOT it would have been canned within six months. RI is not core business for a state school.

The BOT did not consider how RI impacted on being an emotionally safe place for all students and staff, the decision making was instead based on historical precedence and personal bias and preferences.

It took years of complaints from many people before the BOT at [REDACTED] considered how RI was incompatible with being inclusive and catering for students with differing needs. At [REDACTED] in [REDACTED] the school was split in half along religious lines, with half the children in RI and half the children not. My 6 year old knew exactly which side of the religious fence his family was on and where his friends families belonged. RI at [REDACTED] created segregation and division where there should be none.

***The exclusion of Section 5 of Schedule 6 from the Guidelines is critically important – this must be included to remind the BOT of their primary objectives when making decisions about RI and RO.***

#### **Section 4: Summary**

*“Boards should consider how to balance diverse beliefs in a manner that protects students and their parents, caregivers, families and whānau, while meeting the needs and wishes of the communities they serve.”*

The second part of the last sentence should be deleted. “The needs and wishes of the community they serve” is subservient to protecting the students. If these Guidelines are child-centred, it should be all about the students attending the school and their whanau. The supposed “needs” and wishes of the communities they serve could be construed as the local church – and the “needs” of that church community to access the schoolchildren should not be considered by the BOT.

*“close their school, or a place in their school to allow religious instruction programmes”*

There needs to be clarification over the definition of “place in their school”. The situation where children in rooms 1-4 are in class, yet at the same time children in room 5 and 6 have their classrooms “closed for instruction” to enable RI, is simply not tenable or conscionable. It is a legalistic nonsense.

If RI is to be considered, have it outside of normal schooltime – eg before 9am or after 3pm. This is the best practice that removes all doubt as to whether the school is open or closed for instruction for all children and their whanau.

This has the additional advantage that the school doesn’t need to offer any alternative for children not doing RI, they can arrive and leave school at the normal times.

#### **Guideline 1: Use community consultation to inform decision-making**

At [REDACTED] the community consultation over the years was a tickbox exercise in order to retain the status quo (ie RI in classtime). There was misinformation, incorrect information (eg. RI is Ministry of Education approved), clear bias, no information as to the provider or the curriculum. All people who did not respond were assumed by the principal/BOT to want RI as the default. It was called Religious Education or CRE and not RI (which made it sound like it was education about all religions rather than being like Sunday School), there was no mention of the school being closed or the legalities around RI.

Community consultation should not be an exercise in majority rules. Objections to RI at a school, even if made by a minority of people, may be of such significance that RI should not be allowed.

Given that schools are legislated secular, the default should be that RI is not allowed at a school. Allowing RI must be a reasoned and considered decision by the BOT with clear and well communicated arguments as to why it should be allowed.

In “the scenario for community consultation to inform decision-making”, information presented at a meeting should also be available on the school website, attached to the school newsletter, emailed to whānau. Perhaps use SurveyMonkey to gather feedback and consider allowing anonymous feedback. Attendance at a meeting to get information and then a paper-based form for feedback is not best practice in 2018.

As a parent giving feedback at [REDACTED] I felt vulnerable, it was a very uncomfortable position to be giving negative feedback about RI given the prevailing attitudes of the principal and BOT. It was particularly hard given Oamaru is a small town where everyone can know everyone else’s business.

Many schools do not make the process of consultation and decision-making about RI open and transparent, some schools go into committee to avoid the public attending or accessing minutes. The Ministry should make it clear that the decision of allowing RI should not be held in committee.

The Ministry of Education should consider having a template survey which shows BOT exactly what information should be disseminated and how feedback should be requested and analysed.

***Guideline 2: Provide full and accurate information to students, families and whānau to help them make informed decisions***

Information on the provider should include naming the volunteers (who are cleared on safety check) and the church/es involved in providing volunteers.

Guideline 2 should include that *the BOT* is also fully informed of what RI is. A copy of the curriculum used should be held on file at the school, and the contents read and understood by the BOT prior to making the decision about whether to allow RI at the school.

As new families and children arrive at the school every year, this full information should be in the enrolment pack.

At [REDACTED] parents, teachers and the BOT were not aware of the curriculum being used by the CEC volunteers for the new entrant class for upwards of ten years. The RI provider followed a programme for the five year olds that was evangelical and not at all suitable for children from varied backgrounds in a state school. No-one at the school or on the BOT had ever checked the appropriateness of the programme yet allowed it to roll over year after year.

***Guideline 3: Offer valid education alternatives to religious instruction***

This guideline simply makes no sense.

Schools follow the National Curriculum and when the school is open the children learn from the curriculum. This includes Values (<http://nzcurriculum.tki.org.nz/The-New-Zealand-Curriculum#collapsible6>) and many schools use their own School Values to inform behaviour expectations, for example PB4L.

When the school is closed the school may allow RI. When the school is closed, the school is not open to offer “valid education alternatives”. You can’t have it both ways and

have half a school closed for the children attending RI and yet the other half of the school open for those children who aren't.

██████ tried to do this and ended up in a crazy muddle with children not doing RI either not at school or doing School Values (as per PB4L) which then meant that the children doing RI or not at school missed out on the School Values. If school values are important and part of the curriculum, then all children should be learning them!

"The scenario for offering alternative programmes" offered is simply not viable under the law, if the school is closed, there can be no validity to an "education alternative [that] would be an inquiry based around values, family and culture in a non-religious context". The school is closed.

"The scenario where a school is closed when religious instruction programmes are offered" is not best practice. Best practice would be that the school offers RI at 8:30-9am so the children who do not attend RI are not affected in any way and can attend their school as usual. This also has the advantage that the school does not have to manage when to check the school roll, organise supervision or alternative activities

The Ministry of Education needs to be clear that a school not having RI is the default option given that schools are legislated to be secular. Children not attending RI should not have their education disrupted for the extra-curricular activity

#### **Guideline 4: Require signed consent for religious instruction**

*"Requiring signed consent helps schools to align practices and processes with the protection of students' rights and ensure students are free from discrimination. This lowers the possibility that students will face discrimination based on their religious or non-religious beliefs"*

Children may face discrimination based on their religious or non-religious beliefs because of the presence of RI. Their parents need to decide whether their children attend or not with the signed consent – but this does not remove the discrimination that may be faced by the family due to the presence of the programme. Their child is now clearly identified as to which camp they belong to and therefore attracting any discrimination that may arise.

It would be helpful for the Ministry to spell out the difference between opt-in and opt-out programmes as this is not explicitly explained and yet this is the language used in the legislation and in schools over the last 55 years.

Again it should be made clear that the default option is non-RI, and that informed consent is required for any RI programme.

"The scenario of a signed consent process for religious instruction" repeats the fallacy of a non-religious alternative.

*"The board included on the consent form the contact information of the provider of the religious instruction programme so that families and whānau could contact the provider directly for more information"*

The mis-information from providers of RI programmes is legendary. It includes not allowing parents to see curriculum documents, calling the programmes Religious Education or "Ministry of Education approved", presenting parents with a selective summary of teaching materials but not including more controversial material, withholding powerpoint presentations and saying the programme is only "Values" and not really religious at all. All of this happened at ██████.

The providers of the RI programmes are not trustworthy in relation to providing full and correct information to whanau.

***Guideline 5: Use volunteers who are not school staff members to lead religious instruction***

Please can you add in that *BOT members* are not to lead Religious Instruction. At [REDACTED] the BOT Chair was also the [REDACTED] church, an RI volunteer, a religious school chaplain and also responding to complaints to the BOT about RI.

It shouldn't have to be clarified but I wouldn't want anyone else to have to deal with this situation, it is so clearly wrong and a conflict of interest (and yet was said to be ok by the [REDACTED] principal, BOT and the NZSTA consultant!).

***Guideline 6: Provide secular school and student support services***

Yes, all student support should be secular in nature.

At [REDACTED] there were two chaplains (one of whom the BOT chair) that were affiliated with the [REDACTED] (part of the CEC organisation). The chaplain/BOT chair was at school at lunchtimes, playing football with the boys and being a "listening ear" for the children.

There was no way for me to opt my child out from his attention, there was no supervision from the teachers and school staff and the chaplain was well known for being the [REDACTED] church. I was very uncomfortable with the situation as were other parents but the principal and BOT wanted to have the religious chaplains at the school and differing opinions were not welcomed or listened to.

Schools will say that there is no money for support services and the churches are offering to be at the school for minimal cost or for free. However there is no such thing as a free lunch, churches can and have used the access to schoolchildren to evangelise and encourage to church related activities and bolster their congregations. Often the church volunteers or chaplains are unqualified or underqualified to work effectively with the children they see at the school which can do great harm.

***Guideline 7: Perform safety checks on volunteers***

I think Guideline 7 would work well as a flowchart to illustrate the different levels of checks and who should do them and how often.

There should be a recommendation for how Boards keep the records once collected, how often they are reviewed, and how long they are kept. The satisfactory completion of safety checks including RI volunteers should be checked by ERO as a duty of care.

***Guideline 8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues***

The complaints procedure in a school usually goes from teacher, to dept head, to principal, to BOT.

But what happens if the BOT are the problem and unwilling to solve the problem satisfactorily? Complaining to the BOT about the BOT gets you nowhere and parents become completely disenfranchised. The complaints procedure in the Guidelines should explicitly describe what the next steps are if complaining to the BOT does not resolve the situation.

The BOT make the decisions around RI and if they do a poor job in consulting with the community or do not follow the laws of natural justice, then complaining to that very same group of people is not likely to resolve the situation. Upholding a complaint of a parent would mean that they admit that they have done a poor job. The usual response by the BOT at [REDACTED] was an aggressive defensive stance where the parents complaining were sidelined, belittled and ignored.

I was repeatedly told by a Ministry employee that the Ministry of Education could not act with the RI situation beyond advising the school, as the BOT is a crown entity. ERO do not investigate issues with RI as it is extra-curricular. The length of time taken for the Ombudsman to investigate complaints would mean my children would have long finished their schooling before the case was investigated. The role of NZSTA was to advise the BOT on the best ways to make the complaining parents go away – not on how the BOT could and should resolve the situation properly.

In my experience with [REDACTED], all the Ministry of Education could/would do is tell me to write another letter to the BOT, referring me back to the very people I was complaining about. If I was being ridiculed for writing so many letters to the BOT it is the Ministry's fault! I had to stick my neck out again and again over years when it was obvious to the Ministry that [REDACTED] was not following due process and hadn't for some years. It was not my job to make the school do things correctly, I was just a parent with children at the school.

If the Ministry is now able to investigate RI complaints properly and hold the BOT to account, then this should be written into the guidelines and parents should be informed. The complaints pathway beyond the BOT should be formalised and communicated.

### **Section 5: Glossary**

*Closed - The school (or a designated area of it) is not open for instruction*

If these Guidelines were child-centred it becomes very clear that the distinction between rooms 5 and 6 being closed (so that volunteers can hold a non-curricular activity) while rooms 1-4 are open as usual is beyond a child's comprehension.

RI is a non-curricular activity. School must be closed in order for RI to happen. Best practice would be hold RI before the first school bell or after the last and there is no possibility for confusion or complaint over whether the school is open or closed.

### **Section 6: Omissions from these Guidelines**

Conflict of interest:

Personal belief systems should be put aside when a BOT member considers religion at a state school so that they can consider all the various valid viewpoints that may or may not align with their personal worldview.

In the [REDACTED] situation where the BOT chair is also an RI volunteer / religious chaplain / [REDACTED] church then it is clear he also has a conflict of interest and should step aside from decision making about RI and should not be replying to complaints from parents about RI. This conflict was exacerbated at [REDACTED] when the BOT chair gave a sermon [REDACTED] which talked about "infiltrating" a school, a board, sports teams etc.

A consultant from NZSTA said that this situation at [REDACTED] was not a conflict of interest as there was no money involved, that the BOT chair was able to bring his own experiences to the table just like anyone else on the BOT. The principal and BOT took



this as validation that the above scenario was acceptable and justifiable, even though to many people in their community there was clearly a conflict of interest. The guidelines should acknowledge that conflict of interest is not limited to pecuniary matters and the BOT must be seen to act in good faith, transparently and openly. The perception of a conflict of interest means that there is a conflict of interest to be appropriately managed.

“bribery” or treats for attending:

When RI volunteers give out lollies and food treats to children for attending RI it sends a message of bribery and rewards for children who attend versus children who do not.

If a BOT decides to allow RI at the school then school policies around food and treats should be enforced.

Costs of holding RI:

Neither the school or the school community should pay for any RI related costs or photocopying or resources, or handle any RI related invoices. This should be entirely covered by the RI provider.

### **Section 7: Conclusion**

There are many identified issues with reconciling an anachronistic section of law allowing RI with a modern NZ with the HRA and NZBORA. In these guidelines the Ministry is attempting to justify and rationalise the indefensible and outdated. The only solution is to repeal section 78 of EA1964. Just about all of the rest of EA1964 is repealed.

These guidelines are optional with no ability for the Ministry or anyone else to ensure compliance to this standard. The lack of oversight and help for parents and communities when RI ‘goes bad’ is not addressed in these guidelines.

My experience of RI and governance at [REDACTED] has been a defining time for me and my family. It is simply incomprehensible that the situation was that bad and kept going for so many years. I only wrote the letters to the BOT, I did not control how the principal and BOT reacted.

RI is not core business of a state school. So much time and energy and words has been used for something that is an extracurricular activity when the school is closed. When it comes down to it, if you as a parent want to have your children to have religious instruction then choose a place of worship and take your children there. Do not expect as a right to close a secular school so that you can instruct other people’s children in your religion.

[REDACTED]  
[REDACTED]  
[REDACTED]

71. [REDACTED]

**Submission on the draft guidelines on religious instruction in state primary and intermediate schools me ngā kura**

7 December 2018

Tēnā koutou

Thank you for the opportunity to make a submission and provide comment on the Draft guidelines on religious instruction in state primary and intermediate schools me ngā kura.

I am a [REDACTED] of Marketing at the [REDACTED] who has a research interest in marketing to children and the ethics surrounding such marketing as well as being a parent of a ten year-old boy who is currently in Year 5 and who attends a state primary school.

As part of my research into marketing to children and young adults with respect to their consumer behaviour I have increasingly become aware of, and concerned about, the marketing practices of Christian groups into state schools as part of religious instruction (RI).

Although I strongly believe in religious freedom and the importance of religious education (RE), I am extremely concerned over the place of RI in state primary schools and its positioning to parents and children with respect both to its “fun” nature and its role in promoting particular values in a manner which is often misleading and inappropriate given the secular nature of state schools under law.

In a bi- and multi-cultural New Zealand society it is important that the different ways of believing and non-believing be part of religious education and social studies in general. However, this means that no religion should be given special treatment in primary or other state schools by being able to provide RI. Or, if it is provided, there must be very clear guidelines, constraints and processes as to how it occurs.

Although the *guidelines* on religious instruction are a useful start to better tackling RI in schools it is disappointing that they remain only guidelines, Schools and Boards of Trustees can simply choose to ignore them if they so choose.

The Ministry of Education should therefore implement these guidelines as *explicit policy*,

In the longer term it is recommended that RI be removed from the state school system.

There is an underlying issue of whether the appropriate *Education Act* sections on RI (and also overall) are ‘fit for purpose’. If the applicable law is so ambiguous as to allow confusion and uncertainty in their interpretation then the Ministry of Education should be asking the Government to enact new explicit legislation more fit for purpose.

***General Comments***

In general and overall, the Draft guidelines are reasonably clear and concise, easy to understand, and helpful.

Although the guidelines *should* ‘help school boards of trustees allow religious instruction in a way that does not discriminate against anyone who holds different beliefs’ my own experience with our son’s school’s Board of Trustees this year highlights that Boards often do *not* follow best practice or act in ways that are transparent to their school community.

Two key factors which are missing from the guidelines are *what are the consequences for Boards of Trustees who do not follow best practice?* and *what can parents do if they are wholly unsatisfied with the actions of a particular Board of Trustees in relation to RI?*

### ***Application of guidelines to secondary schools***

The guidelines should also be applied to secondary schools. In order to ensure consistency consistent throughout state school education the same rules that are applied to primary and intermediate schools should be applied to secondary schools.

### ***The difference between religious instruction, religious observance, and religious education***

While the definitions in the guidelines themselves are quite clear, Boards of Trustees need to be strongly reminded that best practice is to use appropriate terms and definitions when discussing RI, religious observances (RO) and religious education (RE) and to also *not* use *inappropriate comparisons* to what RI is when communicating with their school communities so as not to be misleading or misinform parents/caregivers as to what is actually taking place.

At my son's school, for example, the Board of Trustees who do not currently have a policy on RI, decided to allow an RI session to take place in the context of a year 5-6 school camp at [REDACTED] near Christchurch and they made the decision to officially close 'a part of the school' for the session. However, this was only done after complaints to the Board and, even then, it was never publicly disclosed to parents that this had occurred. In addition, full disclosure of the RI never took place with parents and caregivers; and there was no appropriate process of having parents and caregivers give permission for their children to participate in the RI or opt-out.

### ***Section 2. Provide full and accurate information to students, families and whānau to help them make informed decisions***

In this section the Ministry recommends school boards: "... communicate information to students, families and whānau, including through regular community consultation (for example, every three years)." [1] [SEP]

It would be useful to include in this section information that communication to students, families and whānau should be included in a *timely*, not just on a regular manner. Particularly if issues arise or the situation with regard to RI within the school changes. Indeed, given an increasingly mobile population and the circulation of families, as well as the use of facilities owned by religious groups, such as camps, by schools, *information should be communicated on an annual basis*.

### ***Section 4. Require signed consent for religious instruction***

The advice to require signed consent for religious instruction is extremely appropriate. Nevertheless, it is not clear what remedy parents may have if school's do not follow such procedures.

### ***Section 5 Use volunteers who are not school staff members to lead religious instruction.***

The guidelines are not clear enough as to what constitutes 'volunteers'. As RI is usually undertaken by third party organisations does 'volunteers' only mean those people who are not being paid *by the school*, or does 'volunteers' also include people if they are being paid by a *third party organisation* or even those who work for a third party organisation who then 'volunteer' their time, but in fact are *not* being paid *solely for the RI session*? I would argue that all three cases should be classified as volunteers for the purposes of the guidelines.

### ***Appropriate contexts for RI to take place***

A further item that needs further clarification and advice from the Ministry of Education for Board of Trustees, is to specifically state *what is and what is not an appropriate context for RI to take place*.

The section entitled 'The application of the guidelines' states that 'The guidelines apply to activities run on a school's premises, as well as school activities based offsite (such as school camps)'. The guidelines do not however address the issue as to whether official school activities based offsite, particularly in the case of a school camp where children are away from their whānau and usual support networks, is *an appropriate context* for RI. I would argue *definitely not* given the potential for school camp sites and the activities that occur on them to be used for proselytising both directly and by association.

Although the guidelines acknowledge that 'some boards may choose to close their school, or a place in their school to allow religious instruction programmes' it does not address any issues or guidelines for *managing RI* taking place on an official school activity based offsite.

***Ministry of Education complaints procedure for parents/caregivers unsatisfied with Boards of Trustees management of RI issues***

Although Section 8 claims to communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues recommends that school's proactively develop a complaints procedure, it does not outline the procedure for parents/caregivers who are questioning Boards of Trustees management of RI issues within their children's schools. If the school's complaints procedures is unsatisfactory, what then does the Ministry of Education recommend parents/caregivers do? i.e., what remedies actually exist for parents/caregivers if the school does not follow appropriate practices, the law, or the Ministry of Education guidelines? These need to be clearly stated as part of any process, especially as it cannot be assumed that all Boards of Trustees will act appropriately in relation to RI.

It is absolutely imperative that in any complaints procedure that the Ministry of Education does not recommend that parents go back to the school's Board of Trustees for future action, if they are the organisation that parents/caregivers wish to complain about and who may not be acting either within the law or in accordance with the Ministry guidelines.

The Ministry needs to more actively acknowledge concerns of parents/caregivers and hold Boards of Trustees and, potentially in some cases, teaching staff to account for inappropriate actions, policies or procedures.

***The rights of third party organisations policies vs the school's legal obligations***

It would be useful to have specific guidance from the Ministry of Education with regard to the rights of third party organisations, such as camps owned by religious groups who wish to impose RI on schools groups as a condition of use of the camp, within the context of Boards of Trustees responsibility to 'consider how their policies and practices in relation to religious instruction impact on the rights of students, their parents, caregivers, families and whānau, to hold different religious and non-religious beliefs'.

Thank you for the opportunity to provide a submission on the draft guidelines.

██████████

72. [REDACTED] - Anonymous

**Submission on draft guidelines on religious instruction in state primary and intermediate schools me ngā kura to help boards of trustees who want to close their schools to allow religious instruction to take place.**

*Will these guidelines help school boards of trustees allow religious instruction in a way that does not discriminate against anyone who holds different beliefs?*

No. To do this the guidelines would need to recommend any religious instruction allowed is held outside normal teaching hours and is opt in, the same as applies to any other extra-curricular activity.

*Do the draft guidelines clearly show how schools can meet their obligations under the Education Act 1964, the Education Act 1989, the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990 when providing religious instruction?*

No. In 2001 the Ministry of Education's own review of compliance with the Human Rights Act 1993 found inconsistencies with the Education Act 1964 around this issue. Expecting these guidelines to clearly show how inconsistent obligations can be met seems unreasonable.

