

FILE COPY

CEO Mail Register - Letter Details



**Writer** **Ref No** 13/738  
**Title** **Action Type** Direct  
**Organisation** **Date Written** 11/08/2013  
**Address** **Date Rcvd** 12/08/2013  
**Email** **Date Input** 13/08/2013  
**Date Replied** 13/08/2013

**Phone** **File Ref**  
**Fax** **Prev Ref No**  
**Subject** Section 78 repeal request - relating to religion in state schools  
**Addr'd To** Hughes, Peter  
**Ref/Dir To** Teddy, Sean  
**Reply Document** w:\Mail Register\CEO\Direct\2001\  
**Reply By**  
**To Unit**

**Notes** JB - directed to Ministerials Unit to respond on 13 August. CLOSED  
**Media** Letter  
**CC**

RELEASED UNDER THE OFFICIAL INFORMATION ACT

13/738 (30)

**From:** Peter Hughes  
**Sent:** Monday, 12 August 2013 6:01 a.m.  
**To:** Andrew Hampton  
**Subject:** Fwd: Section 78 repeal request  
**Attachments:** Repeal request letter.docx; ATT00001.htm

is  
working out  
was should  
respond.

Sent from my iPhone

Begin forwarded message:

Please log  
in system.

**From:**  
**Date:** 11 August 2013 10:36:49 PM NZST  
**To:** <peter.hughes@minedu.govt.nz>  
**Subject:** Section 78 repeal request

Hi there,

Please find attached a formal request for you to take action on a repeal to section 78 of the education. As a concerned citizen of New Zealand, I look forward to your response.

transferred to  
numericals.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Dear Peter,

This is an open letter to request a repeal of section 78 in the education act. This letter is an attempt to shed further light on why I and other members of the Secular Education Network of New Zealand have concerns.

I have focussed the following hypothetical around politics, because as an analogy it should be close enough to home to give you a sense of where we are coming from with respect to values education and the encroachment of religion into this domain.....

Legislation is introduced allowing schools to shut down for 60 minutes per week for political instruction. Due to school board members being sympathetic to a political party in opposition to yours, they invite in their volunteers to once a week introduce age appropriate political ideas to children, and omit to invite volunteers with perspectives from alternative political parties, including yours.

The school notifies parents that their children will by default attend these classes, and are given the option to opt their child out. Due to subscribing to other political ideas (or none at all), a small minority of parents, choose this option. The rest, for a variety of reasons, including segregation their peers, leave their children in these classes.

Over the course of their early education, children attending these classes begin to have their political beliefs shaped to varying degrees by this political Party's ideology. Conversely, children whose parents have opted them out, are not exposed to any age appropriate political education whatsoever.

Questions for you:

- 1 - Given the risk of a school board to favour a political party that is not yours, would you prefer not to live in a world where the above scenario was true?
- 2 - Would you prefer that if children were to be taught age appropriate politics that they are taught about all political perspectives in a comparative manner within a regulated framework, to ensure their political beliefs are not shaped

and biased by one political ideology to the exclusion of others?

To be fair, it would be almost impossible to imagine the above bizarre scenario were the world we were living in with respect to political education and any specific political ideology, yet that is exactly the world we are living in with respect to moral/ethical values education and Christianity.

If you answered yes to any of the above questions I posed, you may have a sense by now of why so many of us from the Secular Education Network are uncomfortable with the existence of section 78.

Please, let us all know what action you intend to take on this issue and when.. Religious or not, this affects all of us, and our children.

Auckland - New Zealand

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT





MINISTRY OF EDUCATION  
Te Tāhuhu o te Mātauranga

National Office  
Regional Operations  
Telephone: 04 463 8000  
45 - 47 Pipitea Street  
Thornton  
PO Box 1666  
Wellington  
New Zealand  
Fax: 04 463 8252  
www.minedu.govt.nz  
Reg Ops 13/119  
AD01/40/04/6

11 September 2013

Dear


Thank you for your email enquiry dated 6 September 2013.

In general terms the teaching in New Zealand state schools should be entirely secular. There are also schools with special character and state integrated schools which are permitted to provide for the particular religious or philosophical perspective of their Proprietor. So a state integrated school may display religious symbols.

Schools also have to comply with legislation such as that related to human rights, race relations and publications.

If you are referring to a particular school it would be best to discuss your concern with the Principal and Board of Trustees.

Yours sincerely

  
Jim Greening  
Acting Group Manager  
Regional Operations

RELEASED UNDER THE OFFICIAL INFORMATION ACT

153

---

**From:**  
**Sent:** Monday, 14 April 2014 12:56 p.m.  
**To:** K  
**Subject:** FW: Could you please pass this on to in your office

And this

---

**From:**  
**Sent:** Friday, 21 February 2014 7:35 a.m.  
**To:** Carol Stoney  
**Subject:** FW: Could you please pass this on to in your office

Hi Carol

For you.

Dominion Road school is saying MOE has approved the programme!!!