*Are the rights of children and their parents, caregivers, family and whānau about religious instruction clear?*

Yes.

*Will schools and kura find these guidelines useful and practical?*

I do not think so as they are attempting to provide guidance on how to meet inconsistent "obligations". They also seem particularly long (17 pages) and they do not consistently follow "plain English" drafting principles.

*Do you consider that these guidelines promote best practice for the purpose of allowing religious instruction programmes? If not, how should the draft guidelines change to promote best practice?*

No. Best practice is to treat all extra -curricular activities the same, i.e. as consented, opt-in, outside normal teaching time. Best practice would not give special privilege to religious instruction that no other extra-curricular activity has.

*Are the differences between religious education, religious instruction and religious observances made clear in the draft guidelines?*

Yes.

*Is there anything else you think should be included in the draft guidelines?*

There should be guidelines around religious observances. Religious observances are defined, but the "obligations" around these are not clear. In my experience many schools have religious observances as part of assemblies without any opportunity to "opt-out". Practically it is almost impossible to include "school-led" religious observances without discriminating against those of other belief. The guidelines should say religious observances should be genuinely voluntary at a time outside normal hours, before or after school programmes or events where attendance is compulsory.

*Do you have any other comments in relation to the allowing of religious instruction in State primary and intermediate schools me ngā kura?*

Religious instruction in secular state primary schools is inappropriate and unnecessary. There is no reason religious instruction should have special privilege that no other extra-curricular activity has. Until the law is changed to remove this privilege, guidelines to “help” boards of trustees should state this.

***Comment on specific guidelines:***

*Guideline 1 recommends boards of trustees consult with their community when deciding whether, and how, to allow any religious instruction programme.*

Consultation would not be necessary any more than for any other extra-curricular activity if religious instruction did not receive privilege status. Using community consultation as an excuse for giving religious instruction privilege is open to using “majority decision” to discriminate. Human rights issues should not be subject to “majority rules”. Protecting minority viewpoints is fundamental in human rights issues.

*Guideline 2 recommends schools or kura provide full and accurate information to students, families and whānau to help them make informed decisions.*

In my experience it is very rare that schools and boards of trustees have full and accurate information from the religious instruction providers to pass on to students, families and whānau. The intent to do this to help make informed decisions is good, but there is no oversight, transparency, or independent assurance of the religious instruction providers’ information. The necessary checks schools would have to make to ensure religious instruction providers were giving full and accurate information to schools creates an unnecessary administration burden for already overstretched schools.

*Guideline 3 recommends schools or kura offer valid education alternatives to religious instruction. This guideline also suggests that schools wouldn’t need to provide an alternative if the religious instruction were allowed outside of the school’s usual hours.*

There should be no suggestion to offer “valid education” alternatives to religious instruction as legally the school (or part thereof) must be closed for instruction. If religious instruction takes place during what would otherwise be normal class time then all students not participating should be allowed (perhaps encouraged) to go outside and play, as they can at lunchtime and any other time the school is closed for instruction. This is the only way to make it clear to all (including children as young as five) that the school is “closed”. This should be clearly stated in the guidelines. In my experience supervised children who are opted out of religious instruction are often expected to do work, which at any other time the school is closed for instruction would be considered “detention”. A guideline to let them go out and play seems the most practical way to avoid this.

*Guideline 4 recommends schools or kura adopt a “signed consent” approach to religious instruction which means families have to give the school express permission for their child to participate.*

If religious instruction is allowed in secular state schools “signed consent” is the only way to ensure there has at least been some attempt by the school to get informed consent from parents or guardians. “Consent is not the absence of a no (although it seems to be treated this way in the dominant opt-out system), but the presence of a free and willing yes”.

*Guideline 5 recommends schools or kura use volunteers who aren’t part of the school’s teaching staff to deliver religious instruction.*

If religious instruction is allowed this guideline is vital. Teaching staff should not be seen to “favour” any one belief system over any other in the school environment. If they deliver religious instruction students may feel pressured to participate to keep on side with a teacher.

*Guideline 6 recommends that schools or kura provide secular school and student support services.*

This guideline is sensible.

*Guideline 7 recommends that schools or kura perform safety checks on volunteers who will be delivering religious instruction. This is consistent with the requirements under the Vulnerable Children’s Act which requires an identity check, an interview, a police vet, work history check, referee checks and a risk assessment.*

This guideline is sensible.

*Guideline 8 recommends that schools or kura communicate to families and whānau the school or kura’s complaints procedure. The complaints procedure should be used to resolve any queries or complaints about whether and how the school or kura chooses to allow any religious instruction programmes to take place.*

The complaints procedure can be very difficult for families where they may already feel singled out and isolated because of this issue. It would be helpful if there was an independent authority to oversee complaints. Being referred back to a Board of Trustees who may have used their power to allow the discriminatory situation and where members may have a conflict of interest around this issue is unhelpful.

#### **Other comments:**

Religious education, age appropriate, as part of social studies or history topics taught by a registered teacher in an unbiased way, is positive and a welcome part of state primary schools where time and curriculum allow.

New Zealand society offers plenty of opportunity for religious instruction and religious observances outside of the teaching hours of secular state schools. Allowing any one or more belief system privilege to be instructed on during what would otherwise be curriculum instruction hours in secular state schools is divisive and discriminates against those not of the instructed belief.

Of particular concern are the inaccuracies used to promote religious instruction in secular state schools. It is often framed as supporting values teaching but it is not made clear that values are already a part of the New Zealand curriculum and must be taught, explicitly or implicitly to all children during the hours the school is actually open for instruction. There is also a tendency to allow or encourage assumptions or illusions that religious instruction is part of the curriculum, that the lessons are approved or endorsed by the Ministry of Education, or that the instructors are registered teachers. Most frustrating is the assertion of providers, through media, that they are not there to promote their belief, only to educate. If this were true what they are doing would be religious education not religious instruction (using the definitions in the guidelines) and there would be no need to “close” the school to do it.

The way religious instruction is treated in New Zealand state schools should be no different to the way and other extra-curricular activity is treated. Guidelines to boards of trustees should state this clearly, rather than attempt to accommodate an outdated and discriminatory section of legislation that is inconsistent with the Human Rights Act.

73. [REDACTED]

To whom it may concern,

I have read the proposed new guidelines for religious instruction in New Zealand schools, and the following are my thoughts on them for your consideration.

First and foremost, before taking on specific proposed guidelines, I would like to share my opinion that what we most need is a law change, rather than new guidelines. The way the 1964 Education Act addresses religious instruction in our public schools is entirely outdated, and reflects a white, Christian, colonialist worldview, which assumes that without proper and early training in Christian values, children will grow up devoid of morals, and society will suffer. However, the values and demographics of New Zealand have changed substantially in the 58 years since the act was written, and I strongly feel it no longer fits the needs of our present society, and the direction we are moving in. The 1989 act seeks to improve on the previous act, but still takes for granted that religious instruction in what are intended to be secular public schools, is something necessary and positive to allow, and appears to do so without providing reason.

New Zealand has changed, and I would like to challenge the M.O.E. and the NZ government to provide a law change that reflects this. I would suggest removing the loophole the 1964 act provides for religious instruction entirely. My suggestions for replacement include:

# A broad religious education program, which gives children an academic overview of many different religious beliefs, and secular perspectives such as atheism. This could lead to increased understanding and unity between students and the broader community.

# A secular values program, which allows designated time for education and discussion about only the most widely accepted common values New Zealanders have, without any reference to religion. Examples of topics include theft, lying, racism.

# Replacing it with nothing at all. New Zealand public schools are supposed to be secular afterall. This would put the choice of religious and moral education back into the hands of parents, and importantly remove the discrimination problem that the current system allows.

I am aware that my preference for a law change is not something that can be addressed by the M.O.E. within the context of this current proposal to change the guidelines, but I hope that my thoughts will be considered for future change.

With reference to the new draft guidelines specifically, I would make note that having them made optional rather than firm rules concerns me greatly. Leaving guidelines on this controversial subject open to free interpretation and free dismissal by B.O.Ts will leave room for the same old problems these guidelines seek to resolve. I respect and appreciate our B.O.T. system, but this is an issue that needs clearcut rules to be applied, which parents can expect to be followed in the same way in whichever public school their child attends.

**Guidelines:**

*1: Use community consultation to inform decision-making.*

Yes, absolutely. School communities need to be fully consulted, and this should happen on an ongoing and regular basis, to keep the discussion open and decisions reflective of current community feeling.



*2: Provide full and accurate information to students, families and whānau to help them make informed decisions.*

Yes, this is extremely important, and should be taken seriously. Often the information given to parents is very limited, and parents are shocked when they discover what their children are actually being taught. Full and accurate information is a must, and should include not just the content of curriculum, but also information about the organisation providing it and their goals for the class.

*3: Offer valid education alternatives to religious instruction.*

Absolutely. This is vital. Children should not feel excluded if they do not attend these classes.

*4: Adopt a signed consent approach to religious instruction.*

Definitely.

*5: Use volunteers who are not teaching staff to lead religious instruction*

Yes, however a member of the teaching staff should be there to supervise, and to take responsibility for ensuring the volunteer does not stray from the agreed upon curriculum and into more confrontational forms of evangelism.

There is of course the very real concern that a teacher being present may provide borrowed authority to the volunteer and their religious lessons, leading children to believe them to be "facts" of the same kind they are taught normal school lessons. It is my opinion however, that the religious lessons being taught within school, and within the school day, already lend an amount of borrowed authority so large as to overwhelm any good removing the teacher from the room could provide.

*6: Provide secular school and student support services.*

Yes, absolutely.

*7: Perform or sight safety checks for volunteers.*

Yes. And this should go without saying.

*8: Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues.*

Yes. This should be clearly visible and accessible to all students, parents and staff. Making use of the complaints procedure should never leave a person open to discrimination.

Thank you for the opportunity to make this submission and to have my thoughts considered in this very important process. If you would like me to answer anything further, please feel free to do so at this email address.

Yours sincerely,

████████████████████.

74. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

7/12/18

RIO Guideline Submissions  
Ministry of Education  
RIO.submissions@education.govt.nz  
WELLINGTON

Dear Sir/Madam

### **Submission on Religious Instruction in Schools**

I wish to submit that Religious Instruction held in schools as it is at present be allowed to continue without interference or restriction.

The benefit to the children in learning about the love of their creator and thus the correct way to care for themselves and all others is incalculable. As they grow the values are passed on to their families and friends which helps maintain civil law and order, respect for authority and peaceful ambitions for our nation.

The teachings of the Bible have been the basis of many of our laws. It is very plain to see the chaos and grief that occurs when secular beliefs are the primary rule.

The secular views and beliefs are already well entrenched in the school curriculum and everyday commercial advertising. Government changes to laws, news broadcasts and publications / media. It is therefore very wise to provide the non-secular teaching in order to give a balanced education.

It is important to provide the religious instruction during school hours so that there is no impediment to the attendance of the class. Secular teaching in schools has no impediment so it is only just and fair that religious instruction be given the same footing.

Having the classes out of school hours is very detrimental for those children who are busy with after school activities / sports or have to catch a school bus home. The lessons must not be held during the lunch period as this would discriminate against those who wish to learn about the teachings of the Bible by preventing them from socialising with their friends during lunch and play time.

Likewise holding a Bible teaching class in the same room as other lessons at the same time would be very poor management of the valuable time allowed. Bible lessons require concentration and freedom from external noise and distractions.

I hope the Religious Instruction in schools is allowed to continue as it currently does. My children and I have benefited from this feature of our education.

Thank you for the opportunity to make a submission.

[REDACTED]

75. [REDACTED]

Dear Sir/ Madam

Thank you for the opportunity to submit information regarding the delivery of Bible In Schools in NZ.

I have been teaching Bible In Schools for over 25 years. I have a Christian faith, and believe that this faith adds value to the Curriculum given in NZ. NZ was founded on the principles of Christianity, the 10 Commandments being a fundamental basis to British and therefore NZ law. Over the past few years, some of these principles are being changed, but most of us still agree that it is wise not to murder, and take things that do not belong to us..It is these simple "treat others as you'd like to be treated " kind of thoughts are getting lost at times. "Because I feel like it " is more likely to get air play.

Many of NZ students feel a strong affinity to the culture of remembrance relating to Easter and Christmas. I am saddened that awareness of other cultures grows at the expense of Christian values. I notice an increase of information regarding Matariki and Chinese New Year, as well as Halloween and St Patrick's Day. All these reflect diversity and can be embraced by those who desire to do so without having to shut out the Christian way. I believe that it doesn't have to be one or the other.

I believe it is the purpose of the Ministry of Education to grow healthy balanced students who can think for themselves and work to create a strong and robust society. These children being taught now are our future leaders. We cannot afford to listen to only loud voices of a few at the expense of most. Give opportunities to learn from the past and present, so our next generation will be democratic carriers of their needs and the needs of the vulnerable and innocent. By adopting a one size fits all, we shut down the option of the diverse voices that have built our country. I note that in the Arts in the New Zealand Curriculum, the icons of the Nautilus and feather, are described below :

- The **nautilus** is a symbol of growth, of intellectual and spiritual development that builds on what has gone before.
- The tip of the feather represents our maunga (mountains), our heritage and foundation, challenging us to ascend and strive for success; the three koru represent three fountains of Ka Hikitia – the learner, whānau, and professionals.

The spiritual element of growth is as important as intellectual. Thinking outside oneself and allowing for big question thought is important. I ask that Christian values and the ability to share them openly be allowed to be retained in those areas that desire them. Please do not shut out Bible In Schools on principle that some parents do not want it. There are some things at schools I did not want my children to take part in. I did not ask that the school shut it for all. Make it available for those who choose. These values as foundations are vital. We need these to grow from, and by looking back we can do better than generations that have gone before. Our cultural diversity gives us a unique view that offers a more full society. I believe the Christian message of the Bible has a part to play in this.

I have lead a team of multi- denominational church members in our local school since 2012 as a lunchtime opt- in programme. We have found it to be very successful for those who attend. Often kids who have grown up in the programme and move on come back to say hi and share stories of life. These relationships are not forced. They create another thread in the community where whanau and multi generations of loving guidance can be the difference between success or failure of a life. Having a role model and friendly face in a school can be another way to help build a child's self esteem. Our team is similar to many around NZ, made up of a grand parent age as well as vibrant younger

people. We build in professional development so our teams are fully able to give out with up to date styles of communication. We take what we offer seriously, and believe the value added to the NZ Curriculum is important. Those parents who choose not to add their children to our sessions are not pressed and children are not discriminated against. Those parents who want to add this to their child's school learning have access to it. It serves all well.

I read the Draft summary of Guidelines on Religious Instruction and note that the school we teach at are working within these draft guidelines. In our practice it works. If done well, it will allow schools to reflect their own character by giving options to teach and express such values as Christian Religious Instruction and Observances or Religious Education or others.

Over the years of teaching both in Classes and in a larger group of Opt -in children, many generations of kids we have shared with often catch up saying how much they had enjoyed the time of learning about God. I believe it has added to the schools we have taught at, and I will be thankful if the option to teach as we do can remain.

I agree with the Draft guidelines. I ask they be implemented so options for religious observances and/or education depending on the nature of the school and community are available alongside the secular nature of education.

Thank you for the opportunity to share my experience, views and preferences.

██████████

Released under the Official Information Act 1982

## 76. [REDACTED] – Churches Education Commission

### **Submission to Draft Guidelines on Religious Instruction & Observance**

Submitter: Churches Education Commission (CEC)

December 2018

CEC is the largest provider of co-ordinated Christian Religious Education (CRE) classes across New Zealand. We are in over 500 schools and we provide a curriculum that has broad non-denominational appeal, specifically written for New Zealand classrooms. This provides an understanding of selected Bible Stories, taught age appropriately and understood by primary school students. The student can then consider and weigh up their choices and values and can connect a good and positive value to their everyday life. Our curricula would not be seen as strictly religious instruction (RI) as we do not encourage or endorse belief. Our curricula also contain elements of religious education (RE), which encompass historic time and place teaching, some teaching on cultural practice and facts of the day of the selected Bible stories which are in our curricula. It could be considered by some to fit the criteria for Religious Instruction (RI)

An overview of our curricula can be found here:

<https://cec.org.nz/Portals/0/Documents/Life%20Choices%20Introduction%20and%20Overview.pdf>

and here: <https://cec.org.nz/Our-Programmes/CRE>

We provide guidelines to assist schools/boards in making the decision to run a CRE class. We provide training and a process by which our volunteers must abide in order to remain as our volunteer teacher. We also provide ongoing professional development.

Our Guidelines for schools boards here: <https://cec.org.nz/Portals/0/Documents/CRE%20Info%20Pack/Recommended%20Procedure%20Guidelines.pdf?ver=2017-03-28-085646-277>

We support the Ministry in providing their draft guidelines for schools, and we welcome the opportunity to provide our perspective and suggestions as to how the guidelines can be implemented.

#### ***Our comments:***

##### ***The Legislative Framework***

We support the retention of Section 78 and 78A within the Education Act. This provides the mechanism for schools to choose whether they wish to allow an RI class to be undertaken within the school. In retaining Section 78, it protects the freedom of school boards and the leadership team to consider whether they wish to have an RE/ RI program within the school. They will choose to allow these programs if they see value in what they provide, and they align with the school communities' values, providing learning opportunities to the pupils who attend them.

It would be very difficult to remove all forms of religious observance, instruction or education being undertaken in a school without that then impacting on the rights of those who wish to undertake those practices. Because wairua oranga (spiritual values and wellbeing) are intrinsically entwined across all aspects of society a public school is a place that does have pupils, students, teachers, and parent's representative of a broad range of faith, religious, or no religious views. All of which can be accommodated within

the parameters that allow it. Section 78 is that mechanism. To remove it removes the decision and freedom that a school board has been tasked to undertake in making these decisions in the interests of its school community.

CEC supports the retention of Section 79, which supports the freedom of choice that students and their parents currently have – to choose if they will attend religious instruction or religious observance or not. It is not compulsory for a student to attend, hence their freedom to choose is protected.

We support the New Zealand Bill of Rights and its Sections that support freedom of thought, conscience and religion. Sections 13 and 15 are very relevant in the context of the issue of religious teaching, instruction, observance or education. We support the school Boards having the authority to close the schools for the purpose of allowing religious instruction to take place. The School Board have been vested with this decision-making authority, and we believe they, who know their school community, are best placed to make decisions in the best interests of the school and its students.

We note the comments around discrimination and what is unlawful as outlined in the Human Rights Act 1993. We support the fact that the NZ Bill of Rights does not override a boards authority to make decisions based around RI.

We do not believe a school who has decided to have a Religious Instruction Class is discriminating against any pupil (and their beliefs) by them not attending. Schools manage many programs where permission is sought by parents on whether their child attends or not. Students (and their parents) are given options and choices - many are provided by their school teachers and out of school providers, who may run programs ranging from sports skills, health, cultural practice, religious instruction or religious education classes across many faith and belief positions.

There are many examples of where a child may not be attending parts of the schools learning experiences, and the schools must respect the parents and student's choice not to partake. That is not discrimination, it is merely a choice that is being enacted based on a view or belief, that part of the learning provided is not necessary, important or wanted.

There is no way of knowing the faith or religious positions of pupils in a school. Pupils are not divided into "Christian" and "non-Christian". Those who may attend, in our experience, have come from a broad range of religious views that are all respected and given the opportunity to learn a small part of what a Christian may believe and relevant information to the New Zealand Heritage. There is no compulsion in providing that. It cannot be considered discriminatory to allow the opt-out process to give all in the school community the ability to either be in or not in a Religious observance or instruction setting.

CEC supports the recommendations as outlined in Points 1 through 8 around a Board developing their policies and practices in relation to religious instruction.

*1. Use community consultation to inform decision making.*

CEC supports the recommendation that the school boards seek community input, awareness and adopt a transparent and open decision-making process.

We would suggest that consultation every three years is reasonable and may be best aligned with the re-election term of the school board. It is a recommendation to consult every three years, however, for some schools that may be too frequently, and they may elect to consult either on a shorter or longer time frame. That should be left to the school

board to decide as policy is being formulated to cover their decision-making process around RI, and what time frame best suits their school community.

## *2. Provide full and accurate information*

We support the provision of full and accurate information to students, families, whanau so they can make informed decisions.

We provide full teachers manuals to the school and curricula overview that parents can access and see what is being taught. We support any parent who may wish to attend CEC RI class and hear what is being taught, and how it is being taught.

We provide brochures to all our schools to give to parents to inform them of the program. We work with the schools to seek signed permission that students can attend. This either happens at the time of enrolment or via permission slips.

The information that we provide the school and parents can be accessed here –

Links:

<https://cec.org.nz/Our-Programmes/Info-for-Parents>

<https://cec.org.nz/Our-Programmes/Info-for-Schools>

## *3. Offer valid education alternatives to religious instruction*

CEC supports schools providing other programs and recommend students be offered alternatives. We have found this has worked practically in schools where we have an RI time. There are schools that offer other religious instruction classes (i.e. Islamic in an Auckland school); sports programs, library time, other educational programs.

## *4. Require signed consent for religious instruction*

CEC supports and encourages all schools who offer their program to be vigilant in obtaining consent. This can be done in several ways

- At enrolment. Parent is advised an RI class is available and child can be opted out at time of enrolment
- By signed permission slips. Children can be opted into an RI class or opted out. We leave this process to the schools to manage as they see fit, reflecting the school's values and policy around permission and signed consent.
- At the start of the school year, remind parents that the classes are available and again seek signed consent for either opting their child into a program or opting them out.

CEC provides templates that a school can use for signed consent.

We support the process of signed consent, and actively encourage any schools which offer our program to be open and transparent around this process.

## *6. Provide secular school and student support services.*

CEC would support this decision to be made at the school's boards discretion, as they know their communities well, and what services in the school are affirming and assisting in supporting school and community values.

*7. Perform safety checks on volunteers*

CEC supports the requirement of providing safety checks to schools for their volunteer teachers. We police vet and obtain referee checks and identity checks. This process ensures that the safety of the students is paramount.

CEC also supports school staff members attending the religious instruction or observance in a supervisory role. This is often the case in current practice, and we welcome staff being in the RI time.

Released under the Official Information Act 1982



**Comments on Guidelines for Religious Education in Schools**

The Education Department is to be complimented for its willingness to review Religious Education in Schools. In providing the best possible education it is wise to include an understanding of one of the great sources of wisdom.

The Holy Bible has a wealth of knowledge, wisdom and experience. It does not paint a unique picture of glowing success and unrealistic expectations. Rather it tells the narrative of life. That narrative includes both good and bad. As such it provides a twofold perspective.

Firstly the "good". Solomon is often credited as one of the wisest men of time. So we can learn much from reading his proverbs. By applying certain ones of these much of the present abuse and harm to our children would be avoided.

The teachings of Jesus Christ provide another example, His views on fair justice and caring for other people would help resolve many issues that arise in everyday life. He especially cared for children and welcomed them.

Secondly the "bad". The Holy Bible does not hide the fact that human beings 'screw up' to use a colloquial expression. We can learn valuable lessons from these mistakes. For example, King David messed up. He was involved in an adulterous situation and murder. Yet later he was profoundly sorry and repented. Subsequently even he was called "A man after God's own heart", a rare compliment.

What I am saying is that this book is a vital part of people's life experience and that we neglect it at our peril. It is not a book to be shunned or feared. Nor will it have a detrimental effect on society if it is read or studied. By teaching its principles, society and particularly our children can embrace a more balanced and wholesome view of life.

I strongly recommend inclusion of bible principles in overall education. In addition, may I suggest that all those who read this submission also read the Holy Bible for themselves?

[REDACTED]  
[REDACTED]  
[REDACTED]

78. [REDACTED]

Ministry of Education

7 December 2018

To: [RIO.submissions@education.govt.nz](mailto:RIO.submissions@education.govt.nz)

### **FEEDBACK ON THE DRAFT RELIGIOUS INSTRUCTION GUIDELINES**

I refer to the draft guidelines on Religious Instruction released by the Ministry of Education - <https://www.education.govt.nz/our-work/consultations/open-consultations/draft-guidelines-on-religious-instruction/>

Our personal experience of religious instruction (RI) in our secular schools:

- religious instructor telling child their mother will go to hell because they do not believe in God, causing the child significant distress
- the school holding an Easter assembly to open the new hall and all children (opt in or opt out) subjected to a full Christian sermon by the local pastor
- a Christian teacher telling all children in her class to bow their head in prayer, including a child wearing a turban, while the pastor leads a Christian prayer
- a Christian principal giving the local church full access to the school, including holding Daddy/Daughter breakfasts, etc, which are promoted as school events
- 'Bring a Friend' invites being given to RI children, which means the only children they can invite to the lunchtime RI sessions are the 'opt-out' children
- 'opt-out' children begging to go to the lunchtime RI sessions because all the children get chocolates and lollies and the name of the session, 'Champions', infers they are somehow not Champions and therefore of a status lower than their 'opt-in' peers
- the lunchtime RI session is attended and supervised by school staff, the principal uses this as justification when concerns are raised about the inappropriate nature of the sessions
- 'opt-out' children are left unsupervised during RI, often doing mundane chores
- church sponsored 'youth workers' are part of the school counselling team
- Christian principal fails to address concerns about the proselytising and bribery with lollies during RI, instead inviting complainant parent to participate in the session demonstrating complete disrespect for the family's own religious views
- Christian principal allows RI provider church event flyers to be delivered to all children in the school
- RI is presented to the school community as curriculum 'values'
- school newsletter states parents are not to put lollies and chocolates in school lunches, but ignores liberal lollies and chocolates provided at lunchtime RI sessions
- translated Christian prayers in Māori being passed off as tikanga Māori when it is actually a relic of Christian colonisation, there are plenty of suitably appropriate and culturally sensitive Māori karakia available

Our experiences of school boards of trustees:

- completely dominated by the principal and distant from their school community, for example, there is no way of contacting the school board directly and they have little to no contact with the school community itself

- school policies are inaccessible, non-existent, woefully inadequate, and are not followed by staff or board

**- Ministry guidelines are completely ignored**

- Chairperson acts as a complaint gatekeeper, refusing to accept or investigate even serious complaints, and responding to complainants on behalf of board without actually notifying or consulting the board or NZSTA

- school board refuses to participate in HRC mediation when it is offered to them in order to avoid any accountability

- acting on their own *personal* religious beliefs thereby failing to actually represent their community, *particularly* minority groups

- going with the status quo instead of actually reflecting or consulting their *current* school community

- having too little to no knowledge of what is actually happening at the operational level, particularly involving the conduct of staff, conduct and content of RI, and safety and wellbeing of students despite holding all legal responsibility for the school

- biased sham internal 'investigations' contrary to the principles of natural justice and state sector guidelines in an effort to avoid their own liability for legislative and common law breaches

- no actual consultation with the school community, or failing to do so in a fully informed, objective or transparent manner

- victimisation and breach of privacy of complainants

- refusal to provide investigation reports

- failure to accurately keep or monitor a school complaints register

**- completely ignoring requests by the Ministry of Education**

- inaccurate Board Assurance Statements to the Education Review Office in regards to legislative and Ministry guideline compliance

Our experience of Ministry of Education complaint handling when legislation has been breached and guidelines not followed:

- complete refusal to investigate parent complaints despite receiving multiple other similar complaints from other families *and Ministry staff*, and knowing that the school board has also refused to accept or address parent complaints

- breach of complainant's privacy

- failure to record complaints at all or recording complaints inaccurately

- failure to notify school boards, the employer and state entity, of complaints instead only dealing with the school principal (an employee) even when the complaint was *about* the principal

- biased investigations contrary to state sector guidelines and the principles of natural justice
- **absolute failure to monitor or enforce Ministry of Education guidelines**
- lack of cross-referencing between Ministry of Education and Education Review Office
- local Ministry advisor putting their personal relationship with the school principal ahead of legislative and common law obligations, and student rights

As you can imagine from our experience, I feel there are **no checks and balances** on school breaches of relevant legislation, including the Human Rights Act, or Ministry of Education guidelines. Self-governing schools can only be held accountable by the completely inundated and defunct Human Rights Review Tribunal, or in the court system which is financially inaccessible for the vast majority of families. This creates a system of complete inequity and no accountability.

I commend and support Secular Education Network's High Court case against the Ministry of Education for breaches of the Human Rights Act in allowing discrimination of students on the grounds of religion. If we explicitly divided students up and closed the school or parts of the school to some students similarly by race or sexual orientation, it would **obviously be completely unacceptable**. If all students were automatically subjected to similarly undefined teachings in a controversial religion it would also objectively be considered unacceptable. Yet for some reason the Ministry of Education, the supposed 'steward' of the sector, actively condones this discrimination. It is very clear that in the New Zealand education system, some students have significantly less rights than others and there is no way of enforcing them.

### **Religious Instruction in NZ secular schools**

Historically, New Zealand's public education system has always been secular with the intent it is inclusive and respectful of all children, regardless of their parents' religious views. I refer to the original Nelson Education System on which the broader New Zealand education system was based: <http://nzetc.victoria.ac.nz/tm/scholarly/tei-LowJubi-t1-body1-d11-d6.html>

It specifically and originally stated:

"Any religious instruction given in such schools shall be free from all controversial character, and shall be imparted at such hours that any parents objecting thereto may be able to withdraw their children from school at the time when it is given."

Somehow this requirement for RI to be free from controversy and held at a time *when parents can withdraw their children*, has been completely lost. The requirement for schools to be closed has become arbitrary and discretionary, an effect amplified since 1989 by the Tomorrow's Schools model which has allowed self-governing school boards to effectively do whatever they want, without Ministry oversight or intervention. We now mysteriously have some *parts* of the school being closed for RI while the rest of the school is very clearly open and attendance by all students is mandatory. This includes RI during normal school hours, including lunchtimes when students cannot actually *legally or practically* leave the school grounds.

We now have school boards claiming RI teaches 'values', inferring it is part of the national curriculum or that community values, which are universal, are Christian. This is unacceptable and does not reflect the universal values recently voted by attendees at the Ministry of Education summits or broader New Zealand society.

We have school boards failing to represent their communities and instead voting by majority vote to exclude minority groups of students based on their religion. This is completely contrary with the whole purpose of human rights legislation to explicitly *protect* the rights of minorities. Board members often vote in accordance with their own *personal* religious orientation, failing to exercise the role as a *representative* of their school community. The Ministry of Education has repeatedly refused to intervene on behalf of minority students when this occurs.

School board consultation with their community is inconsistent and not adequately monitored. Communities often have little to no access to the RI material being presented and there are no measurable or monitorable standards of conduct of religious instructors, with the vague RI provider holding all responsibility instead of the school board. Much reliance has been placed on the attendance of a school staff member, usually Christian, as a method of monitoring RI activities, so there is actually no *objective or independent* oversight or management. Parent complaints are then poorly managed.

RI is often used to plug broader failings in the education system. Due to excessive work demands, school staff use RI as teacher release time so they can catch up on other work. Due to the excessive social and emotional needs of students, RI or church 'youth workers' are frequently used as a cheap social work service, particularly in low decile and secondary schools. These needs should instead be met by the Ministries of Education, Health, and Social Development, and the current reliance on RI masks the true level of student and teacher needs. As a result, non-accredited, unqualified religious instructors are given liberal access to our most vulnerable students.

Allowing selective RI at all, as opposed to broad and inclusive religious *education* in the Education Act, doesn't reflect New Zealand's current modern diverse multicultural society.

***Specific feedback on your guidelines:***

- By issuing guidelines to schools on how to discriminate against some children based on their religion, you are actively condoning that discrimination.
- Your guidelines condoning discrimination are inconsistent with the Human Rights Act, Bill of Rights, Education Act, international covenants, and the principles of the Treaty of Waitangi.
- The guidelines fail to take into account the consistent feedback to the Tomorrow's Schools Review Panel, recent Education Summits, and Education select committee hearings that our current 'self-governing' school system is failing to recognise and uphold the rights of all children, or to reflect New Zealand's universal community values of equity, belonging, whanaungatanga, kotahitanga, manaakitanga, cultural sensitivity, and inclusion.

The Ministry of Education has a long history of failing to monitor or enforce any guidelines, or legislative obligations. Clear examples of this are your anti-bullying, complaint handling, restorative practice, and 1998 use of physical restraint guidelines. Unless this significantly changes, your guidelines are simply worthless.

- Your guidelines provide excellent and clear evidence for the impending Secular Education Network High Court case that you condone the religious discrimination of students which is inconsistent with the Human Rights Act.

***Recommendations***

I call for:

- s78 of the Education Act to be completely repealed on the grounds that it is inconsistent with: inclusive secular public education enshrined elsewhere in the Education Act; Human Rights Act; the principles of the Treaty of Waitangi; all other feedback during recent broader Ministry consultation; and the broader values of New Zealand's diverse multicultural society.

- the Ministry to include broad *religious education*, human rights legislation, the principles of the Treaty of Waitangi, civics, and an accurate New Zealand history, including colonisation, into the New Zealand curriculum.

- the Ministry to exercise your powers to intervene when student rights are breached and schools fail to follow your guidelines or legislative obligations. You are the steward for the sector but our experience is that you currently do not behave like one.

- the Ministry to adequately represent the needs of **all teachers and students** in the education system. This includes teacher release time and student social emotional needs which have been currently fulfilled inappropriately by RI providers.

I would like this submission to be publicly available and not 'watered down' by a Ministry of Education 'summary'. You may include my name.

██████████

Parent and Advocate

Released under the Official Information Act 1982

79. [REDACTED]  
[REDACTED]  
[REDACTED]

7 December 2018

RIO Guidelines  
Ministry of Education  
By email: [RIO.submissions@education.govt.nz](mailto:RIO.submissions@education.govt.nz)

Dear Sir/Madam

**Re: Submission on Draft Guidelines on Religious Instruction**

I would like to offer my feedback on the Draft Guidelines on Religious Instruction and Observance in State Primary and Intermediate Schools ("Draft Guidelines"). You are welcome to publish my name and this submission, but please redact my address. You are also welcome to contact me if you wish.

As a general disclosure, I am the mother of three children who range in age from 19 to 6. My youngest child attends a full primary school in a rural area of South Otago. I am not a member of any group or organization or Facebook-based organization. I found out about the Draft Guidelines only yesterday, by chance, when reading a news article published online by Radio New Zealand news. I think it would have been good to circulate the Draft Guidelines to schools and specifically ask them to highlight this issue for their school community, ideally in a newsletter, to let parents know that this matter is currently up for discussion. I did not hear anything from my local school or community about this issue and I discovered it purely by chance. Having said that, I'm pleased to be able to have the opportunity to offer my feedback on this very important issue.

I have read the Draft Guidelines and I would like to offer a number of comments in relation to them.

As a general comment, I do not think the guidelines are a strong enough response to the existing problems and I do not think they will be effective in protecting all students' human rights under the Bill of Rights Act 1990 and the Human Rights Act 1993. I also do not think they will achieve their objectives of providing "clarity" over what boards of trustees' obligations are, because in some areas, the guidelines do not adhere to the provisions of the Education Act 1964. Specifically, I do not think that the Draft Guidelines (including the commentary) are consistent with s 77 of the Education Act 1964 which states that all teaching in State schools must be of an entirely secular nature. In my opinion, the guidelines move schools even further away from adherence to both the letter and spirit of s 77 by offering schools ways in which they can provide non-secular teaching during normal opening hours. In this regard, I am especially concerned with the commentary to Guideline 3 which, as I read it, suggests that schools should merely *consider* closing when they offer religious instruction. That guidance seems to be completely at odds with s 77 which requires all teaching to be of a secular nature when the school is open. The Guidelines appear to encourage the practice of RI during normal school hours by showing them how they can keep up this practice.

In addition, the Draft Guidelines, even if improved and implemented, still leave a great deal of discretion to individual Boards of Trustees and Principals. Those individuals in powerful school leadership positions, who are determined to continue with religious instruction in their schools (and many are indeed determined to continue) will be able to do so under the Draft Guidelines. Furthermore, there is nothing in the guidelines to suggest any sanctions that might be imposed on a school that doesn't follow the guidelines. Thus, there are likely

to be no sanctions? The guidelines seem far too soft and flexible to resolve the very real and serious issues that have been identified. Some of the justifications in the commentary below each guideline seem overly optimistic about what the guidelines can achieve and perhaps not grounded in experience (see below for personal examples) and also not consistent with the law. I do believe that indirect discrimination, which is prohibited under s 65 of the HRA, currently exists and it will increase if schools are not clearly advised that all education must be of a secular nature when schools are open.

My overall position—based on personal experience—is that schools are interpreting the Education Act in a way that fits their objectives rather than aligns with the letter of the law and protects the rights of all students. I believe that the best solution would be to clarify the law and clearly state that religious instruction—since it is not part of the New Zealand Curriculum—is not to be taught in State schools, whether they are “open” or “closed” for instruction. Full-stop. That type of clarity would remove the need for guidelines, it would protect the human rights of all children, it would obviate the need for schools to provide “alternative education” and it would achieve overall clarity for every school, child and parent in New Zealand.

What would be lost in that scenario? Arguably, nothing at all would be lost because religious instruction isn't part of the curriculum in the first place. Religiously-minded parents who are very keen for their children to receive religious instruction at school still have other choices: they can enroll their children in a private school or in a State-independent school which espouses particular values that align with their own or they can take them to activities outside of school hours. Presumably, Sunday School could achieve what such parents would like to see achieved at school via religious instruction.

Personally, I cannot understand why it is still possible in 2018 for some religious groups to be given up to 20 hours a year to go into State schools and persuade students that their beliefs are the only correct beliefs. I do not think this situation is suitable for education in this day and age in New Zealand. In my opinion, schools should be focused on essential learning that benefits all students, not optional, extra, activities that not everyone agrees with and which—arguably—are not even loosely based on fact. It should be noted that the religious instruction is not a balanced account of what different religions promote: it is a wholly one-sided account. Primary school-aged students are presented with this information in the same classroom as they are presented with uncontested facts, like maths, science, reading, writing and spelling. Students are then led to believe that what they are being told during RI in their regular classroom is on a par with those other fact-based learning areas. That's simply not the case though: religion is 100% faith-based and there is no proof of the rightness or wrongness of what is being “taught” during any RI session. Therefore, it is objectively and fundamentally wrong for a State-funded school to be able to present this type of controversial faith-based material in a normal classroom, completely unchallenged and sometimes even completely unsupervised. How can young children discern that there is a fundamental difference between what the church volunteer tells them from 9.00-9.30am and what the maths or writing lesson tells them from 9.30-10.00am. All the material is being presented as if it were on an equal footing.

If parents really want their children to learn something like Christianity, they can certainly make their own arrangements for that. That is what parents do every day in New Zealand. For example, ballet, clarinet, bagpipes etc are not part of the New Zealand Curriculum, therefore, if parents want their children to learn these things, for whatever reason, they can choose to enroll them in classes outside of school hours. One can't help but wonder why religious instruction is any different: why should schools be able to teach it to all of their enrolled students? In short, my opinion is that there is really no need at all for religious instruction (which is almost always *Christian* instruction) in state schools.

Therefore, my overall view is that the Education Act should be amended and clarified to prevent religious instruction in all state schools whether they be open or closed. Religious



*education*, on the other hand, would be a far more suitable subject in the multi-ethnic, multi-religious country that is now New Zealand.

If you reject the above proposition, and insist that State schools still must have the option of instructing children on a particular religion, then my responses to the individual guidelines are as follows.

**Preamble and definitions:** this is useful to some degree but the idea that they provide “clarity” is open to challenge. I think the guidelines make already murky waters even murkier. They don’t provide clarity, but they do provide a greenlight to continue with RI teaching during normal school hours if they do some consultation and provide some alternative education. I would also like to see more examples in the three categories on p2 (“religious instruction”, “religious observation” and “religious education”). I would like to see clarification here on matters such as “Christmas rotations” (which my local school is spending 90 minutes per day for four days this week, i.e. 6 full hours of teaching during normal class time, making Christmas decorations). I would like to see further explanation of how, for instance, singing Christmas songs, undergoing “Christmas rotations”, making Easter arts and crafts and listening to a Church volunteer opine on the meaning of Christmas at a school assembly fit into those three categories. Personally, I think that schools can and do sneak in many religious forms of celebration. The current flexibility over religious instruction (RI) only encourages schools to take an approach that moves us away from, rather towards, adherence to the spirit and letter of the Education Act’s s 78.

I would also like to see more emphasis in the preambular section on clarifying the current law: section 78 only permits RI when the school is closed. If you were to survey all State schools that impose RI on their students, I think you might find that many schools conduct RI during the **normal hours that a school is open**. My school, for example, holds RI from 9.00-9.30 am on Thursdays in terms 2 and 3. The school always opens at 9am so this arrangement is—in my opinion—not obeying the spirit of section 78. They are conducting RI during the normal opening hours and I think that practice has become widespread. Schools should be strongly reminded in these guidelines that they **must only hold RI when the school is actually closed:** i.e. at lunchtime, afterschool or before the normal school hours, *not in the first 30 minutes of a normal school day*. If that were to be the case, I am sure that only the students who are really very interested in receiving RI will attend. It would also mitigate many of the problems that RI creates, such as a feeling of “exclusion” and “otherness” as touched on below, because only the interested students will opt in, rather than the current situation where a few students have to opt out. The current practices of schools using normal school time for RI, and pretending that the school is closed, is really making a mockery of the law and ignoring the need to protect excluded students from discrimination.

#### ***Guideline 1: Use community consultation to inform decision-making***

This guideline and its commentary is far too open-ended to protect the human rights of children. Schools can easily meet this guideline by (once every three years or more) asking parents if they want RI to continue. If the majority tick “yes” then the status quo will continue. Parents who are on the Board of Trustees can make it appear that they are consulting and following this guideline, but if they are in the majority anyway, no change is ever likely to occur. Any that’s the way they like it. This guideline is far too soft, it does not protect children’s rights and it will not help schools to comply with the Education Act. It needs to be noted that in schools where RI is currently being taught, that is largely because a majority of parents don’t object to it. But the question here is: is that how we determine all aspects of the curriculum, by parents voting on it once every three years and letting the majority have their way? It has to be remembered that RI is a one-sided exposition of (usually) one religion’s way of thinking. It is not even part of the curriculum. Why are parents even voting on having it in schools when it’s not part of the curriculum? If it were important, it would be in the curriculum already.