Advisor  
Education Curriculum and Performance  
Sector Enablement and Support  
Northern Region  
DDI:  
email: [@minedu.govt.nz](mailto:@minedu.govt.nz)

---

**From:**  
**Sent:** Thursday, 20 February 2014 4:29 p.m.  
**To:**  
**Subject:** Could you please pass this on to in your office

Hell had a call from someone called in your office last week who was following up on my complaint but unfortunately I didn't take any contact details for her. Could you please pass this on to her? Thanks so much.

Hi

Further to our conversation last week, I have just received the DRS school newsletter for this week which contains the following:

#### CHRISTIAN RELIGIOUS EDUCATION

Each year we offer a Christian Religious Education Programme to our year 3-6 students (Takape and Kakape teams). This programme is provided by the Churches Education Commission (CEC) and is delivered by volunteers who are trained and accredited as Christian Religious Education teachers, and who also undergo police vetting. The Ministry of Education have approved this programme. Parents can choose for their children to opt out of this programme, by sending a note to the classroom teacher. Students who opt out will be supervised by one of our staff in our library. During this time they are able to participate in library activities.



The programme is offered at school each Wednesday morning 9-9:30am, and will commence here on Wednesday 05 March.

Further information as to the content of the programme is available on the Churches Education Commission website:

[www.cec.org.nz](http://www.cec.org.nz)

I put in red the passages I object to for the following reasons:

- By stating 'we offer' misleads parents into believing the programme is offered by the school rather than the school being closed during this time.
- Use of the term 'religious education' is not consistent with the definitions provided by the Human Rights Commission (which would not allow for children to opt out as it would be a curriculum subject) and misleads parents into believing the programme is quite different than it actually is.
- My understanding from our conversation last week is that the Ministry has not approved this programme but the school has clearly stated the Ministry has approved it, misleading parents that this has occurred.
- The wording of the programme being offered at school Weds 9-9:30 does not make it clear that the school is officially closed and that this is officially outside the school day.
- Further information on the content does not appear to be available on the CEC website.

I would raise these issues with the school directly but as you are aware the BoT has refused to engage with me further on this subject.

I am also concerned that this notice follows immediately below a notice requesting parents not remove their children early on grounds that "...students are involved in very busy and well planned teaching and learning programmes for all of the school day."

Looking forward to hearing further from you regarding the response from your legal team on the issues I have raised previously, on who I can contact about whether the school is meeting their requirements for minimum teaching days and written confirmation that the Ministry has not approved any of the CEC religious instruction programmes.

Kind regards

Begin forwarded message:

**From:**

**Subject:** Fwd: Complaints regarding schools and Board of Trustees' exercise of discretions

**Date:** 11 February 2014 10:16:14 am NZDT

**To:** [@mti.edu.govt.nz](mailto:info@mti.edu.govt.nz)

Hello

Sorry to bother you about this again but I still haven't received any response from Leisa regarding my complaint or subsequent emails. Can you please confirm whether the address I have used for Leisa on the email below is correct? Are you able to advise when this might be investigated?

Kind regards

Begin forwarded message:

**From:**  
**Subject: Fwd: Complaints regarding schools and Board of Trustees' exercise of discretions**  
**Date:** 3 February 2014 9:36:00 am NZDT  
**To:** [leisa.maddix@minedu.govt.nz](mailto:leisa.maddix@minedu.govt.nz)

Hello Leisa

Just following up on the complaint I sent last year. Can you please confirm whether this will be investigated and if so when I might expect an update. Dominion Road School reopened today for 2014.

Kind regards

Begin forwarded message:

**From:** [leisa.maddix@minedu.govt.nz](mailto:leisa.maddix@minedu.govt.nz)  
**Subject: RE: Complaints regarding schools and Board of Trustees' exercise of discretions**  
**Date:** 11 December 2013 10:36:40 am NZDT  
**To:** -----  
**Cc:** Leisa Maddix <[Leisa.Maddix@minedu.govt.nz](mailto:Leisa.Maddix@minedu.govt.nz)>

Hello

Yes I can confirm your complaint has been received and is being investigated. Leisa is away this week but should be in a position to respond to you sometime next week.

Regards

Advisor  
Education Curriculum and Performance  
Sector Enablement and Support  
Northern Region  
DDI:  
email: [leisa.maddix@minedu.govt.nz](mailto:leisa.maddix@minedu.govt.nz)

-----Original Message-----

**From:**  
**Sent:** Wednesday, 11 December 2013 10:18 a.m.  
**To:**  
**Subject:** Re: Complaints regarding schools and Board of Trustees' exercise of discretions

Hello

I had posted a complaint through to Leisa before receiving your email (I'd phoned the Ministry in the interim) and then sent an email to her last week asking for confirmation it had been received but as yet have received no response. Is there a way to check if the complaint has been received and if it will be investigated





Kind regards

**DISCLAIMER:**

This email (including any attachments) may contain information which is confidential or legally privileged and may not reflect the Ministry of Education's view. The Ministry is not responsible for changes made to this email after we've sent it. If you have received this email by mistake, please reply to the Ministry immediately and delete both messages.