If consultation is thought to be important, parents must be clearly told during such consultation that RI is not a balanced approach to religious education: it is a purely one-sided argument from members of a particular religious group pushing their faith. I am not convinced that all parents are clearly aware of this. I haven't seen any research on what parents think their children are being taught during RI, but perhaps this is an area where research could be enlightening. Parents may well be consulted but they may not even fully understand what RI is all about. Parents intrinsically trust schools to do right by their children.

My personal experience is that I am one of only a few parents at my small, rural school who object to the local church coming in once a week to teach their interpretation of Christianity as "the truth" to children aged 5-13 years old. No matter how stringently I oppose this, it will not change the school's adherence to this practice because I am in the minority. It does not matter that some students have come into the school who are clearly not Christian. Some non-Christian children even attend the sessions but I sense that their main desire is to "fit in" and parents might not want to rock the boat by asking for their children to be excluded. I believe that this type of consultation will be mere window-dressing to allow schools to continue their current practices.

***Guideline 2: Provide full and accurate information to students, families and whānau to help them make informed decisions***

This guideline is good in theory but I do not believe that it will be of much assistance because RI is usually taught by volunteers from local churches and they most likely do not have a clear idea what they are going to teach for the next 20 hours. I don't think it is possible to "provide full and accurate information" about what the volunteers are going to tell the students. In any event, the school can simply give a vague "one size fits all" overview about the teaching of religion and values, they do not have to go into any real detail to satisfy this guideline. My personal experience is this: I have observed an RI church volunteer telling a Bible story to a class of new entrants then having them colour in a picture of a Bible personality for about 15 minutes then having them sit on the mat to listen to the volunteer tell a Bible story and then for all students to participate in a group prayer. I do not believe that this sort of detail will be given to parents. I have never seen another parent present during RI and I very much doubt that schools will provide meaningful and full disclosure to allow parents to really understand how RI time is currently being used.

Also, the guideline's commentary says that this only needs to happen once every three years. For families who move into a new school within that time, they will likely have no idea about what is being taught in RI at that particular school. There is no standard curriculum as there is for everything else a school teaches. Moreover, that once-in-three-year consultation in itself is merely a suggestion, it might not be every three years.

The guideline's commentary has some very important points (e.g. point 2, that RI is not part of the curriculum; point 3, that attendance is not compulsory) but this is only communicated about once in three years! I think this material is so important to parents and students that it should be communicated *every year* before RI begins when parents are deciding whether to have their children excluded – not once every three years or so.

***Guideline 3: Offer valid education alternatives to religious instruction***

This must be strengthened. Instead of saying schools "should" provide an educational alternative, it should say that schools "must" provide an educational alternative. The current wording in the commentary does not require schools to provide an educational alternative. Also, examples should be provided of what an "educational alternative" looks like and what it doesn't look like. It should also state that a qualified teacher must supervise the educational alternative.

My experience is that schools will not always plan meaningful educational alternatives. My child does not attend RI and nor do a couple of other children in a neighbouring class. The teachers put the three of them together in a space outside the classroom, then give them a few worksheets and/or playdough and/or an iPad and basically leave them to it for 30 minutes. I have observed this several times and my daughter tells me about her experiences during this time. I have observed that the teachers seem to utilize this “RI time” to do some of their lesson planning for the day ahead, and so they do not want to get caught up in supervising the excluded students with a proper educational alternative. What I have seen is that teachers just want to give the excluded something to keep them busy until RI is over. To avoid this, there must be clear examples of what the “educational alternative” should be and where it should be conducted. It shouldn’t be conducted right outside the classroom door which is the practice at my school. I know my daughter has, on occasion, spent most of her 30 minutes of RI time colouring-in when her worksheet activities have been completed. The teachers seem to accept that this arrangement is good enough because, after all, these children have chosen to opt-out of RI and they are causing a bit of an inconvenience. Parents like me have to either bring attention to this and raise heckles, or just keep quiet for the sake of preserving some sense of harmony with their school. The current situation will be perpetuated under this loosely worded guideline. This experience, that no real alternative is provided, holds true for other religious-type activities. This week for example my school has spent the last 90 minutes of the day on “Christmas rotations”. This means that students are put into groups and each day they go to a different class and make a different Christmas decoration or craft. I asked for my child to be given a non-Christmas based activity at this time and if this couldn’t be done, I asked to be advised so I could pick up her. Instead, her class teacher denied her the chance of being in a group and she did not rotate anywhere. She stayed in her normal classroom. She made the exact same craft as the other children. All the children were told they were making angels, my daughter was told hers was called a fairy. The following day, my daughter did the exact same activity: she was not allowed to go on rotation, she was not given an alternative activity. This is perfectly normal behavior at this school and I am sure that when I complain about this (which I have done) the school will see me as raising a fuss over nothing and causing trouble. My point here in relating this story is that schools do not go to the trouble of providing “educational alternatives”—I know this for a fact—for those students who don’t want to participate in the religious activities. The current scenario is not working. And the guidelines will not really not help.

If you go ahead with these guidelines, there needs to be a strengthening of the commentary under this guideline. The phrase, “To ensure the rights of students, families and whanau are protected, **boards could consider** offering religious instruction at a time when the school is usually closed for teaching such as before or after school, or at lunchtime...”. This should be amended. It ought to read, “...if boards want to offer religious instruction then **they can only offer religious instruction at a time when the school is closed for teaching. That means, religious instruction should only occur before school, or after school, or at lunchtime.**” Schools should not be able to continue to devote normal class-time to RI – as they do at the moment. Having it in normal class time normalizes religious instruction and it leaks into other aspects of school life which are harder to opt out of.

My personal experience is that my child’s school conducts RI at the best time of the day for learning, from 9.00-9.30am. This is when students are fresh and ready to listen and learn. What a waste of an opportunity for all those students, having to receive RI (i.e. listen to Bible stories, colour-in pictures of people from the Bible) instead of real learning! If schools truly see this as essential activity and want to offer it, why not comply with section 78 and do it before or after school when the school is closed? They shouldn’t have an *option* to conduct this activity during normal school hours.

Moreover, my local school certainly regards itself as being “open” during RI as on one occasion my child was late to school (she arrived during RI) and was asked to report to the office because she was late and had missed attendance which was always taken before

RI commenced. I felt that this was incongruent with the law, which clearly states that RI should only be conducted when schools are closed. Schools are ignoring section 78 and getting away with it because at the end of the day the schools say that the board of trustees has decided that RI will be offered in this way. I was told to my face by my child's new entrant teacher that there is a lot of support by parents for religious instruction in the school, it's "what they want". She also clearly supported it and I really felt that it's a hopeless struggle to get RI out of the classroom, despite s 78. A small group of religiously-minded parents with their hands on the levers of power get to have their way, in my experience. These guidelines won't fix that.

#### ***Guideline 4: Require signed consent for religious instruction***

This is a good idea, but it will not remove the embarrassment of being excluded as claimed in the commentary underneath the guideline. I am sure that simply obtaining signed consent forms from parents will not stop students from feeling pressure to be inside the RI class with their friends. Just because the parents have signed a form ensuring the child will not be in RI, that does not mean that the student will therefore not feel excluded.

My personal experience is as follows. Last year, my child turned 5 years old. She started coming to school at 9.30am on Thursdays to avoid RI. She was the only student in her class to make this choice. She had to walk in "late" past all her friends and the RI "teacher" and they always turned and looked at her as she walked in "late" towards the area where they hang their bags. Her peers often wondered why she was "late" to school. On one occasion, a friend called out from the mat "...you missed out on the Bible story, come and sit with me" and then the teacher (who was in the classroom with the RI volunteer) quickly turned on that child and quite rudely told that child to be quiet. The child on the mat was hurt and confused. I felt bad for her. All the children, including my child, were very confused with what was happening. There was no explanation at any time, about why my child came late on Thursdays. Whether I signed a paper or not, she definitely felt excluded and embarrassed, there's no doubt about that. The children sitting on the mat all thought that Bible studies was a normal part of the school day—they didn't know that it's supposed to be taught when the school is closed—and they all assumed that my child had come late again and "missed out". Ultimately, my daughter asked to be able to come to school at the normal time to avoid this embarrassment and she then had to sit in a space outside of the classroom for 30 minutes, often playing with toys or playdough, or where I sat and read to her, where she could hear most of the RI session anyway because the door was often left open (and it was audible even when the door was closed).

This unsatisfactory situation, which probably is repeated in schools across the country, will not be resolved by having parents sign a piece of paper excluding their child. This feeling of exclusion and embarrassment, and consequent pressure to attend and join in, can only be resolved by removing RI from state schools, or at the bare minimum, by restricting RI to an "after-school" or "before-school" or "lunch-time" optional activity. Religiously devout parents can opt-in their children. Its outside the curriculum so why shouldn't this be the case? The school day can then be protected for all children to enjoy and participate on an equal footing.

I want to reiterate here that the whole RI experience has created a distinct feeling of "otherness" in my child. She felt different and her peers started to see her as different. This is the exact opposite of how I wanted her to feel at school. The other option—and one that many parents probably make—is to let their child participate because of the need to feel included. I couldn't settle for that, because I strongly feel that a strange woman from the local church should not be the one telling my child about the meaning of God, life and death. The current situation, where children of different faiths (or no faith) have to opt out of their classroom and go somewhere else by themselves does not encourage inclusivity.

***Guideline 5: Use volunteers who are not school staff members to lead religious instruction***

I think that it is a mistake to say that “using volunteers reduces the risk that some students will feel excluded”. That is not my experience at all. Students are asked to sit on the mat during RI, look at the person at the front of the class and treat them as they would treat their class teacher. Moreover, my experience has been that the actual teacher is often in the class giving his/her tacit approval to the whole RI process, sometimes helping to maintain order, so students do not understand that attending RI is optional. Thus, the excluded feeling is not at all mitigated by having volunteers take the RI classes. Everyone understands that this is part of the school day because it happens during normal class time in the normal class setting.

I have a concern about using volunteers to carry out RI in the sense that they are not teachers, they do not have a curriculum and yet they are allowed access to teach students. This seems to me to be wrong in principle. Teachers are in front of classrooms because they have a university degree in teaching, whereas 20 hours a year are turned over to some “Joe Blogs” from the local church who can basically use the time as they wish to promote their religion to a captive audience.

***Guideline 6: Provide secular school and student support services***

This is good and should already be practiced by all schools.

***Guideline 7: Perform safety checks on volunteers***

This is essential but I would suggest that teachers should be present in the classroom throughout the RI session, in addition to the safety checks (not as it currently stands in the Draft Guidelines, as an optional extra level of safety if checks are not all available). It is clearly safer and better for the teacher to always supervise the session to ensure the safety of children, but also to monitor what children are being told by the religious volunteer. There is a real and present danger in letting non-vetted strangers into classrooms. It has to be noted that the children will come to trust this “stranger” who has come into their classroom to talk about the Bible so if they see them in another setting, the child will view them with much more trust than another stranger. For that reason, all checks required under the VCA 2014 should apply to the volunteers who are given access to school classrooms. Full VCA vetting should be applied to all volunteers.

***Guideline 8: Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues***

This is good. I would strengthen it in two ways. First, by stating clearly that parents should be reminded of the complaints procedure specifically to coincide with the initiation of RI classes for the year and then during the conduct of the RI classes. Parents should not only be told of the generic complaints procedure for all school-based complaints, but they should be told that if they have complaints about RI *per se* then there is also a process they can follow. This is in keeping with the fact that during RI, the school is using school time to promote a one-sided view of one religion. It would be timely to tell parents that they can complain about any aspect of RI and indeed about the fact that RI is in their school in the first place. Secondly, parents should be told that they can complain to the Ministry of Education and/or the Human Rights Commission if they object to RI or if they believe that the Education Act is not being complied with. The Ministry should have in place an easy way to file a complaint about RI on its website. Parents should be told about it. Perhaps parents are not aware that RI is not part of the curriculum and that it is not compulsory and that not all parents think it is a good thing. If they knew of all the avenues of complaints open to them, they might feel empowered and schools might conversely feel the need to be careful in their compliance with both the Education Act and the Draft Guidelines.

### **Concluding comments**

One has to wonder why all of this discussion is even necessary. If clarity is the objective, the best solution would be to clearly state that RI is not part of the curriculum and therefore will not be taught in State schools. Whether the school is open or closed for instruction should not be a backdoor for the introduction of RI into State schools. That solution is a far more elegant and effective one. It would achieve clarity without the need for a set of detailed guidelines and commentary.

Would we accept a political party to come into the schools for 20 hours a week and tell students that their political views are the only correct views? Would we accept an atheist to come into schools for 20 hours a year and tell students that God doesn't exist and to give them arguments on why all religion is false? Would we accept a company to come into schools for 20 hours a week and push their products or services on students? If we wouldn't condone those interlopers, if we wouldn't want our children to be exposed to those one-sided points of view, why do we still allow religious groups (which, I think it's correct to state, are mainly Christian) to come into State schools and push their religious agenda to children, as if it were the one and only truth, for up to 20 hours a year?

It is my opinion that no guidelines, regardless of how well they are worded, are going to protect children from that kind of harmful and unnecessary exposure to a set of religious beliefs. If we want religion taught in state schools (and do we?) then why not teach it in a comprehensive, balanced and objective manner where *all* religions are discussed openly and given equal air time. Children could be taught what different religions believe, why they have different celebrations at different times of the year and embrace diversity. And if you think primary school-age children aren't ready for that sort of comparative religious theory, then they surely aren't ready for a one-sided argument that there is only one true religion and it happens to be the one pushed by some Church volunteers, braced with some lollipops, animal balloons and other freebies as bribes.

Thank you for allowing me to make my voice heard on this very important issue. I believe that this area is in need of more comprehensive law reform than a set of guidelines can possibly achieve. I believe that the rights of children to be protected from discrimination should be paramount and their rights should always trump the desires of some parents to get religious instruction into their schools (keep it there once they have it in place). All children deserve to go to school and receive their education in an inclusive and caring environment, not to be made to feel like they don't completely belong simply because they don't share the religious views of some parents on the board of trustees.

The current situation is really not acceptable and I do not think it can be resolved with the Draft Guidelines, despite the good intentions behind them. The Draft Guidelines will not alter the status quo. Schools will continue to offer RI during class hours and those who don't like it will have to opt-out and suffer the real feelings of being excluded and often being discriminated against. The Law Commission is probably the correct body to address this issue.

A brief list of suggested recommendations, based on the above, is attached for your consideration.

Yours sincerely

██████████

## **Recommendations**

- 1) Strengthen s 77 by adding clarification that there is to be no religious instruction or religious observances in State schools, regardless of whether the school is open or closed.
- 2) Repeal s 78 of the Education Act.
  - a. Rationale: Since religious instruction is not part of the New Zealand Curriculum, the whole problem that has arisen for parents and students, and the discrimination that currently exists for students who opt-out of RI, could be resolved by removing s 78 from the Education Act.
  - b. Currently, s 78 is causing so much difficulty for students and parents who do not wish to participate in RI but whose schools want RI to continue. The schools are the parties that should have to be brought into line with s 77, rather than trying to force those parents and students to come into line with the schools. The “tyranny of the majority” is the reality of RI in many schools.
- 3) Repeal s 78A of the Education Act.
  - a. Rationale: see above re s 78.
- 4) Repeal s 79
  - a. Rationale: there is no need to provide for this if RI is removed from schools, whether they be open or closed. This section only exists because RI continues to be taught in schools in disregard of s 77.
- 5) Repeal s 80 of the Education Act
  - a. Rationale: Since it is not part of the curriculum there is no reason why teachers should be released from teaching to give RI classes.
  - b. The Draft Guidelines try to get around this issue by recommending that volunteers take RI classes, not normal classroom teachers. But this is really not satisfactory because it still encourages RI at schools, which flies in the face of s 77. In addition, introducing volunteers who might not be completely police vetted creates an unnecessary level of risk into schools.
- 6) Amend s 2 to insert definitions of “religious instruction” and “religious observances”.
  - a. Rationale: It must be clear in the legislation what these activities actually are if schools are to have proper guidance on what they must avoid.
  - b. At the moment, there is no definition in the Act of either “religious instruction” or “religious observance”. There should be if these acts are prohibited.
  - c. This change should be made whether or not s 78 is repealed.
  - d. “Religious observance” should be defined to include all religious activities or anything of an overtly religious nature.
  - e. Parents have other choices if they want their children to learn the precepts of their religion.

- 7) There will be no need for the Draft Guidelines if the above recommendations are put into place.
- 8) Introduce a section that defines "religious education" as balanced education about all religions and their practices and celebrations. Allow this to be taught in schools instead of religious instruction if the Boards of Trustees and Principals feel it is needed after consultation with their communities.
  - a. Rationale: in a diverse New Zealand, where there will probably not be a single State school which is completely homogenous in terms of religion, a balanced and comparative approach is more suitable and more "educational" than the one-sided Christian-based "sales pitch" for only one religion, which is currently being provided in about 590 state schools.
- 9) Introduce the right by law for children to miss school on the days when their religious celebration falls due. At the moment, schools close only for Christian holidays and on others religious holidays students miss out on learning if they celebrate them. New York public schools managed to fix this problem by honouring all major religious holidays with a day off from school: New Zealand could manage that too. What a sign of inclusivity and cultural understanding this could be for all students.
- 10) Amendment to the Education Act to strengthen its provisions on providing secular education in state schools is superior to putting in place a set of guidelines that have no real teeth and only exist because students are suffering from discrimination, direct or indirect, as schools continue to offer RI.
- 11) The human rights in the NZ Bill of Rights and the HRA 1993 should trump the rights of parents, boards of trustees and principals who wish to have RI in their schools. The wishes of the majority are not supposed to override the rights of the minority.



The Ministry guidelines allude to two complex issues which are not adequately addressed by the recommendations. These issues are discussed below.

### ***Classroom teachers, school staff and religious instruction***

Section 5 highlights the problematic position of classroom teachers during religious instruction classes. While the guidelines rightly say that teachers should not have a role in leading religious instruction, they also say that they may be needed to supervise. Some teachers would not be comfortable playing any role in religious instruction, which may conflict with their personal beliefs. This creates a problem for teaching staff, as they would have to make their personal religious beliefs known to their employers.

If there is no teacher present during the class then there is no way to monitor the content of the material being delivered to the children, or the conduct of the volunteers delivering the classes. In the case of a complaint being made against a volunteer, it is problematic that there is not a registered teacher there to ensure the safety of the children. Even though the school or classroom may be considered 'closed' for instruction, the staff still have a duty of care for the children in the same way that they do during lunchtime.

The classes need impartial observers, who put the wellbeing of the children first. If these are teachers it repeatedly needs to be made explicitly clear to students that they are not endorsing the ideas being presented. However, ideally these observers would not be teachers.

### ***Social pressure to attend religious instruction***

Throughout the draft guidelines there is mention of lowering the risk of indirect pressure for students to participate (section 3, 4 and 5). While it is good to see an acknowledgement that there can be social pressure to participate, there is no substantive, effective way offered to address this issue. While schools can improve systems to ensure that only the right students participate, this cannot decrease the risk of social pressure felt by non-participating students.

From a child's perspective, classes and friendship groups will be divided, usually with a small minority of children being separated off from their peer group. When this intersects with other potentially divisive factors, including ethnic differences or special needs, this can greatly exacerbate issues for students. The social issues faced by individual students can be very changeable, and are often very private. It is unlikely that boards will be aware of the social dynamic of each class, and how religious instruction will impact on the wellbeing of individual students.

It is vital that boards give priority to the wellbeing of all students, particularly non-participating students, when deciding whether or not to allow religious instruction in their school. In most cases the best way to ensure the wellbeing of students and provide an inclusive, welcoming environment will be to not allow religious instruction. This idea, that the safest option when in doubt is to not offer religious instruction, should be clearly communicated in this document.

Thank you for the opportunity to provide a submission on the Ministry's guidelines on religious instruction. I look forward to hearing the Ministry's response to the submissions as we find the best way forward for our children's education.

Regards,

[REDACTED]

81. [REDACTED]

Thank you for this opportunity for comment on the "Draft Guidelines on Religious Instruction..."

I would like to say that I am in favour of the continuing of Bible in Schools. Christianity does not seem to have much of a say in our communities these days and this of real concern to me. Children are not taught the basic principles of Christianity which I would hope in time would lead them onto a fulfilled life. With easy access to internet and being able to view a variety of things such as porn our children are getting a very false view of life. Christianity does give our children some tools to cope with the pressures that they face.

There is one thing that I would like to see changed in the draft, it is the proposed "opt in" method of consent. I feel that this may disadvantage some children whose parents, even though supportive, may not end up providing the mandatory consent - often things get lost or simply forgotten.

Thank you

[REDACTED]

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82. [REDACTED]

Dear Madam or Sir,

Thank you so much for this opportunity to make a submission on draft guidelines on religious instruction in state primary and intermediate schools me ngā kura. I would like to refer to my experience as a Christian person whose children currently attend a state primary and intermediate school, [REDACTED]. [REDACTED] has [REDACTED] named after [REDACTED], [REDACTED]. At least [REDACTED] [REDACTED] were very keen Christians and the very works they are honoured for were motivated by their Christian faith. I am grateful that my children have had the opportunity during their time at [REDACTED] to learn something of the faith which inspired [REDACTED].

[REDACTED] says this on its website:

*In addition to our focus on academic challenge, we celebrate being a culturally diverse learning community. Our current student population consists of children from more than 30 countries; celebrating difference and inclusiveness are natural aspects of everyday life at our school.*

*Our school vision is 'Today's learners, tomorrow's leaders'. We believe that all of our students have the potential to lead in the future in some way, whether it be in the workplace, on the sports field, in a cultural setting or in the community. This is the reason why we provide many opportunities for our students to take on a range of responsibilities for themselves and for others.*

We enact our vision through living our values in daily interactions. These values are vital for success in today's society and underpin all that we do and aspire to at [REDACTED]. At [REDACTED] our key values are:

respect / whakamana

excellence / hiranga; and

citizenship / tangata whenuatanga

I acknowledge that I am from a minority cultural group; I regard myself as a 'conservative evangelical' Christian and am fully aware that my views are not those of the majority of Christians, let alone the majority of New Zealanders. [REDACTED] is an extremely multicultural school with children coming from more than 30 different ethnic groups. I greatly appreciate that the words on [REDACTED] website are not simply empty words on a website. In my experience as a Christian, they have been acted out in practice.

In year 6 I attended the school camp with my son. As a parent on the camp, I was put in charge of all the different food requirements that children had. Several children had halal food (they varied in how strict they were about this, and each difference was catered for), others had vegetarian meals for religious reasons, others had different food requirements for different religious reasons. There were other dietary requirements for various reasons also. Consequently, there were many different requirements around every meal. I counted it as a great privilege to organise the many diverse food requirements for these children so that they could all be included each meal time on the school camp in a way which showed respect to their families and their beliefs. I regard it as a great privilege that my children are able to attend school with people from many different schools and with many different beliefs.

For conservative evangelical Christians, what we eat is not particularly significant; my children can eat anything on a school camp. However, a key aspect of our worship and religious observance is meeting together with other people we live with to hear from the Bible, learn what it says from approved elders who teach it, and seek to encourage one another to live by it. I was therefore delighted when I realised there was an opportunity for my son to do this at [REDACTED]. Each Friday lunchtime, for students in years 2 – 4, students had the opportunity to 'opt-in' to attending Christian Religious Education (which was run by the Churches Education Commission). I was delighted my son could meet each week to learn from the Bible in his own time, and culturally felt very included for this to be possible. The school has kindly provided a room for this to happen and has communicated clearly with us, with students and with the families at the school about this happening to keep everyone informed. A role is taken each week and only students whose parents or caregivers have given consent are allowed to attend; if other children wish to attend, it is made clear they are most welcome but they are directed to get a form for their parents or caregivers to sign to give permission.

When my son was about to commence year 5 at [REDACTED], I approached the then Principal and the Board and asked if Christian Religious Education could be extended to include Year 5's. My son suggested we meet at Friday morning tea from Year 5 on. He is now in Year 8, and now children in intermediate school as well as primary school have the opportunity to meet with an approved Bible teacher from the CEC and to consider what the Bible says. It would be inflammatory for anyone to suggest this causes division amongst my children's peers – children are constantly going off to different meetings (orchestra, football, cricket, tai chi etc) and are involved in religious observances (eg Ramadan) and cultural observances (eg Chinese New Year) which other children may not be. In my experience as a parent, Christian children going to CRE is just an ordinary and very normal part of school life. I am thankful that my son has had the opportunity throughout primary and intermediate school to meet with others he is learning with who also wish to learn from the Bible from an approved Christian elder, and I hope my daughter and hopefully one day my grandchildren will have the same opportunity.

I have greatly appreciated the work of the Churches Education Commission and the service they have provided my family and my children. In the early years, they provided trusted teachers to teach my children. In time, I became one of those teachers and for some years have led the team now at [REDACTED]. All our teachers have completed the CEC training, we follow the CEC curriculum and are police vetted.

I would say that as a conservative evangelical Christian, I make a concession regarding me and my family's human rights to accept and support the syllabus of the CEC, and work alongside others. CEC has as its code of expectations for teachers: '3. Accept that the purpose of CRE is to educate children about Christian beliefs and values; a CRE teacher must not use their position to engage in evangelism.'

I chose to accept and to abide by this in order to work within the CEC framework.

However, I would argue that on the basis of the Universal Declaration of Human Rights, my children ought to be able to attend a meeting at their school in their own time when 'evangelism' is engaged in, and they ought to be able to meet together with any other students who, with their parent or caregiver's consent, wishes to come along and learn from the Bible. Articles 18 and 19 of the Universal Declaration of Human Rights 1948 read:

**Article 18.**

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with

others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19.**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Jesus told his disciples to go and make disciples of all nations, teaching them to obey everything he had commanded. A manifestation of both my and my children’s religious belief, practice, worship and observance is teaching others to obey all Jesus said and to make disciples of him (what is referred to be the CEC code of conduct as ‘evangelism’). I am very anxious that groups like the Secular Education Network show little to no concern for the Human Rights of Christian children at Primary and Intermediate Schools. While I know their focus has currently been on getting rid of the 20 hours set aside for ‘religious education’ in school hours, I have followed the Secular Education Network’s Facebook group and I know they rejoice in children being denied the opportunities like my children have had at [REDACTED]: to meet in lunchtimes or morning tea, in an opt-in programme, to learn from the Bible. However I am very grateful to the Board of [REDACTED] that my children have not been denied this basic Human Right, but as Christian children have had the opportunity to express their religious worship, meeting with other people to learn from the Bible and be encouraged to respond rightly by an approved Christian elder. I hope and pray that as a result of your work, this basic Human Right will continue to be extended to children across Aotearoa New Zealand.

My recommendation to the Commission, then, would be to ensure that the following guideline is given: children from a particular religious community ought to be given the opportunity if they wish to be able to meet for religious instruction in morning tea or lunch time to be instructed by people approved from within that religious community.

Thank you so much for considering my Submission, and thank you for your work. I shall be hoping and praying that you do indeed uphold Human Rights for the children of New Zealand.

Yours Sincerely,

[REDACTED]

Note attached a pdf. Of the guidelines with some suggested changes.

7 December 2018

Dear Sir/Madam

We wish to make the following submission in relation to the Ministry of Education's Draft Guidelines on Religious Instruction. We understand that submissions close today.

After having read and engaged with the Ministry's draft document carefully we want to make the following observations and comments.

*1. The general tenor of the draft document:*

The document is an impressive one in several respects. We believe that it *will* provide valuable and much-needed clarification of a variety of matters that have arisen in relation to the provision of religious instruction in primary schools in Aotearoa New Zealand over an extended period of time. Having conducted research in this field of study for some twenty years as specialists in the fields of history of education and education policy, we believe that we are particularly well placed to comment on the draft document.

(i) The inclusion of a scenario for each of the eight recommendations is to be commended. We envisage that the scenarios will be helpful for members of boards of trustees who are faced with the potentially difficult task of working on their school's policy regarding the provision (and non-provision) of religious instruction.

(ii) The decision by the author(s) of the draft document to provide detailed information on each of the eight components that have been presented for consideration (pp. 6-15) is praiseworthy. We believe that much thought has gone into the rationale provided for each of these components, although we submit respectfully that careful editing and some rewriting of the material is needed in order to enhance the impact of the arguments and to aid the readability of the document. (We have made several suggestions for amendments in a scanned version of the initial document. This document will accompany our submission. We do not wish to see the good work that is evident in the document being diminished in importance and/or in its general and specific impact because of some lapses in written expression.)

(iii) The definitions of fundamental terms that appear on pages 3 and 16 are very helpful. We believe that they help readers to make valuable distinctions between religious education, religious observances, and religious instruction--distinctions that are necessary in a field of endeavour where confusion is evident in some communities over the exact meaning of the terminology employed. Readers will be left in no doubt about the focus in the document on religious instruction. This is another strength of the document, we suggest.

(iv) The decision to provide extracts from selected education and other legislation (e.g., the 1964 Education Act, the 1989 Education Act, the 1990 New Zealand Bill of Rights Act, and the 1993 Human Rights Act) was a sensible one. Readers will appreciate, quickly, the special features of each piece of legislation and ought to be able to appreciate the general tenor of the legislation. We suggest, however--from the perspective of historians of education and education policy specialists--that mention of "Boards" be eliminated from the material relating to the 1964 Education Act (please see pages 2 and 4). School committees were the antecedents to boards of trustees. The latter came into being only in the wake of the Picot Report and Tomorrow's Schools. The former existed from at least 1878, with the passage of the 1877 Education Act.

(v) We are pleased to see and read the material on valid education alternatives (recommendation number 8). Its inclusion ought to clarify an area where we believe much confusion has existed (i.e., over the matter of school authorities providing, or not providing, activities for those pupils who will not be receiving religious instruction. The requirement to make such provision, we maintain, is and has not been understood well by some authorities).

(vi) Recommendation number 5 (concerning the role of volunteers, and not staff members at a given primary school) is also eminently sensible. Readers will be left in no doubt about the clear expectation that the delivery of religious instruction is *not* to be the task of teachers or other school personnel. We predict that such a measure will remove if not eliminate altogether any possibility of pupil-teacher-principal-board of trustees tensions emerging over precisely who is to deliver such instruction.

(vii) We also support fully the sentiments that appear in relation to recommendation number 4. The suggestion that signed consent is needed for a pupil's involvement, or no involvement, in religious instruction should minimise if not remove altogether any ambiguity about whether or not a particular pupil is to engage in, or not engage in such instruction. We believe that there has been some confusion over several decades on the part of parents, guardians, and school personnel on what is the best way(s) to proceed on the matter of consent. This recommendation will be of direct assistance to a variety of parties who are curious about 'how to proceed' in this domain.

## *2. Suggestions for minor revisions:*

In the attachment that will accompany our submission we have made some suggestions that we firmly believe will help to eliminate some potential ambiguity and will assist the readability of the document.

(i) We suggest that reference to "boards" be removed (and replaced by 'members of boards of trustees' or 'a school's trustees') is not helpful, along with references to "schools" (and replaced by 'school personnel' or 'school principal', or 'members of a school's management team' or suchlike). These are both inanimate objects and/or institutions as they stand in the document presently. To add a human dimension is important, we believe. Our suggested change will satisfy this objective.

(ii) In the diagram that appears on page 2, the 1964 Education Act overview should omit reference to "boards". The following phrase--"school committee members (later, board of trustees members)" should be substituted for the original wording. In the same diagram, under the 1990 New Zealand Bill of Rights Act, the last line should read "discrimination and freedom to hold and to exercise religious belief."

(iii) On page 6, the wording of the seventh recommendation is at odds with that used on page 13. There is a need for consistency, especially given the importance of each of the eight recommendations.

(iv) In every instance singular-plural disagreement must be avoided (e.g., "... a student based on their...". The correct, grammatical, format is always "a student and his or her ..." (Please see page 9, paragraph 4.) Please forgive what may be perceived as linguistic pedantry, but we are aware that this document is likely--in an amended form--to become a frequently used reference for school authorities and for other persons involved in education and schooling in Aotearoa New Zealand so accuracy of written expression is especially important.

(v) We have suggested other, small-scale, emendations to the document in the scan that accompanies our submission. These are provided in a genuine attempt to be helpful and not obstructive or critical for its own sake. They are presented in this spirit.

### 3. Conclusion:

We believe that the Ministry of Education's Draft Guidelines on Religious Instruction document is a sound one, educationally. After the revisions that we have outlined have been made, we will be more than satisfied that the document will prove to be a valuable resource for primary school authorities.

Thank you for the opportunity to comment on the draft document.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

E-mail: [REDACTED] [REDACTED]

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MINISTRY OF EDUCATION  
TE TĀHUHU O TE MĀTAURANGA

*Submissions close on 7 Dec. 2018*

**DRAFT**

# **Guidelines on religious instruction**

in State primary and intermediate schools

*(Sept 2018?)*

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Delete hyphen x

Different wording than that used on p.6.



## Why guidelines on religious instruction?

The Ministry of Education (the Ministry) has developed these draft 'Guidelines for religious instruction in state primary and intermediate schools' (the guidelines). The guidelines have been produced to help clarify what boards of trustees' legal obligations are when allowing religious instruction, and to help boards of trustees develop best practice policies and practices around **how** to offer religious instruction.

The Education Act 1964 states that teaching in all state primary schools must be **entirely of a secular character** (non-religious) while the school is open. The Education Act 1964 also gives boards of trustees a choice of whether to close the school, or a place within the school, to allow religious instruction under certain conditions. Boards of trustees can also decide what kind of religious instruction is allowed. The Education Act 1989 means that the Education Act 1964's religious instruction provisions apply to State primary and intermediate schools, schools with designated special character, Kura Kaupapa Māori and some Kura-ā-Iwi.

As well as complying with the Education Act 1964, boards must also comply with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. These human rights laws ensure that all people living in New Zealand have the right and the freedom to their own religious beliefs as well as the right to and freedom from religion. These human rights laws aim to ensure that people are not discriminated against because of their religious, or non-religious, beliefs. All schools have obligations to protect and promote the rights of students and parents in a multi-cultural and multi-faith society.

What this means in practice is that, while schools can close to offer religious instruction, they must do so in a way that does not discriminate against anyone who holds different beliefs. The draft guidelines provide practical advice for boards on how to enable the closure of schools for the delivery of religious instruction programmes, while doing so in a way that keeps the rights of diverse students, and their families and whānau, at the centre of their decision making to reduce the possibility of discrimination.

The diagram below shows how the different pieces of legislation work together to shape how boards can allow religious instruction to be offered to students in state primary schools.



## Guidelines on religious instruction



## The difference between religious instruction, religious observance, and religious education<sup>1</sup>

*Helpful definitions.* These guidelines are focused on religious instruction, not religious observance or religious education

*x* **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 the religion being taught. Religious instruction is **not** part of the *New Zealand Curriculum* or *Te Marautanga o Aotearoa*.

*✓* **Religious observances** are ceremonial or devotional acts of religion, such as prayers, Christian karakia, the singing of hymns, or religious readings. They support or encourage adherence to a particular belief or religion. Religious observances are **not** part of the *New Zealand Curriculum* or *Te Marautanga o Aotearoa*, and are not covered in these guidelines.

*✓* **Religious education** 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*.

### The application of the guidelines

*✓* These guidelines apply to state primary schools. This includes intermediate schools, Kura, Kura Kaupapa Māori and Kura-ā-Iwi, and schools with designated special character because they are designated as primary schools under the Education Act 1989.

The guidelines apply to activities run on a school's premises, as well as <sup>to</sup> school activities based offsite (such as school camps).

*x* The guidelines do not apply in the same way to state secondary schools, State integrated schools, or private schools. However, these schools are bound by the Bill of Rights Act 1990 and the Human Rights Act 1993 in the same way as other schools. The <sup>members of</sup> boards of these schools should therefore find these guidelines useful when deciding whether to allow, or how to offer, religious instruction. State integrated schools will also still need to meet their obligations under the Education Act 1989. <sup>authorities</sup>

The guidelines do not apply in the same way to religious observances.<sup>2</sup>

For more information, contact your regional Ministry of Education Office.

<sup>1</sup> These definitions are informed by Religion in New Zealand Schools - questions and concerns published by the Human Rights Commission. <sup>school authorities</sup>

<sup>2</sup> When allowing religious observances, schools must: observe the relevant time constraints; make sure any religious observance occurs during a time, and when, that part of the school is closed for instruction; allow students to opt out; and respect students' and teachers' rights to manifest their religion in practice and observance.



## The legislative framework

*The* **Education Act 1964** requires all teaching in state primary schools to be secular, but gives *boards of trustees* of state primary schools the choice of whether to close their school (or a class or classes within the school) to allow religious instruction or observances under set conditions. *in order*

The relevant sections of the Education Act 1964 are as follows.

- ✓ *1* • Section 77 requires all teaching in state primary schools to be entirely of a secular character.
- ✗ *x* • Section 78 permits religious instruction to be taken by volunteers and religious observances to be conducted in a manner approved by the board, when either the school, a class or multiple classes, are closed. Closure of the school for the allowance of religious instruction or observances can occur at any time of the school day for a period of up to 60 minutes per week, and no more than 20 hours per year. *for*
- Section 78A allows for extra provision of religious instruction or observances where this is supported by the majority of a school's parent community, and the Minister approves it. *when*
- Section 79 requires that attendance at religious instruction or a religious observance is not compulsory. A student is not required to attend if any parent or guardian has conveyed this in writing to the school. *desire*
- Section 80 permits a teacher to ask the board's approval to be freed from school duties to take part in religious instruction or observances for up to 30 minutes per week.

*The Education Act 1989* defines *as being* that State primary schools *are* those that offer education anywhere within the range of Years 1-8, and include State intermediate schools, schools with a designated special character, Kura kaupapa Māori and Kura-ā-Iwi.

The relevant sections of the Education Act 1989 are as follows.

- ✓ *from* • Section 5 sets out primary school enrolment criteria by age.
- Section 145 designates intermediate schools as primary schools.
- Section 156 sets out that designated character schools, including Kura Kaupapa Māori, are State schools.
- Sections 444 and 445 regulate the place of religion in State integrated schools in a different way to other State schools.

*The New Zealand Bill of Rights Act 1990* sets out a range of rights and freedoms that the government and anyone carrying out a public function are required to affirm, uphold, and protect. The New Zealand Bill of Rights Act 1990 means that students, their parents, caregivers, family and whānau have the right to freedom of religious or non-religious belief, as well as the right to freedom from discrimination. *have*

*legislation*

*how it is*

In practice, this has a moderating effect on *how* religious instruction is decided on and delivered within a school. The New Zealand Bill of Rights Act 1990 does not override a board's authority to close the school to allow religious instruction to take place.

The relevant sections of the New Zealand Bill of Rights Act 1990 are as follows.

- Section 3 provides that the Bill of Rights only applies to acts done by the government or anyone carrying out a public function *by*
- Section 13 gives everyone the right to freedom of thought, conscience, and religion. *hold and to exercise*
- Section 15 gives everyone the right to manifest *his or her* religion and belief. *the* manifestation of religion and belief is how people express their beliefs (such as participating or leading religious ceremonies or wearing religious dress). *Add full-stop*
- Section 19 gives everyone the right to be free from discrimination on the grounds included in the Human Rights Act 1993.
- Section 20 reinforces that people who belong to ethnic, religious or linguistic minorities also have these rights protected.

*The Human Rights Act 1993* gives more information on what types of discrimination are unlawful. These grounds include discrimination based on religious and non-religious belief, including agnostic and atheistic belief.<sup>3</sup> What this means in practice is that, while *members of* boards of trustees can choose to close their school to allow religious instruction, they must do *this* in a way that does not discriminate against anyone who holds different beliefs.

The relevant sections of the Human Rights Act 1993 are as follows.

- Section 21 sets out that discrimination on the basis of religious or non-religious belief is unlawful.

<sup>3</sup> Human Rights Commission (2010). Human Rights in New Zealand Ngā Tika Tangata O Aotearoa. p. 141. Retrieved from [https://www.hrc.co.nz/files/7014/2388/0544/Human\\_Rights\\_Review\\_2010\\_Full.pdf](https://www.hrc.co.nz/files/7014/2388/0544/Human_Rights_Review_2010_Full.pdf)



# Guidelines on religious instruction in state primary and intermediate schools

## Summary

*Members of* Boards of trustees (boards) of state primary schools, should, when making decisions about whether and how to deliver religious instruction and observances, always keep the protection of the rights of students and their family and whānau at the centre of decision-making.

*members* Boards should consider how their policies and practices in relation to religious instruction impact on the rights of students, their parents, caregivers, families and whānau, to hold different religious and non-religious beliefs. *members* Boards should consider how to balance diverse beliefs in a manner that protects students and their parents, caregivers, families and whānau, while meeting the needs and wishes of the communities they serve.

*members* Boards have the discretion to close *their school* to allow religious instruction programmes under certain conditions. This means that while some boards *members* may choose to close their school, or a place in their school to allow religious instruction programmes, others may not. The kind of religious instruction, and content of religious instruction programmes allowed may vary greatly between schools.

*members* These guidelines are intended to be used by boards to develop policies and practices that address each of these scenarios.

## The Ministry recommends that boards to trustees:

- Remove the hyphen.*
1. Use community consultation to inform decision-making.
  2. Provide full and accurate information to students, families and whānau to help them make informed decisions.
  3. Offer valid education alternatives to religious instruction.
  4. Adopt a signed consent approach to religious instruction.
  5. Use volunteers who are not teaching staff to lead religious instruction.
  6. Provide secular school and student support services.
  7. *and cite?* Perform or sight safety checks for volunteers.
  8. Communicate to families and whānau the complaints procedure, and use that complaints procedure to resolve issues.

*See p. 13, heading — must be consistent.*

*Add*



## 1. Use community consultation to inform decision-making

There can be diverse religious beliefs held across a community and within a school. When making decisions about whether to allow religious instruction, boards should ensure that the views of all members of the school community are given fair consideration, to uphold the rights of students and their parents, caregivers, families and whānau.