**DISCLAIMER:**

This email (including any attachments) may contain information which is confidential or legally privileged and may not reflect the Ministry of Education's view. The Ministry is not responsible for changes made to this email after we've sent it. If you have received this email by mistake, please reply to the Ministry immediately and delete both messages.

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

28 NOV 2013

25 November 2013

Lisa Maddix  
Auckland Manager  
Ministry of Education  
Private Bag 92-644  
Symonds St  
Auckland 1150

Dear Ms Maddix

**Re: Dominion Road School Religious Instruction**

My son attends Dominion Road School (DRS). I am very concerned about the provision of Religious Instruction (RI) at DRS. I have raised my concerns with the Board of Trustees (BOT) who provided a response that addressed some of my concerns inadequately and did not address other concerns at all. I provided a detailed description to the BOT of the issues raised by their response and received a letter from the principal and Chair of the BOT stating that they stood by their previous comments and would not undertake any further correspondence.

I believe the BOT has breached their legal obligations under both the Education Act 1964 and Education Act 1989 in the way the decision was made to implement the programme:

- RI is referred to at DRS as Religious Education (RE), actively misleading the parent community into thinking the programme is taught by qualified and registered teachers as part of the New Zealand Curriculum;
- The BOT have refused to provide figures confirming whether the minimum number of teaching half-days required under s 65 Education Act 1989 are being met once the closure time is taken into account;
- The BOT has stated they have discretion to run the school as they see fit. While I appreciate their powers are wide, they are not absolute with a number of obligations inherent on decision-makers when exercising a legal discretion such as that under s 78 Education Act 1964 to close the school for RI. I believe the BOT has breached these obligations in the following ways:
  - Decisions must take all relevant information into account and cannot consider irrelevant considerations. Over 50% of girls at DRS are not currently meeting National Standards for mathematics. The RI programme run at DRS is available as a lunchtime programme which would not affect teaching time. I do not believe the BOT has taken these two items into consideration when deciding to close the school for RI;
  - Decisions cannot be made on mistake of fact. The BOT has stated they believe the programme is RE. While s 78 Education Act 1964 provides no authority for the school to be closed for and children to opt-out of RE, only for RI or religious observance, if the decision to close the school has been made in the belief that the programme is RE it has been made in mistake of fact and is invalid;
  - For a decision to be made, there must be an actual decision rather than a rigid application of a pre-determined policy. I believe this may have happened at DRS.

I have attached for your information the letter sent to me after I raised my concerns at the BOT meeting in August 2013, a copy of the letter I sent to the BOT in return and the BOT's subsequent brief response. I also attached a copy of a letter provided by the Human Rights Commission in response to my query regarding whether the programme provided by Churches Education Commission used at DRS could be deemed RI or RE.

I appreciate the decision to offer RI in schools is a very controversial one. As such, it is imperative that in exercising this legislative discretion BOTs must ensure they make their decisions legally. I believe DRS BOT has breached its obligation in this instance. As the BOT refuses to engage further on this matter, I request that the Ministry investigates to confirm whether the DRS BOT has met or breached its legal obligations.

Please do not hesitate to contact me if you require further information. I look forward to hearing from you.

Kind regards





MINISTRY OF EDUCATION  
Te Tihitanga o te Mātauranga

20 February 2014

Northern Region

Auckland Office  
Education, Curriculum and  
Performance  
Cnr Edwin Street and Normanby  
Road  
Mt Eden  
Private Bag 92644  
Auckland  
New Zealand

Phone: 0-9-632 9400  
Fax: 09 632 9401  
www.minedu.govt.nz

File. (1)  
Dominion Road  
School.

Dear

Thank you for your letter of 25 November 2013 concerning Religious Instruction at Dominion Road School.

Under the Education Act 1964, Boards of Trustees of all state primary and intermediate schools may permit religious instruction and observances to occur under very clear conditions.

A Board may permit voluntary instructors to provide religious instruction and may approve religious observances by closing any class or classes within the school, or the school as a whole for this purpose. This can occur at any time of the school day for any period up to 60 minutes in any week or 20 hours in any school year.

The Human Rights Commission has issued guidelines and advice for schools choosing to implement Religious instruction. I have copied in the relevant link details for your information.

[http://www.hrc.co.nz/hrc\\_new/hrc/cms/files/documents/26-Aug-2009\\_13-59-33\\_Religion\\_in\\_NZ\\_Schls\\_260809.pdf](http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/26-Aug-2009_13-59-33_Religion_in_NZ_Schls_260809.pdf)

If you feel Dominion Road School is acting outside the Commission's guidelines then it would be appropriate for you to raise your concerns with the Commission.

In regard to your enquiry as to whether Dominion Road School is meeting its legal obligation under Section 65 Education Act 1989, Schools are required to be open for a minimum number half days as prescribed by the Minister of Education. In 2013 the primary school requirement was 384 half days. A school is open for instruction for a half day only when it provides instruction for 2 hours or more before noon and for 2 hours or more after noon.

I have been advised that Dominion Road School closes its year 3-6 classes on Wednesdays between 9.00am-9.30am but it still provides the minimum requirement of 2 hours instruction



before noon. The school is therefore fulfilling its legal obligation in terms of the number of half days it is required to be open.

Thank you for bringing this matter to my attention,

Yours sincerely



Leisa Maddix  
Manager  
Sector Enablement and Support  
Northern Region

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT



# DOMINION ROAD SCHOOL

RECEIVED  
28 NOV 2013

25 September 2013

Dear

We refer to your concerns raised at the Board of Trustees (Board) meeting on Monday, 19 August 2013 in regards to the Christian Religious Education Programme (CRE) offered at Dominion Road School (DRS).

The Board reiterates your concerns as follows;

1. The school is closed for religious sessions and you do not think this was appropriate.
2. You disagree with children opting out rather than opting in; and
3. The Christian Religious Education Programme was not religious education and you did not feel it was an appropriate representation of religious beliefs.

CRE has been taught in DRS for about 20 years and the decision to allow it in DRS was based on past surveys, legislation and the previous Board's decision. The formulation of the school's policies surrounding religious education was also based on these surveys and the relevant legislations.

The school's past surveys showed positive feedback from parents towards having CRE in school. The Education Act 1964: ss 77-79 sets out the legal framework surrounding the establishment of religious studies in primary schools. The Education Act 1989: s 72 sets out the Board's wide power in governing and making decisions for the school. The New Zealand Bill of Rights Act 1990 and The Human Rights Act 1993 operate as balancing mechanisms to ensure that the rights of all (with or without a religion) are recognised and upheld. In light of the different competing legislations, the Board's main concern is balancing the rights of children from different religious groups with children who are not affiliated with any religious group. To date, we have not received complaints about CRE until your concern was raised on 19 August 2013. This has given the Board the opportunity to review the current CRE programme.

In relation to your first concern and in light of the above legislations, DRS closes for 25 minutes per week for 20 weeks per year, as per our school policy and as allowed by section 78 of the Education Act 1964. Section 78 allows a school (or part of a school) to close for up to one hour a week up to a total of 20 hours a year for religious instruction or religious observance, to be conducted in a manner approved by the school's Board. The children who are not part of these Christian Religious Education sessions are given supervised library opportunities such as reading and working with literacy related activities on the laptops. Please find attached the school's policies on CRE. You will see that where the legislation allows the school to close for up to 1 hour a week up to a total of 20 hours a year for religious instructions, DRS only closes for 25 minutes a week for 25 hours per year.

In relation to your second concern, we note that section 79 of the Education Act 1964 allows children to 'opt out' if their parents do not wish them to participate in religious ceremonies or teaching.

We refer to your third concern. The Board undertook to gather further information about the CRE programme in answer to your concern that CRE was not religious education. We can guarantee that from what we collected, CRE is a religious institution with trained instructors. We attach documentation from the Churches

Quest Terrace, Mt Roskill, Auckland 1041.

Phone: 621 0155 Fax: 621 0390 E-mail: office@dominionrd.school.nz

Education Commission for your interest, and also to outline that the Churches Education Commission are a recognised provider of Christian based education programmes.

In relation to the appropriateness of CRE in the representation of religious beliefs, we agree with you on this point as most of our students are from different religious backgrounds, and meeting all of their religious requirements within one school can be challenging. CRE was the only programme we found offered in terms of religious studies approved to be taught in primary schools. The Board welcomes and has always welcomed suggestions from our parents from different religious groups, however to date no one has proposed religious studies different from CRE.

The Board has had the opportunity to meet on Monday, 23 September 2013 to further discuss the nature of your above concerns.

We thank you for the time taken to meet with the Board, and in light of the above legislations and views expressed by the parents through past and recent surveys, the Board feels that the balancing of differing rights can best be met through the circulation of another survey in early 2014 to collect the parents views or feedback on the appropriateness of CRE sessions in school and on whether to replace the 'opt out' concept with 'opt in'. The Board will use this survey to decide its next step for the year 2014. Please note that where one parent has raised a concern, the Board must make its decision based upon legislation, the collective views of the community and what it thinks is best for the school as a whole. Therefore, we will not be making any changes to the current CRE until we have undertaken to collate all of the parent's views.

The Board will undertake to provide specific information regarding Churches Education Commission programmes to all year three - six families in early 2014. We will send home information downloaded from the CEC website, so that DRS families will be better informed as to the content of the CRE programme, and also to assist them in their decision making prior to the circulation of the survey in early 2014.

If you have any further concerns, please feel free to raise them with your child's teacher in the first instance. Your child's teacher is the first point of contact for any concerns or complaints in relation to the school. Where the teacher is unable to assist, your complaint will be referred to the principal; Marian Caulfield. When the issue cannot be resolved by the principal the Board will become involved. We have attached a copy of the schools procedure for your information.

If you have any questions pertaining to the complaints process please do not hesitate to contact or approach Ms Caulfield. We thank you again for bringing this concern to our attention.