The Ministry recommends school boards:

- seek community input in the most appropriate way for that community (for example written survey, open meeting) about whether to allow religious instruction and how it should be offered;
- seek to ensure that parents and whānau are made fully aware during the consultation process of the nature and content of any proposed programmes and the non-religious education alternative that will be offered;
- have a transparent and open decision-making process, and make the findings from consultation available to the school community; and
- consult every three years, or when there has been a noticeable change in the needs of the community, or if there is a proposed change to the religious instruction offered.

In addition to the above recommendations, boards should consider how they collect and compare information from groups who wish to provide religious instruction in their schools. This is so the board is capturing accurate and consistent information from providers, and is able to demonstrate to the community a neutral, transparent selection process.

### A scenario for community consultation to inform decision-making

A board was reviewing its religious instruction programme. It decided to hold a community meeting as part of a pre-organised whole school cultural event. The board advertised the meeting as part of the event in the school newsletter, on its website and social media pages, and sent information home with students.

During the meeting the board presented information on the nature and content of the proposed religious instruction programme and on the alternative non-religious programme that would be available to those that do not participate.

The Board welcomed discussion from students, families, whānau, and community members. Attendees could leave comments on a feedback form that they dropped into a box if they did not feel comfortable speaking at the meeting.

The Board considered all the feedback and decided to offer religious instruction alongside the proposed alternative for students who do not participate in the religious instruction programme. The board summarised and published the feedback and final decision, including how it arrived at the decision, in the school newsletter and on its website.



## 2. Provide full and accurate information to students, families and whānau to help them make informed decisions

Information provided to students, their parents, caregivers and whānau, should inform them of the nature and content of any religious instruction programme(s) and the education alternative(s). <sup>Doing this</sup> This will ensure that students, families and whānau are made fully aware of what students will be learning while <sup>involved</sup> in each of the programmes. Information should be provided during consultation (see guideline 1), and on a regular basis after consultation.

The Ministry recommends that students, their parents, caregivers and whānau are provided with clearly communicated written advice:

- on the nature of <sup>the</sup> content being taught in any religious instruction and alternative programmes;
- that any religious instruction programme is not religious education and therefore <sup>is</sup> not part of the New Zealand Curriculum;
- that attendance at any religious instruction programme is not compulsory;
- that the religious instruction programme endorses a particular religious faith and will use or reference religious documents, such as the Bible; <sup>and</sup>
- on who will be taking each of the programmes, and the time and place that the programmes will be held.

The Ministry recommends that boards <sup>members</sup> communicate information to students, families and whānau, including through regular community consultation (for example, every three years).

### 3. Offer valid education alternatives to religious instruction

If boards choose to offer religious instruction during a time that the school would usually be open for teaching, students who do not participate in the religious instruction programme should be provided with a well-planned, valid education alternative.

This is important in order to ensure that students are not treated in a discriminatory manner based on their beliefs. Students should not feel pressured to participate in religious instruction because the alternative options are ad hoc or not appealing. Students should not perceive the alternative as a punishment for not participating in religious instruction.

The Ministry recommends <sup>that</sup> boards <sup>members</sup> decide, in consultation with the community (see guideline 1), on a valid education alternative to religious instruction. Information should be provided on the alternative during consultation and on a regular basis thereafter. The information should include:

- the nature and content of the alternative programme and that it is non-religious; and
- who will be taking the programme, and the time and place that the programme will be held.

To ensure the rights of students, families and whānau are protected, boards could consider offering religious instruction at a time when the school is usually closed for teaching, such as before or after school, or during lunchtime. This approach would help schools avoid the risk of discrimination towards a student based on their religious or non-religious beliefs, or those of their parents, caregivers or whānau.

Making religious instruction available to students at a time when the school is usually closed for teaching means that it would not be necessary for schools to offer an alternative.

#### A scenario for offering alternative programmes

After consulting with its community, a board decided to offer a Christian based, and an Islam based, religious instruction programme, to reflect both the Christian and the increasing Muslim populations in the community.

The board also introduced an education alternative option for students who do not participate in the religious instruction programmes.

As a result of community consultation it was decided that the education alternative would be an inquiry based around values, family, and culture in a non-religious context.

#### A scenario where a school is closed when religious instruction programmes are offered

A board decided, after consultation with its community, to continue to provide religious instruction. The community supported starting the school day later on a Friday, at 9.30am instead of 9.00am. Students who participated in religious instruction came to school at 8.45am. The religious instruction programme ran through to 9.30am, at which time the school opened for teaching.

Because the school was closed for normal teaching, those who did not participate in the religious instruction programme started school at 9.30am.

The school opened the library for students who caught the bus to school or needed to be dropped off at the usual time.



#### 4. Require signed consent for religious instruction

The Ministry recommends requiring signed consent for participation or non-participation in religious instruction.

Requiring signed consent helps schools <sup>authorities</sup> to align practices and processes with the protection of students' rights and <sup>to</sup> ensure <sup>that</sup> students are free from discrimination. This <sup>proposal reduces</sup> lowers the possibility that students will face discrimination based on their religious or non-religious beliefs. <sup>The reason</sup> This is because with signed consent, students who participate in religious instruction are there with the knowledge and explicit consent of their parents, caregivers and whānau.

Requiring signed consent should also lower the risk of indirect pressure for students to participate in religious instruction. Indirect pressure could come about if students are embarrassed or confused about why they have been withdrawn from a class.

The Ministry recommends <sup>that members of</sup> boards.

- require signed consent for all religious instruction offered <sup>that</sup> to make sure <sup>h</sup> parents, caregivers and whānau agree to their child's participation;
- adopt the default position of non-participation (e.g. participation in the alternative, non-religious option), where families and whānau <sup>h</sup> have not provided signed consent;
- require signed consent at enrolment, prior to the commencement of a religious instruction programme if never offered before, and prior to the commencement of a religious instruction programme if any aspect of the programme has changed from previous years; <sup>and</sup>
- keep a record of the signed consent.

##### A scenario of a signed consent process for religious instruction

After consulting the community, the board <sup>members of</sup> decided to allow religious instruction and one non-religious alternative. <sup>of trustees</sup>

Families and whānau received written advice that outlined the nature and content of the two options (provided during community consultation). They were asked to select one of the two options for their child and sign and return an enclosed form.

Some families and whānau did not return the form. The children were placed <sup>to</sup> in the alternative non-religious programme. The school <sup>administrators and/or principal</sup> kept copies of the signed consent forms as part of the students' records of information. <sup>personnel at</sup>

After reading the full and accurate information provided by the school (see guideline 2), some families and whānau were still not sure about which option to select. The board <sup>members</sup> included on the consent form the contact information of the provider of the religious instruction programme so that families and whānau could <sup>h</sup> contact the provider directly for more information. The board also provided the contact information of the staff who would take the alternative programme. <sup>members</sup>

## 5. Use volunteers who are not school staff members to lead religious instruction

x The Education Act 1964 specifies that all religious instruction <sup>must? should?</sup> be taken by volunteers. When religious instruction is taken by a member of the teaching staff, it may be difficult for students to distinguish between the teaching of the curriculum <sup>OK omit</sup> and the teaching of a particular faith, outside of the curriculum.

Ensuring that religious instruction is taken by volunteers lowers the risk that students will become confused about the place of religious instruction within the school. Using volunteers reduces the risk that some students <sup>will</sup> feel excluded from their teacher and peers, <sup>thereby</sup> reducing the pressure <sup>that</sup> students may feel to participate in religious instruction.

The Ministry recommends that:

- all religious instruction is taken by volunteers;
- volunteers who take religious instruction classes do not fulfil any other teaching or support role within the school, such as teacher aides or counsellors; <sup>and that</sup>
- the teaching staff of the school have no role in leading religious instruction that takes place at the school, but if necessary, may <sup>need to</sup> act in a supervisory role (see guideline 7).

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## 6. Provide secular school and student support services

In order to provide all students <sup>with</sup> the same opportunity for access to support, the Ministry recommends that all pastoral and support services should be secular in nature.

Support services might include those provided by health and youth workers, counsellors, or mentors, or it might include the provision of specific learning and/or behaviour programmes.

<sup>provision</sup> This will ensure that students, families and whānau of diverse beliefs <sup>will</sup> feel confident <sup>that</sup> they can access the support they need.

The Ministry also recommends <sup>that</sup> no counselling and support staff be linked to the religious instruction programmes offered at the school.

### A scenario for secular support services

<sup>Members of a</sup> A board was offered the help of a small, not-for-profit organisation that would provide support services to students, families and whānau by way of a trained individual support worker. The organisation was founded on Christian principles and provides a range of services to the community.

<sup>Members of the</sup> The board and the organisation worked together to establish what services the support worker would offer to students, <sup>and</sup> Both agreed that any support would be secular in nature. The support worker signed an agreement outlining these terms.

<sup>members</sup> The board and the organisation also agreed that the organisation would not be a provider of religious instruction at the school while it provided secular support services.

<sup>board members</sup> The school communicated to <sup>their</sup> its community about the arrangement and indicated that students, families and whānau could expect only secular support from the individual support worker and the organisation in the context of the school setting.

<sup>having been</sup> The arrangement worked successfully with the expectation of secular support established early, and families and whānau informed of the kind of support they could expect to receive.

<sup>with</sup>

<sup>having been</sup>

<sup>from</sup>

## 7. Perform safety checks on volunteers

The Vulnerable Children Act 2014 (VCA) introduced a number of requirements, including that paid workers who work with and provide regulated services to children will need to be **safety checked** by their employer. The overarching purpose of undertaking the safety check is to ensure that people working with children do not pose a risk to their safety. A safety check comprises six main elements – an identity check, an interview, a police vet, work history check, referee checks and a risk assessment.

While volunteers (people who are not paid for their time) are not required under the VCA to be safety checked, the Ministry recommends that boards **safety check all volunteers who will have access to, and who will have regular or overnight contact with, children.** The Education Act 1964 requires that volunteers deliver religious instruction programmes. Safety checks should be completed by the school (or religious instruction organisation) prior to the volunteer commencing involvement with the religious instruction programme allowed in the school.

Some providers of religious instruction programmes may complete some elements of the safety check, such as a police vet, on volunteers as part of their processes. A school may choose to rely on these elements as part of its safety check. Where some or all components of a safety check have been completed by another organisation on a board's behalf, the board <sup>members</sup> ~~is~~ still responsible for confirming that these components have been completed, and ensuring that a full safety check has been done. Where this is the case, the Ministry recommends that <sup>members</sup> ~~the~~ board sight a copy of the police vet after gaining authorisation from the volunteer (a police vet should be less than three years old). In these circumstances, the Ministry also recommends that <sup>members</sup> ~~the~~ board still undertake <sup>their</sup> ~~its~~ own identity check of the volunteer.

Where a volunteer has not undergone a safety check, the Ministry recommends that a school staff member attends the religious instruction or observance in a supervisory role. The staff member should not participate in the religious instruction programme.

The VCA also requires schools to have a Child Protection Policy in place from 1 July 2016. This policy should outline the board's <sup>members</sup> ~~commitment~~ to child protection and recognise the important role and responsibility of all staff (including volunteers) in the protection of children.



For more information on the Vulnerable Children Act 2014 and helpful resources, see the Ministry website and the Children's worker safety checking under the Vulnerable Children Act 2014 resource.

#### A scenario for undertaking or sighting safety checks

Members of a <sup>were</sup> ~~was~~ board <sup>to be</sup> allowing a religious instruction programme delivered by a large provider of religious instruction. All volunteers for the organisation were subject to a police vet as part of their induction.

his? her? The board <sup>members</sup> sought authorisation from the volunteer assigned to take the religious instruction to see their police vet and will seek authorisation from any volunteers who might fill in from time to time. The board <sup>members</sup> completed the other components of a safety check on the volunteer including an identity check, an interview, a work history check, referee checks and a risk assessment.

The board's Child Protection Policy states that ~~it~~ <sup>members</sup> will safety check all volunteers and requires volunteers to sign in and out at the office when visiting. <sup>will</sup>

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## 8. Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues

Boards<sup>members</sup> should aim to have open lines of communication with students, families, whānau and the community. School boards<sup>members</sup> should be able to use these guidelines to design policies and practices around religious instruction that reflect community need while at the same time protect the rights of students, their families and whānau.

However, there may be times where families and whānau are dissatisfied with the way that religious instruction is handled.

The Ministry recommends that:

- boards<sup>members</sup> ensure they have a clear and accessible complaints procedure that staff are familiar with; <sup>that</sup>
- the complaints procedure (or how to access information about it) is ~~clearly~~ communicated to families and whānau <sup>clearly; and that</sup>
- boards<sup>members</sup> follow the established complaints procedure in an effort to find a satisfactory solution.

If boards do not have a complaints procedure, <sup>then</sup> the Ministry recommends that boards proactively develop one.

For more information on handling complaints, see the Ministry's website for Educational Leaders on Dealing with complaints and a report from the Ombudsman's Office on Good complaints handling by school board of trustees.

### A scenario for communicating and dealing with complaints

A teacher received a complaint from a parent regarding the school's practice in religious instruction. The parent was unhappy that their child attended a religious instruction class when they had not given consent for their child to participate in to the lesson.

The teacher, using the school's complaints policy, took time to listen to the parent and <sup>to</sup> make sure their concern was understood then advised the parent that they would take <sup>members</sup> some time to investigate what had happened. The concern was relayed to senior management at the school.

Upon investigation, it was found that a reliever, who did not have knowledge of who had given consent for which option, was taking the class on the day in question. This led to the child remaining in the class while the religious instruction took place.

The board<sup>members</sup> asked senior management<sup>members</sup> to decide on a number of practical steps to improve communication between permanent staff, relievers, and the provider of religious instruction to address the concern. The teacher communicated these solutions to the parent who confirmed that they were satisfied with the outcome.



## Glossary

<b>Closed -</b>	The school (or a designated area of it) is not open for instruction
<b>Karakia -</b>	Māori prayers or incantations (may be religious or non-religious)
<b>Religious Education -</b>	The neutral teaching and presentation of information about religion, in the context of another curriculum subject, such as the social sciences learning area of the New Zealand Curriculum
<b>Religious Instruction -</b>	The teaching or endorsing of a particular faith. It is the non-neutral, partisan teaching of religion which supports or encourages student belief in the religion being taught
<b>Religious Observance -</b>	Ceremonial or devotional acts of religion, such as: prayers, karakia, the singing of hymns, or religious readings. It supports or encourages adherence to a particular belief or religion
<b>Safety checks -</b>	As required by the Vulnerable Children Act 2014, <sup>whereby</sup> <del>requires</del> confirmation of identity, collection of information including work history and an interview, third party checks with police or licensing bodies like the Education Council <sup>is necessary</sup>
<b>Secular -</b>	Not connected with religious matters
<b>Support Services -</b>	Counselling, youth work or health services
<b>Te ao Māori -</b>	The Māori worldview
<b>Te reo Māori -</b>	The Māori language
<b>Tikanga Māori -</b>	The Māori way, culture, custom
<b>Volunteer -</b>	A person who performs work for an organisation without being paid

84. [REDACTED]

Dear Ministry of Education,

**Submission on Religious Instruction Guidelines**

[REDACTED]

7/12/2018

I strongly believe in secular education. I think that separating children out on the basis of their parents beliefs is divisive. With increasing globalisation I want all children to grow up together.

When it comes to religious instruction in schools I strongly believe there is no place for it during regular school hours.

I commend the Ministry of Education on developing guidelines that are comprehensive, and offer some suggestions to ensure that schools can balance the needs of a minority of parents who are Christian (or another religion) and who want the state to allow religious instruction to take place in schools during school hours, and the needs of the majority, who want schools to focus on curriculum subjects delivered by trained and vetted teachers.

With this in mind I would like these guidelines to be requirements that schools must follow. I would like the Ministry to ensure that schools are following the guidelines, and for more scrutiny of schools that close during regular teaching hours, and who is delivering the sessions.

I note that all the scenarios in this guideline document end with the school choosing to close in order for religious groups to run instructional sessions for some of the children in the school. In reality, a majority of schools do not allow religious groups to run instructional sessions. At least half the scenarios should result in the school choosing not to allow religious groups to run sessions.

I would like to see greater emphasis on having opt-in rather than opt-out sessions.

The provision for children who are not opted-in to religious instruction should not be educational alternatives if this is taking place during the school day. Technically, the school/classroom is 'closed'. Therefore, it seems fair that the children should be able to take part in any activity they normally would when not required to be in a lesson. For example, learning through play, fun activities and events would be a suitable alternative, as additional lessons or library time could be seen as a punishment for not taking part in religious sessions.

I would also like the working in the document to indicate that it is not the school or the board choosing to run these sessions, but an external, volunteer religious group. Therefore, any mention of boards of trustees and schools "offering" religious instruction should be changes to "closing the school or classroom" so that religious groups can run religious instruction session. The word "lesson" should not be applied to the religious instruction sessions – it is not a curriculum subject and not run by a trained teacher, and therefore should not be elevated to a lesson in this guidance.

On Friday 07/12/2018 at 2:40 pm, P & R Bensemann wrote:

# SUBMISSION FOR GUIDELINES ON RELIGIOUS INSTRUCTIONS IN STATE PRIMARY SCHOOLS.

I have been involved in 'Religious Instruction' in state primary schools for over 30 years and in many schools in the South Canterbury area. The guidelines we follow from CEC are reasonable, well-considered and essential to the current programme. These have been amended to reflect the changing climate within schools. Following are some comments I would like to make.

- Parents often comment that they appreciate the programme because it introduces children to a concept of 'God' in an unbiased, un-denominational way.
- Parents want the child to have choices when it comes to a belief, Christian or otherwise. I have had international students in my classes because parents want them to learn the NZ way of life including the Christian ethics
- We are able convey the reason why we celebrate 'Christmas' and Easter. Both important to our calendar.
- The National Anthems are both prayers to God. Many children do not know, who, what, why God and Jesus other than as swear words. This hurts.
- We cover and teach 'values' like love, sharing, caring, compassion, truth, integrity, acceptance, tolerance. All these values are biblical based. All are important in building up good citizens. A teacher once commented to me that our group of teachers could teach these values much better with our resources (including the bible stories that Jesus used) than she could ever hope to do. I believe this was because we went to the source of these values – the bible. For a child to grow and learn, and realise their full potential, they need a balanced programme that provides for their mental, physical, intellectual and spiritual wellbeing. The CEC programme provides this with their Life Choices programme.
- Schools should be going back to their parents every three years for their input. I am not sure this happens as frequently as this. Schools will take the 'yes' for CE and add the non replies to get the result they want.
- I have also experienced the bias of the principal re CE when being asked if the programme can be continued. It does need to be an independent choice of boards and parents.
- 'God' is an integral part of life in NZ. How often do people blame Him for things that go wrong? Surely we need to know who is getting the blame.
- The opt-in provision - I have discussed with teachers. it has been received negatively. It would add to already heavy admin load teachers have and many parents will not respond. 'Supported' by low numbers of parents/caregivers who respond to survey etc. It will soon seem pointless to the overworked principal.
- The opt in - there would need to be clear information about the programme in their school given to parents for them to make an informed decision.
- Consideration needs then to be given to other controversial subjects like Halloween, Maori legends which some parents find difficult to understand and which go against

their own personal beliefs and practices. The above could also be applied to some other social studies of beliefs in other countries. We can not make opt in for Christian belief and not for Islamic, Buddhist etc.

May I add some comments from the cards from the students in my class this year  
We learnt something from the bible, please come and teach us more.  
And we do not want you to leave as we all don't know much about God and Jesus  
Thank you for the time you gave up to teach us  
Thank you for teaching me about God and Jesus I really enjoyed it.  
I have loved learning about God and Jesus. And more such comments.

All people working with children need a police clearance. I pushed hard for this when I first started as a CE teacher over 30 years ago. I was thankful when it was finally adopted as normal practice. CEC policy for accepting people to work with them is stringent and revisited regularly. We have a code of practice to follow which is fair for school, parents, students and CE teachers.

I understand that the regulations do need a revisit and updating. This is of value.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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**Submission on draft guidelines on religious instruction in state primary and intermediate schools**

Thank you for the opportunity to provide feedback on the Draft Guidelines on Religious Instruction in State Primary and Intermediate Schools (**Guidelines**). The Guidelines appear to be a good first draft to encourage consideration and discussion of the issues around religious instruction (**RI**) in state primary and intermediate schools.

However, before addressing the specific proposed guidelines, my comment is that what we most need is a law change, rather than new guidelines to deal with an outdated anomaly in the law.

The sections of the Education Act 1964 which provide for religious instruction in our public schools are entirely outdated, and reflect a white, Christian, colonialist worldview, which assumes that without proper and early training in Christian values, children will grow up devoid of morals, and society will suffer.

The demographics of New Zealand have changed substantially since then and the census shows that fewer than half of New Zealanders describe themselves as Christian. New Zealand is (supposed to be) a secular country. There is no good reason for the Education Act to provide for Christian religious instruction in our secular schools.

The “loophole” in the 1964 Act that allows secular schools to “close” while Christian religious instruction is provided to children must be closed.

The NZ curriculum already provides for the teaching of values. If this part of the curriculum is not adequate, then effort can be put in to develop a secular values program, which allows designated time for education and discussion about the common values New Zealanders share, and without any need to reference to religion. Examples of topics include theft, lying, racism.

Having said that, I am aware that my preference for a law change is not something that can be addressed by the M.O.E. within the context of this current proposal to change the guidelines, but I hope that my thoughts will be considered for future change.

***Comments on Guidelines***

***1: Use community consultation to inform decision-making.***

The Guidelines recommend community consultation about RI, which at first glance seems a sensible and good idea. However, consultation is only as good as the information that is provided to the school community and on the information provided by the responders.

Even where good, correct information is provided, overwhelming support from the community does not negate the negative impacts on individual students' education and wellbeing. BOTs should be reminded that whether or not to allow discrimination against some students in the school is not something to put to the vote.

The Guidelines offer the example of a public meeting to discuss RI. Anecdotally it appears that such meetings are rare and when they are offered the opponents of RI within a school community are often given little notice and very limited opportunities to speak or ask questions.

The discussion and decision on whether to allow RI is very often taken “in committee”. It should be a requirement that any discussion on RI be held in public and properly minuted. Schools which have large non-English speaking populations should ensure non-English speakers are well-catered for, such as providing information in several languages and giving the opportunity for anonymous feedback.

*2: Provide full and accurate information to students, families and whānau to help them make informed decisions.*

It is excellent to see the Guidelines recommending schools provide full and accurate information on RI. It is still common to see schools claim their RI programme is approved by the Ministry of Education and/or that it is religious education. All information provided on RI should be approved by the Ministry to ensure it is accurate and/or checked by ERO during their regularly scheduled visits. Where a school has previously provided incorrect information to its community, the school should be required to correct that misinformation.

Any BOT considering holding RI should be required to review the content of the proposed programme including any teaching manuals and to make all information available for the school community to view throughout the school year. Teaching manuals and children’s workbooks should be required to be available to any parent wishing to see them.

A generic overview of RI should be provided by the Ministry which sets out basic information about the programme – for example that the school is closed and therefore children not attending will not be doing schoolwork, that the programme is not approved by the Ministry, that parents can opt their children out at any time etc. The BOT could then provide information specific to their programme to go along with the Ministry information to inform parents about the programme in their individual school.

Where there has been an independent review of RI material, as an example, Professor Paul Morris’s review of the Churches Education Commission’s Life Choices syllabus, that review should form part of a BOT’s decision making process and should be made available to the school community.

*3: Offer valid education alternatives to religious instruction.*

Aside from the obvious difficulty a school will have to provide a valid educational alternative if the school is closed, of course.

Assuming that most schools in fact only close part of the school (the particular classroom), then the guideline that opted out children should join another class so still be receiving education, rather than picking up rubbish or reading in the library, is positive.

*4: Adopt a signed consent approach to religious instruction.*

Requiring parents to actively consent to their child’s participation is an excellent suggestion.

Where the school community includes non-English speaking families the Guidelines should suggest the consent form should be provided in the languages spoken by families at the school.

It is imperative that the consent given is informed consent. Thus, the consent form itself must include key information about RI.

*5: Use volunteers who are not teaching staff to lead religious instruction.*

This is an excellent suggestion and should be expanded to include BOT members.

In relation to staff supervision of the RI volunteer, this should be a requirement. But, it should also be noted in the Guidelines that staff should be made aware of their own rights under the

Human Rights Act 1993 that they are not required to attend RI if they do not wish to. Where a staff member does not want to attend, the school should have a clear and supportive process in place to enable the staff member to do so. They should not be made to feel they are shirking their duties or feel pressured to attend.

The supervising teacher should be required to step in if the volunteer does stray from the agreed upon curriculum and into more confrontational forms of evangelism.

A BOT deciding to offer RI should include supervision expectations in making its decision process.

*6: Provide secular school and student support services.*

Yes, absolutely.

There is also the wider issue that often representatives from religious groups interact with schools in a secular way as an introduction to children. Once they have built up familiarity and trust they are then able to encourage children to attend events outside of school which are specifically for the purpose of evangelising. A major provider of RI in NZ, the Churches Education Commission, has previously referred to NZ state primary schools as "untapped mission fields", a description which illustrates why any opportunity for evangelists to enter schools should be extremely tightly controlled.

*7: Perform or sight safety checks for volunteers.*

This recommendation states that checks should be done by the school or by the RI organisation. Rather than requiring schools to have a staff member supervise an RI volunteer who has not been vetted, it would be more appropriate to not allow the volunteer onsite until a check has been done. Children will assume that a person allowed into the school to talk to them is a safe adult and this could lead to risk if a child sees a volunteer outside the school.

As the school is required to be closed for RI and the programme is not part of the curriculum, the cost of vetting volunteers should fall to the RI provider, not to the school itself.

*8: Communicate to families and whānau the complaints procedure and use that complaints procedure to resolve issues.*

One of the key issues regarding complaints about RI is that the very people who made the decision to allow RI, the BOT, are the same people who hear any complaints. This leads to a position of conflict in investigating any complaints.

Where a family is not satisfied with the outcome of a complaint, there is not a clear path for escalation. Currently families may complain to the Ministry but are often told that as RI is not part of the curriculum the Ministry cannot help. They may approach the Human Rights Commission but this generally only gives the option of an offer of mediation. If the school chooses not to engage the family may be left with no further option. In some cases they may take an action in the Human Rights Review Tribunal but this involves lengthy delays. Some complaints, for example those involving the decision making process by the BOT, are more appropriately placed with the Office of the Ombudsman

but that Office will often refer the complainant to the HRC even where the complaint is not related to rights.

There is a clear and urgent need for an independent body that can investigate complaints and provide guidance and objective information for families and BOTs.

The provision of RI should also be subject to ERO oversight to ensure it does not impact on delivery of curriculum requirements or on the wellbeing of students and is within the legal requirements.

### ***Additional issues***

There are a number of items that are currently not covered in the Guidelines:

#### ***Mandatory Guidelines***

The Guidelines themselves should be mandatory for all schools offering RI. There is currently no oversight of the provision of RI and the Guidelines do not appear to suggest there will be in the near future. If RI is to be allowed to continue, it must be done in such a way that it complies with the requirements.

The current requirements of closing the school in order to hold RI and holding RI for a maximum of 20 hours per year are legal obligations yet many BOTs are ignoring those requirements. Schools that flout their legal obligations even when informed of them are not likely to comply with any optional guidelines.

Unfortunately there are school BOTs who (presumably because of the firmly held religious beliefs of their members) already flout the law, for example, not ensuring that parents are told about RI classes, and not ensuring that opt-out children are indeed opted out. It must be made clear to all BOTs that while they may be only “guidelines”, the MOE will take seriously any failure to abide by them.

Parents and children are entitled to know that their secular state school is indeed secular, and that all state schools are required to follow the same set of rules about any RI being permitted at school.

#### ***Out of the classroom***

(a) Many schools currently hold RI in classrooms. Children are taught from year 1 (or even year zero) to listen to the adult at the front of the room (in a modern learning environment that term may be figurative) and that what that person tells them is correct and true. Where a qualified, registered teacher is teaching about myths or reading fiction, they will make it clear to the children that they are not teaching truth.

(b) Many RI volunteers are known to teach the Bible as fact and even those who do not cannot help but impart RI information as if it were true as the volunteer believes it to be so. Children attending RI may be as young as 5. They have not yet learned the critical thinking skills to evaluate whether information may be true – a “teacher” says it, so they believe it.

(c) If RI takes place in their classroom non-RI children are banished from their classroom for the duration of the session. They are excluded from their friends and their classroom, and sent away somewhere else in the school. However well intentioned, this is subconsciously telling the non-RI children that they are ‘other’ than their peers, which for most children will be damaging to their emotional well-being.



(d) Additionally, some RI providers will leave Bibles in classrooms, ostensibly because this is easier than bringing them to and from the school or class each week. In practice, this normalises having the main Christian text available to children in a secular school. The Guidelines should require RI be held outside of the classrooms with no RI materials left in the room.

#### *Early childhood and secondary schools*

(e) The Guidelines apply only to state primary and intermediate schools. The Guidelines should be expanded to cover both early childhood centres (including kindergartens, play centres etc) and state high schools.

(f) For some time it has been common for high schools to hold mandatory assemblies where all students are required to take a bible. Students are usually not given the option to opt out of the assemblies. It is not clear how a high school BOT reconciles this with students rights under the HRA and including high schools in the Guidelines would allow high schools to critically examine their practices.

#### *Religious Observances*

(g) The Guidelines only apply to RI. They should be expanded to include RO, for example, the use of explicit Christian (or other religious) prayers during assemblies and classes. These might include saying grace in a classroom before a break time or using a Christian prayer in te reo as a karakia (as opposed to a secular karakia).

(h) There are also instances of schools holding special religious assemblies, for example Christmas events with a christian focus. These are problematic for non-RI families as their children do not wish to 'miss out' on whatever their friends are doing. There is pressure on parents to allow their children to attend performances that do not match their beliefs.

#### *Treats*

(i) A number of RI volunteers provide treats to children. These might include food or stickers or small toys. The treats are generally only provided to the RI children with non-RI children feeling excluded yet again.

(j) The Guidelines should include a requirement that treats should not be provided by RI providers.

#### *School camps*

(k) The Guidelines should also cover school camps held at religious facilities. A number of Christian camp providers require children to say grace before meals and/or attend RI. Schools are generally not considering how to reconcile such provider expectations within the RI/secular school framework. Communication about RI and/or RO obligations is poor or non-existent, opt-in/out provisions are rare as is informed consent from the families.

(l) School camps provide one rare example of where schools need to be aware of and balance competing rights in relation to religion. They should be mindful of both students who wish to undertake their own religious observances and students who wish to be free from religion and make accommodation for both.

#### *Funding*

(m) Schools should be prohibited from using school funds, either operational funds or from general donations, to fund RI. Any costs associated with RI, including photocopying

or other resources, should be paid by the RI provider or clearly identified to opt-in parents as a direct RI cost so that families can make an informed choice on whether to send their child to the programme.

*Conflicts of interest*

(n) BOT members involved in a decision to hold RI should be required to declare any conflicts of interest. Conflicts of interest are not solely pecuniary and can arise from solely due to perception. For example, if a BOT member is a preacher or a member of an evangelical organisation, families opposed to RI may perceive that the BOT member may not be able to make an objective decision on RI due to their own personal beliefs.

(o) Any potential conflict should be declared prior to any discussion on the topic. A clear process for conflicts, including non-pecuniary conflicts should be determined by the BOT, perhaps with guidance from the Ministry or New Zealand School Trustees' Association

██████████  
██████████  
██████████

Released under the Official Information Act 1982

Please find my general comments of the subject of Religious Instruction below.

Firstly I would like to say I believe RI is totally unnecessary in our supposedly secular state schools. There is education about values in the curriculum and this should be taught to children by their teachers, not people who have serious ulterior motives. The legislation that allows it to occur is anachronistic and should be repealed. RI no longer accurately reflects our communities and marginalises other ethnicities & beliefs.

Children, especially the small children CEC target, are unable to see the difference between their real teachers (2+4=4), and these volunteers telling them that God created everything & if you don't believe in him, or your family don't, you will go to hell. - and this has happened, despite what CEC tell you. Also, school BOT members of the churches that provide RI have a huge conflict of interest.

A teacher should be unable to start RI or any religious observance in a state school without approval from the BOT. Again this has happened & needs to be explicitly forbidden. Recently, on TVNZ the chair of a BOT could not explain what "secular" meant, his school is supposed to be "secular" (except when closed for RI, which as a pastor of a local church of course he supported).

What about High Schools?? You still need to have a parent opt you out until you are 16. Why are high schools not included in these guidelines?

Some schools insist their families opt out every term, others every year and others need to do it only once. This is inconsistent! Some families don't even know RI occurs until their children come home spouting about God made everything! I have talked to parents that didn't know you could opt your children out, or how to go about this.

Many parents assume RI is supported by MOE & are surprised when told it isn't. In fact ERO & MOE actually don't give a toss because "the school is closed". Some parents are horrified to find out the MOE & ERO do not look into the material used in the classes. CEC lets people assume this.

No RI provider should be allowed to "reward" students with gifts or food - including lollies or easter eggs. This creates a "haves/have not" situation which can lead to bullying and children wanting to be involved purely for these items. It is divisive in the school environment. In another context this would be regarded as "grooming".

Your guidelines provide evidence for the Secular Education Network High Court case that you are well aware of ongoing issues about religious instruction in schools, and the discrimination of students which is inconsistent with the Human Rights Act.

But at least the guidelines are finally "out there" after being fobbed off for so long. I know this is difficult and you'd rather everyone just got over it & went away. There are many "nice" church going people who have behaved in the most awful ways towards students who have opted out & their families - in the case of my own children, these people were their teachers. When they were opted out, their teacher immediately started bullying my children in public in front of their classmates and in private. I was thankful that the school soon closed.

Our secular state schools should be inclusive environments, no-one should have to identify their religion & no classroom should be divided because of it. If RI must take place it should happen out of school hours and ideally away from the school property. If this means parents who wish it, must go out of their way to achieve this, great. It should not be the students who don't wish to be involved that should have to make the effort.

A past minister of education was very dismissive of RI being an issue & in her opinion, if you didn't like it, just move schools. Surely, the minister should be aware of the barriers to this? Zoned schools, and especially the increased occurrence of RI in rural schools mean "just move schools" is a particularly onerous job. - all the schools around us have RI. And again, why should these children have to move because of something totally unnecessary? Why should a parent have to take time off work to supervise their opted out child? Especially if the alternative for the child would be activities that would otherwise be seen as a punishment.

i would like you to especially take notice of submissions from families who have felt the need to do this because of RI.

The MOE must find out which schools have organisations providing RI. That you don't know this, & SEN are having to do this is wrong.

[REDACTED]. my children were mercilessly bullied by their teachers when we opted them out. My children were emotionally blackmailed by their teachers "if any more children opt out - she will lose her job & it will be YOUR fault". My children were questioned in private & in front of their classmates about why they had opted out & they were told their parents had made ridiculous excuses (very untrue). At no time did these teachers respect my children's LEGAL & MORAL RIGHT TO OPT OUT. The teachers never asked us why we'd opted the children out, even when invited to in the opting out letter. Even though I was on the BOT I felt bringing the issue up would result in more bullying. I was glad the school closed.

Please, please get rid of Religious Instruction.

Yours sincerely

[REDACTED]

### ***General questions about the guidelines***

The following questions may help you write your submission. You can answer as many or as few as you like.

*Will these guidelines help school boards of trustees allow religious instruction in a way that does not discriminate against anyone who holds different beliefs?*

They will help, along as the BOT see the need to look at them. Some BOT think they know best - especially if they already have RI, They may see no need to even look at them.

*Are the rights of children and their parents, caregivers, family and whānau about religious instruction clear?*

No, Most families are completely unaware of the fine print in regards to RI.e.g. that schools are closed, how to opt out etc. These issues are almost never clearly communicated to the school community.

*Will schools and kura find these guidelines useful and practical?*

Some will, others will see them as guidelines only & will continue to do whatever they want.

*Do you consider that these guidelines promote best practice for the purpose of allowing religious instruction programmes? If not, how should the draft guidelines change to promote best practice?*

Don't make them guidelines.

*Are the differences between religious education, religious instruction and religious observances made clear in the draft guidelines?*

Most people do not understand the difference between RI & RE. Many families would be happy to have RE - the compare & contrast different religious beliefs, included in the Social Studies part of the curriculum, in fact many people believe that this is what happens. If most of journalists can't get this right, how on earth can families be expected to?

*Is there anything else you think should be included in the draft guidelines?*

Highschools.

*Do you have any other comments in relation to the allowing of religious instruction in State primary and intermediate schools me ngā kura?*

The MoE have, to date, had a very "hands off" policy that has led to many families being VERY negatively effected. The excuses used include " the school is closed" "please refer to your BOT, the MOE is unable to get involved". How dare you!! You have also diregarded evidence of schools having RI classes very much longer than 30 min & have taken no action. Again, this is wrong.

***You can also comment on specific guidelines:***

*Guideline 1 recommends boards of trustees consult with their community when deciding whether, and how, to allow any religious instruction programme.*

School communities need to be able to make an informed choice, currently many schools only consult their school communities asking if they are happy to continue with RI, they do not tell their families that RI is not part of the curriculum & provided by non-teachers. There is no alternative given (e.g. the actual values learning in the curriculum) & often parents are not told about opting out or what children will do while opted out. Why is it that opted out children MUST either leave their classroom to allow RI to take place, however in some cases students must sit in their classroom, but out of view, but still able to hear it take place. Quite frankly I don't know what's worse. Families are often given only information about the RI that takes place, and this is seen as the school supporting RI.

*Guideline 2 recommends schools or kura provide full and accurate information to students, families and whānau to help them make informed decisions.*

This is essential, & a huge part of the problem. Unfortunately it's very, very rare for this to occur. When schools/BOT have a vested interest in continuing RI, they don't wish the school community to be informed.

*Guideline 3 recommends schools or kura offer valid education alternatives to religious instruction. This guideline also suggests that schools wouldn't need to provide an alternative if the religious instruction were allowed outside of the school's usual hours.*

Exactly! parents already have the option to take their children to their local church or in many communities, there are religious schools available - why not use them!! The churches are getting a captive audience, free classrooms, free electricity & heating - brilliant for them!

*Guideline 4 recommends schools or kura adopt a "signed consent" approach to religious instruction which means families have to give the school express permission for their child to participate.*

"Opt-in", if it must happen, it must be opt-in.

*Guideline 5 recommends schools or kura use volunteers who aren't part of the school's teaching staff to deliver religious instruction.*

Absolutely, as I've said above, small children - the ones CEC especially target, cannot tell the difference between the non-teachers providing RI & their own "real" teachers, for a teacher to provide RI in their own school is so wrong! If you want to, get a job in a religious school!

*Guideline 6 recommends that schools or kura provide secular school and student support services.*

Some people will never miss an opportunity to prophesise or attempt to convert. When a child is in a delicate state, this is especially wrong. Treade Me currently has a position advertised for a young person to work out of Hope Church in Lincoln & provide counselling - so wrong.

*Guideline 7 recommends that schools or kura perform safety checks on volunteers who will be delivering religious instruction. This is consistent with the requirements under the Vulnerable Children's Act which requires an identity check, an interview, a police vet, work history check, referee checks and a risk assessment.*

Again, if there was no RI, there would be no need to do this. does CEC make available the Police checks it apparently undertakes?

*Guideline 8 recommends that schools or kura communicate to families and whānau the school or kura's complaints procedure. The complaints procedure should be used to resolve any queries or complaints about whether and how the school or kura chooses to allow any religious instruction programmes to take place.*

- this is very badly handled currently, many families are reluctant to speak up as they don't want their children singled out and bullied - by teaching staff or other children. Often parents are humiliated when they speak up, BOT go into committee to discuss RI, so minutes & discussion cannot be seen. A family should not have to go to the High Court to get their child's opting out recognised and respected by a school!!!! The MOE MUST BE AVAILABLE TO WORK WITH BOT & FAMILIES WHEN THERE IS A DISPUTE. & again, get rid of RI & this problem will go away.

88. [REDACTED]

**Submission on 'Draft Guidelines on Religious Instruction in State Primary and Intermediate Schools'**

7.12.18

I am a volunteer teacher of Religious Instruction/Education in association with CEC, the main provider of Religious Instruction in New Zealand Schools. As such I abide by CEC's guidelines.

I do not agree that the curriculum we teach in schools encourages or endorses belief or that the manner in which we do it is non-neutral. If we encourage or endorse belief we go against CEC's guidelines and would not be respecting the wide variety of beliefs in New Zealand society. On the contrary we teach values-like respect, integrity, excellence, compassion- as set out in the New Zealand school curriculum, and illustrate them with relevant stories from the Bible and from well known heroes.

As volunteer teachers we aim to equip children with tools to navigate our changing world and to help students develop a strong sense of self worth .

We aim to be positive role models who encourage and relate to children in a non-judgemental way.

I don't think that schools which allow Religious Instruction discriminate against pupils who don't attend these classes. Parents /caregivers are given many opportunities to opt children in or out of programmes. Religious Instruction is just one of those opportunities. However I believe that schools must provide a good alternative education programme.

I also contend that Te ao Maori (the Maori worldview), Tikanga Maori (The Maori way, culture and custom), and karakia (Maori prayers), which are taught in schools and endorsed by the Ministry of Education, also contain religious instruction.

In order to respect the rights of everyone in our society we must be careful not to discriminate against religious beliefs, including Christian beliefs.

I support the Ministry of Education's draft recommendations outlined in Points 1 to 8 for Board of Trustees developing their policies and practices in relation to religious instruction.

However, I want to stress again that volunteer teachers of Religious Instruction do not, and indeed must not, encourage or endorse belief.

[REDACTED] B.Ed. Dip Tching

89. [REDACTED]

Good afternoon, I have read through your draft and find it well set out and I'm sure it will be very helpful to boards of trustees.

I ask if you might consider removing the specific mention of particular faiths, ie Christian karakia (page 3), Christian based (page 9), Islam based (page9), Christian and Muslim Populations (page 9), and Christian principles (page 12). And also particular religious documents such as the mention of, the Bible (page 8). In the light of the drafts desire to be non-discriminatory.

And a comment on #4 (page 10), the "opt out" status quo offers valid opportunity for those who feel strongly about religious instruction to have their child (children) withdrawn. The proposed "opt in" could and probably would lead to a number of parents, caregivers or whanau who don't care either way and who don't return permission, (a not uncommon occurrence) adding an extra load to whatever the school needs to provide as an alternative.