Yours sincerely

Paul Bristol  
Chairperson, BOT

Attach



Marian Caulfield

Principal



6E

31 October 2013

Marian Caulfield and Paul Brislen  
Board of Trustees  
Dominion Road School  
14 Quest Terrace  
Auckland 1041

Dear Marian and Paul

Thank you for your letter dated 25 September 2013. It appears that there remain a number of issues outstanding as well as a number of misunderstandings regarding the nature of the Churches Education Commission (CEC) Christian Religious Education (CRE) programme and application of the relevant legislation. I have summarised the issues at the beginning of my response with further information supplied in the bulk of the letter.

I note your request for me to direct further concerns to my son's teacher in the first instance. However, I believe it would be inappropriate to do so given the nature of the issues under discussion.

*Summary*

1. The Human Rights Commission (HRC) recently considered the information on the CEC website and determined that the programme is religious instruction (RI) not religious education (RE).
2. Parents have been actively misled by Dominion Road School's (DRS) repeated reference to the programme as RE rather than RI. Notification of the misrepresentation and accurate information regarding the programme should be sent to all parents of year 3 to 6 students correcting this misinformation.
3. CEC claims that their programme teaches New Zealand curriculum values. Please advise why these values are not taught by DRS' qualified and registered teachers; why these values which have no religious connotations are taught with Christian religious examples rather than by secular examples; and how the children who do not attend CRE are taught these values.
4. DRS states that previous parent surveys have been supportive of the CRE programme. Please respond to the previous request for information regarding the questions asked in the survey to ensure that parents were made aware of the true nature of the programme and asked whether they supported closure of the school rather than delivery in non-class time, especially given the current National Standards attainment levels at DRS.
5. DRS states that no complaints have been received regarding CRE prior to that of the writer. It is suggested that this may be due to misunderstandings regarding the nature of the programme due to the scant and misleading information provided.
6. DRS states CRE was the only programme found that was approved to be taught in primary schools. Please advise which non-Christian organisations were approached regarding the provision of RI and on what grounds they were declined.
7. Please advise how DRS communicated to parents that they are able and welcome to make suggestions regarding alternative RI providers.

DRS states the CEC programme is RE not RI. Section 78 of the Education Act 1964 (EA 1964) provides no authority for schools to close for RE, only for RI or religious observance (RO).

8. Please advise under what authority is DRS closed during the CRE programme if this is RE.
9. Please advise under what authority parents given the option of withdrawing their children from the CRE programme if this is RE.
10. Please advise under what authority the CRE programme is taught by voluntary instructors if this is RE.



11. The powers allocated to the Board for governing the school under s 75 of the Education Act 1989 (EA 1989) are wide but are not absolute. The Board must comply with limits placed on it such as those in s 78 EA 1964 and on the obligations inherent in exercising a legislative discretion.
12. CEC has advised that they are not currently able to supply a copy of their curriculum. Please advise how the CEC instructors are able to teach without a curriculum and how DRS is able to approve the material taught by CEC when the curriculum is not available.
13. The RI programme taught at DRS, Life Choices, is the basis for CEC's 'large group' programme which is typically taught in school halls rather than classrooms and is specifically able to be taught during lunchtime. Please advise if DRS has considered moving to a hall-based lunchtime programme. Please advise why this has not been considered or why it has not been chosen.
14. Primary schools are required to be open 384 half-days in 2013 as directed by the Minister of Education under s 65A EA 1989. As requested at the Board meeting on 19 August 2013 (Board meeting), please advise if DRS is meeting this requirement.

#### *1 Religious Instruction or Religious Education - HRC's determination*

The programme run at DRS is referred to as RE. Your letter states "CRE is a religious institution with trained instructors". My understanding from the CEC website is that the institution or organisation is CEC, while CRE refers to the programme previously known as Bible in Schools. You will note that the HRC definitions below are based on the information being taught, not on the nature of the institution or instructors providing the information.

RI, RO and RE were defined by the Human Rights Commission (HRC) in their 2009 report "Religion in New Zealand Schools":

**Religious instruction** means teaching aspects of a faith in its own right. Religious instruction carries an implicit or explicit endorsement of a particular faith and/or encourages students to engage with and make decisions about accepting it on a personal level. An example is optional classes run by voluntary groups.

**Religious observance** involves reciting prayers, singing hymns or participating in other aspects of religious practice. Religious observance is not neutral, as it either assumes or encourages adherence to a belief. An example is if prayers are said in a school assembly.

**Religious education**, also commonly called religious studies, refers to teaching about religion(s) as part of a broader context. An example is the role religion has played in politics, culture, art, history or literature. Religious education does not require students to engage with the religions being studied at a personal level or make choices about accepting those beliefs. Religious education can take place as part of the school curriculum. (emphasis added)

The CEC website contains their own definition of RE which is quite different to that provided by the HRC:

Religious Education means learning to understand and appreciate the beliefs by which people live, as an aid to the development of the student's own beliefs and values. While acknowledging that there are other views of life that would have a place in religious programmes, we believe it is appropriate in New Zealand to give particular emphasis to the Christian faith, the Bible, and the life and teachings of Jesus, because of their pervasive influence through our cultural heritage and history, and their continuing power and relevance. (emphasis added)

The definitions of the HRC and CEC are fundamentally different and mutually exclusive. The HRC definition focuses on the factual impact of the religion while the CEC definition focuses on the individual's belief system. While CEC can use any definition they choose for their programme, the HRC definition is the official position and as such the one-school boards must adhere to.

Other information on the CEC website supports the position that the programme provided is RI rather than RE:

- the Code of Expectations for CEC's CRE teachers states that "...the purpose of CRE is to educate children about Christian beliefs and values...";
- the CEC's CRE Teacher Church Endorsement form refers to teachers as the "hands and feet of Jesus";
- 'CRE info pack brochure' state that children will be taught:
  - Jesus is God's son;
  - Christian version of the Easter story including that Jesus died on a cross and rose again;
  - Bible stories are used to illustrate values of the New Zealand curriculum.

At my request, the HRC recently considered the information on the CEC website to determine whether they believe the programme to be RE or RI. I have attached a copy of the HRC's letter for your information. I draw your attention in particular to the third paragraph of the HRC's response, which states:

The definition from the CEC website is more consistent with religious instruction or observance, than religious education. The fact that there is no explicit endorsement of Christianity does not, of itself, exempt the programme from being described as such.

From the above it appears that the programme provided by CEC at DRS is RI, not RE as stated.

Regarding the use of trained instructors by CEC, while the instructors undergo Police checks, training is provided by CEC itself not by a registered teacher training provider. Instructors are neither qualified nor registered by the Teachers' Council.

## 2 *Misleading information*

If it is accepted that the programme provided by CEC is RI rather than RE, the parent community has been actively misled as the information provided to parents has referred to the programme as RE. Any parent who has either read the definition from the HRC above or any of the many articles recently published in the media regarding the issue will expect that their child has been attending sessions taught within the bounds of the New Zealand curriculum based on fact rather than on belief.

While I appreciate that you do not wish to make changes prior to consulting with the parent community, I believe that under the circumstances it is vital that parents are made aware of the true situation regarding RI. By constantly referring to the programme as RE, parents may have been misled into assuming:

- the programme is part of the curriculum;
- the school is open while the programme is taught;
- teachers of the programme are qualified and registered by the Teachers Council;
- the programme is fact-based.

In order to make an informed choice about whether to allow their children to attend RI, parents should immediately be made aware:

- the programme is not part of the curriculum;
- the school is closed while the programme is taught;
- teachers of the programme are neither qualified nor registered by the Teachers Council;
- the programme is faith-based and draws heavily on Christian theological concepts.

This could be achieved easily by sending home a notice with all year 3 - 6 children advising of the misleading reference to RE and the true nature of the RI programme.



### 3 Curriculum Values

The CEC website states that their programme teaches values from the New Zealand curriculum. The values currently listed on the New Zealand Curriculum website are:

- excellence;
- innovation, inquiry and curiosity;
- diversity;
- equity;
- community and participation;
- ecological sustainability;
- integrity

Could you please advise:

- why these values are not being taught by the qualified and registered DRS teaching staff;
- why values with no religious connotation require illustration through religious examples as CEC states it does;
- as the values are being taught in a programme that is not compulsory, what is the implication for children who do not attend, how are they taught these values?

### 4 DRS Surveys

Your letter refers to past surveys which indicated parent support for CRE at DRS. You may recall I requested information regarding the survey questions at the Board meeting. In order to determine whether parents support the programme it is vital that the correct questions are asked. In particular I am interested to know if the survey questions made the following clear to parents when asking for their opinion on CRE:

- the school is closed while CRE is taught;
- CRE is not taught by qualified and registered teachers;
- CRE is taught by volunteers with strong affiliations with Christian churches;
- CRE uses the Bible to teach a curriculum approved by CEC, not the New Zealand curriculum;
- parents have the option of opting their children out of CRE;
- the CRE programme can be offered outside school hours so that it does not impact on teaching time;
- the current National Standards results of DRS students so that the impact of closing the school in order to run the programme could be considered.

I do not recall any survey questions which made the above clear. Unless all of the above was made clear to parents, responses to the survey may have been made under false assumptions and cannot be deemed to accurately reflect the level of support for the programme within the parent community.

I also note that despite the concerns I raised at the Board meeting, this year's parent survey contains no questions relating to RI.

### 5 No previous complaints regarding CRE

Your letter states that DRS has not received any complaints regarding CRE prior to me raising my concerns at the Board meeting. I suggest to you that the information supplied to parents to date has misled many into thinking the programme is part of the curriculum, that the school is open and that they have no reason nor grounds on which to complain. It is possible that the parent community is highly supportive of the CRE programme at DRS. However, until parents are made fully aware of the nature and content of the programme as well as the option of running the programme outside school hours, there is no reason to correlate lack of complaints with satisfaction regarding the current situation.

### 6 Alternative RI programmes - DRS efforts

Your letter states "CRE was the only programme we found offered in terms of religious studies approved to be taught in primary schools". Use of the word 'found' indicates that DRS sought an alternative provider or programme. Could you please advise what efforts the Board has undertaken to source an alternative RI provider, in particular one from a non-Christian religion? I note that within 8 kilometres of DRS there is an

Islamic mosque, a Hindu temple, a Jewish synagogue and a Buddhist centre. I am very interested to know which of these organisations, or others, the Board has approached. Of the parties who showed interest in providing RI, please advise the grounds on which they were declined.