I do wonder if religious instruction historically in New Zealand has done any harm, and if the antagonists who have prompted this draft have added any value to our country.

Yours sincerely

[REDACTED]

Released under the Official Information Act 1982



90. [REDACTED]

Dear Sir/Madam

Thank you for these guidelines which go some way towards addressing the bizarre situation in New Zealand that allows schools to be notionally "closed" in order to offer religious instruction to children.

I would like to offer my experience of trying to engage with my daughter's school - [REDACTED] in Auckland.

The story started with my 5 year old coming home and telling me about God making the sun, moon and the stars. Clearly this is incorrect so I attempted to correct her by explaining about the solar system. I think it ended up confusing her more than anything. I've also had discussions with her about god who she believes is real as a result of the bible classes. This kind of indoctrination should not be allowed in a school environment and goes against my desire as a parent to raise an inquisitive, rational and caring child.

Another time I was tucking my daughter (6) into bed. She said, out of the blue with no prompting:

"In the olden days they used to put people on a wooden cross and nail their hands and legs to the cross and leave them there to die. They wouldn't give them any food or water and just left them in the sun and waited for them to die."

"That's not very nice" I said

"But they don't do that these days do they Dad?"

"No don't worry, they don't do that in New Zealand".

She also pointed out that they put Jesus on the cross so he must be a bad person.

I don't understand why in a diverse and what appears to be progressive school there still remains this religious dogma to indoctrinate the kids from such a young age. At primary age they are clearly not old enough to critically analyse what they are taught about Christianity and come to their own decisions about it.

I contacted the school principal and passed on my concerns about this indoctrination and was politely referred to the Chair of the Board. We had an email conversation in which I requested that alternatives were provided. Nothing happened for many months then a "survey" was sent by the school to parents.

In reality it was not a survey, it was a question. The question asked whether the parents wished to continue with the current "opt-out" bible classes or not. Although it may have had good intentions, the question sent out was extremely biased in how the information and question was presented. Promotional material from the Churches Education Commission was provided which almost suggested that the question was sponsored by the Church and was clearly intended to promote the Church's position and encourage parents to answer yes to the question posed.

The yes/no answer after promotion of the Bible classes and no mention of any alternatives also would lead to response bias ([acquiescence bias](#)). There was no discussion of alternatives or asking parents how they feel about the current Bible classes. There was no invitation to comment or suggest other religions or topics that could be covered. Whoever conceived the question (it can't even be called a survey) clearly had no interest in obtaining an understanding of parent's (or children's) wishes in this area.

There was also no material providing an alternative viewpoint to the Church's. For example from the Secular Education Network or Philosophy for Children NZ.

I'd like to think that The Ministry of Education and Primary Schools in New Zealand value inclusivity and treating people with different cultures, ethnicities, backgrounds and religious beliefs as equals. I don't see how closing the school to provide religious instruction for one faith meshes with these values.

The results of the question were that quite predictably, a very small majority (just over 40%) voted to retain the status quo. The other respondents indicated they did not want to keep the status quo, or did not respond. I'm really disappointed in the way that parents were manipulated with this "survey" and how the Board missed an opportunity to enhance our children's education and leave outdated practices which make use of legal loopholes behind.

Since then I decided to approach the Principal and Chair of the Board to attempt to provide alternatives - I don't like to bemoan the lack of alternatives without providing some myself. Hopefully the Board would be willing to consider a well-run, professional and viable alternative for kids that are currently segregated in separate classrooms during these school shut-down periods.

I looked into one worthwhile alternative called [Philosophy for Children](#) (P4C). This is an international educational programme which promotes critical thinking and reasoning as part of a group-based "inquiry" into different topics. There is lots of information on the "About" page and info on how it puts into practice the key competencies of the NZ curriculum.

I met with Vanya Kovach (<http://www.arts.auckland.ac.nz/people/vkov001>) who is the Coordinator and Professional Development Leader for P4C in New Zealand. She is a lecturer at the University of Auckland in Philosophy and teaches Philosophy for Children to teachers.

Vanya noted that she and two suitable graduates from her course would be happy to take classes for the 3 different age range groups that currently opt out from bible classes. She and the two other teachers (Chantelle and Seth) both have their police record check approval. Vanya noted that she would be happy to come to the school to discuss how this could work with the Principal/Chair or the Board. She also said she would be very happy to present and answer any questions at a teacher/parent meeting.

I discussed the idea with a few other parents and they were supportive of this as an alternative to the current bible in schools programme. The P4C programme has already been successfully implemented in other schools in Auckland (e.g. [REDACTED] as one example).

Other alternatives I suggested were computer coding classes, or yoga/mindfulness classes.

After a meeting with the Principal and Chair, they made it clear that they would not be able to offer any administrative support for alternatives, nor financial assistance for the alternatives. They pointed out that the Bible in Schools is externally funded and organised, they "come in and go with the school hardly even knowing they had been". Clearly this is a concern because there is no degree of oversight in how they are instructing the children.

The additional preparation time for teachers was also cited as another reason to retain the status quo. They also noted that any alternative would also have to have an "opt-out" option, which would mean further spaces must be found for segregated children

(currently kept quiet in the library or other classrooms), which would be difficult. They said that alternatives are not really an option. The option is to stop bible classes altogether.

Clearly the incumbent CEC holds all the power here, financial power (from the Church) to administer, train and organise the "volunteers", power over the children (who are not old enough to know better), and power over the school and parents to present their case for continuing without any viable alternative being presented. Therefore this effectively means that bible classes will probably continue (in a secular school) until there is legislation that closes the current legal loophole.

I appreciate the Ministry's work to produce these guidelines but feel they do not go far enough in compelling schools to offer viable alternatives to religious education. They do nothing to prevent indoctrination, hurtful bible myths and false information being foisted on our children.

Therefore I request that the Guidelines are amended to **require** schools to act to prevent segregation and abandon the "opt-out" system and adopt a compulsory "opt-in" system. This should finally give effect to the proclaimed aim of offering a secular education system in New Zealand.

If you have any way of me being kept informed on this issue, and the Court cases currently in progress relating to this that would be much appreciated.

Thank you for your time.

Kind regards

[Redacted signature block]

DDI [Redacted] | T [Redacted] ext [Redacted] | M [Redacted]

[Redacted address block]

91. [REDACTED]

Hi,

I write in support of the proposed guidelines for on religious instruction in state primary and intermediate schools.

I support the case that this should be opt-in and more controls need to be enforced to ensure Boards properly consult with communities and provide clear information on what is being taught.

While my preference would be that no instruction is given by particular religious organisations in primary or intermediate schools, I support these guidelines as a valid response to current concerns. I would support religious studies at school where all main religions are studied and taught.

Sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

Released under the Official Information Act 1982

92. [REDACTED]

Kia ora tātou,

Thank you for the opportunity to comment on the draft guidelines on religious instruction in state schools.

The recommendation that school boards use opt-in consent for religious instruction is a useful step in the right direction, but to my mind an insufficient step.

It has been unnecessarily complicated and stressful for our secular family to navigate our ten year old son through the mess of opt-out Christian religious instruction and all-school camps at Christian venues from our local state primary school. It got his head filled with heaven and hell and angels. I see it as odd that these activities are sanctioned by the Ministry of Education to occur in school time. They are not education.

I fully support the Education Act 1964 in its intention that teaching in all state primary schools should be entirely of a secular character (non-religious) while the school is open.

This is 2018. Families that wish for their children to get religious instruction have ample opportunities to do so outside of the school. I see no need, or justification, for religious instruction by volunteers to occur in state schools between when school starts and ends, and I include in that lunch time and recess and all day school camps. Any religious instruction on school grounds should be restricted to after school programmes, with the opt-in permission of those children's parents.

I **fully support** taxpayer support for more **religious education** from trained teachers in New Zealand schools. It is very important that all New Zealand students are familiar with the core tenets of **all** of the world's larger religions.

However, I see no place for **religious instruction** carried out by mostly Christian volunteers in our state schools when school is in session, whether this is opt-in or otherwise.

Cheers,

[REDACTED]

93. [REDACTED]

To Whom it May Concern

My personal experience with Religious Instruction in Primary Schools has been very positive.

I benefitted from Religious Instruction myself as a junior Primary School student.

I appreciate the way Life Choices, the approved lessons of the Churches Education Commission, support the values of our local schools. Values such as respect, integrity, participation, excellence, inquiry, community.

The children enjoy the lessons and participate with enthusiasm.

Approved volunteer teachers coming in from the community also provide the children with the opportunity to interact with another group of safe adults who show respect and support for their teachers and families. The Churches Education Commission has a code of ethics which provides clear guidelines for those teaching the Life Choices program along with regular training and police vetting.

I can see that the Guidelines for Religious Instruction in Primary and Intermediate Schools are proposed in order to provide clarity and protection for the children, their families, the schools, the volunteers and all of those involved in the decision making around who is to participate in Religious Education.

I personally prefer the term Education to Instruction. Education about as opposed to instruction in becoming.

My concern upon reading the proposed guidelines is that the second part of Guideline 3 could inadvertently discriminate against children who wish to participate in Religious Education with the approval of their family by making it impractical for bus students if held before or after school and for those who have sporting and other commitments in the lunch break and the need for a break from class and fresh air when it says: *This guideline also suggests that schools wouldn't need to provide an alternative if the religious instruction were allowed outside of the school's usual hours.*

Instruction out of school time is not practical on those grounds.

Guideline 7 would have to be streamlined if it were not to add to the already heavy workload Principals, teachers and their support staff carry. Maybe a simple form to be filled out by each volunteer teacher and attested by a JP or Minister who knows them personally.

*Guideline 7 recommends that schools or kura perform safety checks on volunteers who will be delivering religious instruction. This is consistent with the requirements under the Vulnerable Children's Act which requires an identity check, an interview, a police vet, work history check, referee checks and a risk assessment.*

Yours sincerely,

[REDACTED],  
[REDACTED]  
[REDACTED]

94. [REDACTED]

To the Ministry of Education:

I agree that all of the guidelines proposed would improve consistency and clarity around religious instruction in schools, and in this sense result in a substantial improvement to the current system. However, I have concerns over the ability of guideline 1 to adequately protect the interests of religious minorities, and I am particularly concerned about the impact on non-Christian immigrants. Students from such backgrounds may be particularly vulnerable and self-conscious of cultural, language and religious differences between themselves and their peers. Their parents may be wary of airing concerns in any form for similar reasons; actively participating in a dialogue with the school about religious instruction may be made even more difficult when there is a language barrier. Schools should not risk placing students and families in the position of challenging a programme or policy that is simply unnecessary.

However, the guidelines do not address my main concern, which is that religious instruction should not be provided under any circumstances during the normal operating hours of a state primary school. This also includes arrangements which involve having the school technically closed for any period within the school's normal operating hours. Families who wish their primary-school aged children to receive religious instruction have more than ample opportunities to pursue this outside of school hours. I think it is reasonable, for example, to expect students from religiously observant Christian families to receive this instruction on the weekends, through the church their family chooses to attend. Families choosing this path would presumably find little additional benefit in an additional hour of religious instruction, once a week for a month or two, from an instructor who may not even be of the same denomination as the family. In contrast, there are potential negative impacts on students who are not religious, or belong to a different faith; they may for example feel excluded, self-conscious, or different from their peers, particularly if substantial proportions of their classmates are participating in the instruction. As mentioned previously, students who are most likely to experience, or at least be concerned about, negative impacts may well be students who face additional challenges as members of a religious or ethnic minority or as recent immigrants.

I appreciate that in secondary school, many students will have well-established religious beliefs, and may even be interested in self-organising religious "clubs" or social groups in the absence of religious instruction programmes. Secondary school students are also mature enough to decide, along with their parents and caregivers, whether or not to participate in religious instruction, and that those who choose to opt-in may do so for a variety of reasons including the opportunity to deepen previously established beliefs, a desire to engage with students who hold similar beliefs, or curiosity about that religious instruction entails. The proposed guidelines will be helpful and generally appropriate in assisting secondary schools to manage such programmes and activities in a way that ensures non-participating students' rights are protected. So while I feel that religious instruction should in theory be excluded from secondary schools as well, I acknowledge that the maturity of students makes it useful to provide a well-regulated option.

Sincerely,

[REDACTED]

I would like to add one comment to my submission, which is that religious instruction should be excluded from school camps as well.

Sincerely,

[REDACTED]

95. [REDACTED]

I have had difficulty sending my submission - please include it in your deliberations.

PS: Could you also talk to those concerned about having 'Jesus' put back in your opening prayer - even if you put it in Maori? Thank you.

**Submission to the Department of Education re Religious Instruction in State Schools.**

Personal Background – I have taught Christian education to a variety of primary schools over a period of fifteen years. I also am part of the Children's Ministry team at All Souls Merivale and St Alban's in Christchurch.

I am passionate about our teaching because I feel it makes the children safer in a social environment that sees children becoming addicted to drugs/and or alcohol at an increasingly early age.

I did not grow up with a Christian background but found that my life was incomplete without a spiritual dimension.

Question 1: Boards of trustees have no need to worry about discrimination against those with different spiritual affiliations. a) Because our teaching does not define Christianity as the only religious practice. Where we quote something from the Bible it is prefaced by 'Christians believe....'

When we pray the children are invited to take part but given the option of simply sitting quietly.

In the final analysis, there is nothing to stop adherents of other faiths offering instruction at the same time as we do.

Question 2 – The question of clarity has been exhaustively challenged by the vocal minority who wish to impose their views on those who want their children to have religious instruction. Tyranny by the minority.

Question 3 – Religious instruction outside school hours has not proved a viable alternative.

Question 4 – 7 – These guidelines provide sensible safety precautions to keeping parents informed and children safe.

I would point out that the opt in- system works in favour of those who wish to have religious instruction removed from schools in that the negative influence is always stronger than the positive – i.e. many children miss out on attending our classes because their parents are too busy to fill in the necessary agreement form.

In discussion with my doctor re this issue she drew my attention to the consequence of neglect of our children's spiritual health which is a consequence of removing religious instruction as an integral part of the New Zealand education system.

Even young people who would appear to have everything going for them, fall prey to depression. It is commendable that our children are taught to question what they are taught so I am not suggesting that Christianity is the answer to depression, and even suicide, in young people but they have to have something to believe. Our society revolves around materialism but this cannot provide the reason to hope that is often the only way to make sense of all the rotten things that happen in the world.



Thank you for the opportunity to express my conviction that it is necessary to give our children something to believe in. If nothing else we teach our children to look out for their fellow creature and give them the ability to stand firm when they are being tempted to take part in wrong doing.

We teach: Wrong is still wrong, even if everyone is doing it.

Right is still right, even if nobody is doing it.

██████████  
Religious Instructor ██████████

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96. [REDACTED]

Education in NZ is meant to be non secular.

There is no place for the fiction that a school is 'closed'.

Must be opt IN

Have real education alternatives

When deciding ' which school' for my children

I ask the school ' Do you have religious education'

If 'yes'

I choose another school.

It ought not be this way

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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**Submission on the draft guidelines on religious instruction in state primary and intermediate schools**

1. I am opposed to religious instruction by adherents of particular faiths being offered in public schools. It is unnecessary, divisive, and contrary to the principle of secular public education.
2. There is no need for religious instruction in public schools. Parents who want their children instructed in their religion can arrange for that through their church, provide it themselves, or send their children to a private religious school. Excluding religious instruction from public schools does not deny parents the opportunity to instruct their children in their faith if that is what they wish to do.
3. Including religious instruction in public school time is divisive, whether on an opt-in or opt-out basis: children are separated into different activities according to the religious (or non-religious) views of their parents, at an age where the children themselves will not necessarily understand why the choice is being made. This puts parents who do not wish their child to be religiously indoctrinated in the invidious position of being responsible for denying their children participation in what might seem to the child 'fun' that their friends are allowed to participate in (games, balloon animals, songs etc), without any reason the child can understand. It also potentially prompts division between the children, if they receive explanations from their parents that reflect negatively on the beliefs of the families who participate or decline to do so. It is no remedy to provide that religious instruction is only made available by a decision of a democratically elected school board, after consultation with the parent community. Such consultation will only ever show that some parents support religious instruction and some oppose it. If it proceeds, it proceeds against the wishes of part of the parent community: unnecessarily and divisively.
4. Free public education, open to all, is a fundamental requirement of an open democratic society. To be open to all, public education institutions should not show adherence to or preference for any particular religion. To do so is to invite people of other religions, or the non-religious to see the school as not 'for them'. For a considerable time New Zealand has been becoming a steadily more non-religious society: there is no general public demand for religious instruction in public schools. Immigration has also made New Zealand more religiously and ethnically diverse: correspondingly it is increasingly important that public schools are, and are seen to be, religion-neutral (ie secular), so that people in religious minorities are comfortable sending their children to them, without concern about bias against their faith.
5. My preference, therefore, is for repeal of section 78 of the Education Act 1964. While that provision remains in force, however, making it lawful for boards to enable religious instruction in public schools, it is important that it is implemented in a way that minimises the negative effects. For that reason I support the proposed draft guidelines, which are overall preferable to the current position. That support is subject to the following comments.
6. Guideline 1 should advise boards that provision of religious instruction should only proceed with the support of a clear and substantial majority of the parent community; that this requires a survey of all parents; and it precludes proceeding with religious instruction if there is a low response rate to the survey (less than 60%) and if support from parents is less than 60%. It should require consultation every year, so that parents new to the parent community are not deprived for up to three years of any say in whether religious instruction is offered. And it should require the support of a substantial, not a bare majority of the board. Consistent with the guideline that school

staff should not be involved in religious instruction, the school principal should not participate in a board vote on whether to enable religious instruction.

7. Guideline 3 should provide that unless the board has and records a compelling reason to the contrary, religious instruction should be offered at a time when the school is usually closed for teaching, as this is the optimal way of avoiding the potential adverse effects of separating children according to religious preference.
8. An additional guideline should address board responsibility for monitoring and reviewing any religious instruction the board agrees to enable. This should require the board to review all instructional material to be used, with a right to veto the use of any material it considers inappropriate; and attendance by a board representative at a minimum of a third of religious instruction classes.

██████████  
██████████  
██████████

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98. [REDACTED]

My apologies for my late submission.

I oppose all religious instruction in schools, including the distribution of free educational material which had religious content.

Sincerely

[REDACTED]  
[REDACTED]  
[REDACTED]

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99. [REDACTED]

14 December 2018

RIO Guideline Submissions  
Ministry of Education  
PO Box 1666  
Wellington 6140

[RIO.submissions@education.govt.nz](mailto:RIO.submissions@education.govt.nz)

Tēnā koe

**RE. Submission on the Ministry of Education's Draft RIO Guidelines**

My partner [REDACTED] and I strongly oppose any religious instruction occurring in New Zealand's state schools. The Education Act should urgently be reviewed to amend sections 78-80 to remove any allowance for religious instruction in state schools.

Our views and rationale for them are strongly aligned to the following two submissions:

- New Zealand Association of Rationalists and Humanists' submission on Review of Tomorrow's Schools dated August 26 2018 which can be read at <https://religiouseducation.co.nz/tomorrows-schools-review-religious-instruction/>
- Tanya Jacob's Secular Education Network submission to the Universal Periodic Review which can be read at <https://religiouseducation.co.nz/religious-instruction-new-zealand-universal-periodic-review/>

I read with interest Helen Bradstock's PHD titled "Let's Talk about Something Else"

Religion and Governmentality in New Zealand's State Primary Schools. I was shocked at the high percentage of schools offering religious instruction in many regions. Luckily we live in Auckland, which has the lowest percentage, and the most we have to deal with at our son's school is the singing of our national anthem.

I agree with Helen's sentiments that 'The construct of school closure protected the secular clause, but did not protect young children from teaching which was coercive, intolerant, inimical to the protection of diversity and detrimental to the development of judgemental rationality.'

Helen's recommendations in relation to education in religion, spirituality, beliefs and worldviews (including atheism) are compelling and I think her recommendations set out in pages 270-271 are worthy of further consideration.

Ngā mihi,  
[REDACTED]

100. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

24<sup>th</sup> October 2018

The Ministry of Education

SUBMISSION: Draft guidelines on religious instruction

Thank you for the opportunity to submit on the draft guidelines.

- 1) The draft guidelines provide sound advice and guidance to school boards and principals to help them 'navigate' through some tricky legislation
- 2) The relevant Acts of Parliament are well covered. We're particularly pleased that your guidance allows religious instruction to take place as intended in the 1964 Act, using the 'Nelson system' of school closure to satisfy the requirements that education be entirely secular. To move religious instruction solely out of school hours would make it much more difficult for those who wish this for their school communities.
- 3) The rights of individuals and whanau to opt out are made very clear.
- 4) The only other comment that we have pertains to karakia and also prayers in Tongan or Samoan which would be an integral part of some which would be an integral part of some cultural activities that happen in schools. If we acted by the "letter of the law" then these should not be allowed. We think there needs to be some flexibility with cultural practices, particularly with our Tangata Whenua. To say, 'this is religion and not allowed' doesn't recognise that the lines between religion and culture overlap to quite a large extent, and in some cultures you can't have one without the other.

Sincerely,

[REDACTED]

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