7 *Alternative RI programmes - parent suggestions*

Your letter states that no parents have proposed religious 'studies' different from CRE. As parents may not be aware of the nature of CRE it is unlikely they are aware they are able or welcome to suggest alternatives. Please advise how DRS has communicated to parents that they are able to make suggestions for alternative providers and that those suggestions would be welcome.

8 *School closed for religious education*

If the Board rejects the HRC's position that the programme offered is RI, please advise under what authority DRS is closed for the purpose of RE, EA 1964, s 78 authorises the board to close the school for the purpose of **religious instruction or religious observance**:

...if the school's board ... so determines, any class or classes at the school, or the school as a whole, may be closed ... for the purposes of **religious instruction** given by voluntary instructors approved by the school's board and of **religious observances** conducted in a manner approved by the school's board...  
(emphasis added)

The wording of s 78 is very specific to RI and RO. Nothing in the section allows for the school to be closed for the purpose of **religious education**.

As RE is able to be taught as part of the curriculum there is no reason to suspect that closure of the school would be required. I have been unable to find any provisions in the EA 1964 or EA 1989 which allow for the closure of schools for the purpose of teaching information that can be part of the curriculum.

9 *Opt-out for religious education*

Your letter states:

... we note that section 79 of the Education Act 1964 allows children to 'opt-out' if their parents do not wish them to participate in religious ceremonies or teaching.

Section 79 EA 1964 states:

**79 Attendance at religious instruction or observances not compulsory**  
(1) No pupil enrolled at a State primary school shall be required to attend or take part in any such instruction or observances if any parent or guardian of the pupil does not wish the pupil to take part therein and makes his or her wishes known in writing to the head teacher of the school. (emphasis added)

The wording of s 79 is specific to RI and RO. Nothing in the section authorises parents to opt their children out of RE.

10 *Third-party providers teaching curriculum subject*

I have searched unsuccessfully through both Acts for a provision which authorises external third-parties to be brought into the school to teach curriculum subjects. As seen above, s 78 EA 1964 allows for voluntary instructors to be approved by the school's board to teach RI but does not authorise voluntary instructors to teach RE.

11 *Powers of Board not absolute*

Your letter refers to the wide powers allocated to the Board under s 72 EA 1989 for governing and making decisions for the school. I note that s 72 empowers the Board to make any bylaws necessary for the management of the school which is not relevant to the topic under discussion. Section 75 EA 1989 confers discretion on the Board to control the school, however, you will note from the wording of subsection (2) that these powers are not absolute:



Except to the extent that any enactment or the general law of New Zealand provides otherwise, a school's board has complete discretion to control the management of the school as it thinks fit. (emphasis added)

Where legislation places clear limits on what can and cannot be done, as s 78 EA 1964 does, the Board must act in accordance with those limits. Additionally, under the general law of New Zealand there are a number of obligations involved in the exercise of a legislative discretion:

- bodies established by statute, such as the Board, must follow the provisions of their empowering legislation so that they do not act *ultra vires* or beyond their powers;
- where a statute confers authority on the Board to decide a particular question; for example s 78 EA 1964 conferring authority on the Board to decide to close the school for RI or RO, the Board is confined to deciding only that issue and cannot for example decide to close the school for another purpose otherwise they have made an error of law;
- when making a decision the Board must base their decisions on relevant considerations and must ignore irrelevant considerations. They must ask themselves the correct question otherwise the decision may be invalid. In the current situation, an irrelevant consideration would be, for example, the wish of the provider to run the programme at the school, while relevant considerations would be the potential impact on achievement levels of students from the loss of teaching time, the availability of the programme in non-teaching time and the content of the programme;
- decisions based on mistake of fact may be invalid, for example, if the Board's decision to allow CEC to run the current programme is based on the mistake of fact that the programme is RE rather than RI;
- where legislation authorises the Board to exercise a discretion, the power must be exercised properly without a rigid application of a pre-determined policy. This would be relevant for this decision if Board members had decided to close the school for RI at prior to considering all of the information relevant to the decision;
- when exercising a discretion to make a decision the Board must act with procedural propriety. For example, if parent views are to be taken into account, this would include giving parents the right to be heard on the matter or asking appropriate questions when surveying parent views; fully disclosing the relevant information to parents before asking for their feedback; giving parents notice that they will be asked for feedback and how that opportunity will arise. The Board must not show any bias when making the decision, whether actual or presumed.

## 12 CRE curriculum

Your letter states you will send information on the CRE curriculum, downloaded from the CEC website, home with students in 2014. Please be aware that the CEC website does not currently contain details of their curriculum. I have requested a copy of the curriculum from CEC but have been advised it is currently undergoing revision. This raises the question of how the CEC teachers are able to teach to a curriculum and how the DRS Board could consider the content of that curriculum when deciding to exercise their discretion to close the school for the purpose of offering that curriculum, when the curriculum itself is not available.

## 13 Classroom teaching

You will recall at the Board meeting I also raised the issue of CRE being taught in the classrooms. I note that the programme taught at DRS is the Life Choices programme. The CEC website states that this programme is the basis for their large group programme which is typically taught in school halls rather than classrooms. It is also specifically able to be taught at lunchtimes rather than requiring school closure.

Can you please advise if this option was considered by the Board when deciding to close the school. If it was not considered, I suggest this was a relevant consideration that should have been considered. If it was considered, on what grounds was this option declined.

14 *Minimum teaching requirements*

Section 65A (2) EA 1989 states that the Board must ensure the school is open for instruction for the number of half-days specified by the Minister under s 65A (1). The Ministry of Education website indicates primary schools are required to be open for a minimum of 384 half-days in 2013. As requested at the Board meeting, taking into consideration the time the school is closed for RI, can you please confirm that DRS is open for the required number of half-days in 2013.

It is wise that the Board has chosen to base its decision on its empowering legislation and on the views of the parent community to determine what is best for the school. It is important that in doing so, the Board correctly interprets the application of that legislation, understands the obligations inherent in the exercise of a discretion and ensures that the views of the community are based on full and correct information.

I request that you reconsider your previous response to my concerns in light of the issues I have raised above. Please do not hesitate to contact me if you wish to discuss this further or clarify any of the points I have raised.

Yours sincerely

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

6G



# DOMINION ROAD SCHOOL

11 November 2013

Dear

Thank you for your letter dated 31 October 2013.

The Board has considered your letter and reconsidered your original concern, and attach the Community Survey 2012.

We remain confident in the comments made in our letter dated 25 September, and are satisfied that we have done all that could be reasonably expected in addressing your concern.

As such we thank you for your comments, however we will not be undertaking any further correspondence.

Yours sincerely

Paul Brislen  
Chairperson, BOT

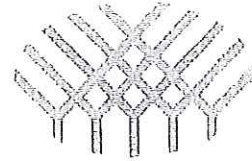
*Mark Caulfield*

Mark Caulfield  
Principal

RELEASED UNDER THE OFFICIAL INFORMATION ACT



CH



Human Rights  
Commission

*Te Kahui Tikanga*

Ref: 97397

**Confidential**

10 October 2013

Mail to:

Dear:

I write in response to your inquiry about the distinction between religious education and religious instruction or observance. You say that there is a difference of opinion about this at your child's school and ask whether the Human Rights Commission considers the CEC definition of "religious education" is compatible with that in the Commission's publication.

Education in state primary schools is by definition, secular. Schools are not obliged to provide religious instruction but can do so under certain conditions and provided there is provision for children to opt out if they wish. This does not mean, however, that schools cannot provide education about religion and the role it has played in the wider historical context, as part of the school curriculum.

The definition from the CEC website is more consistent with religious instruction or observance, than religious education. The fact that there is no explicit endorsement of Christianity does not, of itself, exempt the programme from being described as such.

We do not consider that the definitions provided in our publication are "blurry" – as CEC suggests. They were drafted with input from Paul Morris who is the Professor of Religious Studies at Victoria University, following consultation with a wide variety of individuals and groups. In our view they create a clear distinction between religious instruction and education about religion.

I hope this some help.

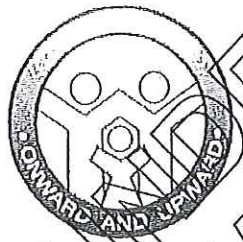
Yours sincerely

Sylvia Bell  
PRINCIPAL LEGAL & POLICY ANALYST

Level 10, Tower Centre, Cnr Queen and Custom Sts, PO Box 6751 Wellesley St, *Tāmaki Makaurau* Auckland  
Level 3, Guardian Assurance Building, 79 Hereford Street, PO Box 1578, *Otautahi* Christchurch  
Level 3, Vector Building, 44-52 The Terrace, Thorndon, PO Box 12411, Thorndon, *Te Whanganui a Tara* Wellington  
*Aotearoa* New Zealand

Human Rights Commission Infoline Toll free 0800 496 877 infoline@hrc.co.nz  
[www.hrc.co.nz](http://www.hrc.co.nz) TTY (teletypewriter) 0800 150 111

# Dominion Road School



Community Survey  
2012

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

**DOMINION ROAD SCHOOL**  
**COMMUNITY CONSULTATION SURVEY**  
**2012**

Dear Parents / Caregivers

We have designed this survey to gain general information about our school. Our Board of Trustees are constantly striving to govern our school in a caring, informed and enthusiastic manner. This survey will provide us with more specific information with regards to your perception of our school right now (November 2012).

**Please return this survey to the school office by**  
**Friday 23 November**

Many thanks

Marian Caulfield  
Principal

Grant Bayldon  
Chairman, Board of Trustees



STUDENTS

1. Are you satisfied that your child(ren) are receiving a sound education at Dominion Road School?

1 Not at all 2 3 4 5 Extremely

2. Do classroom programmes meet the needs of your child?

1 Not at all 2 3 4 5 Extremely

3. Do you think your child(ren) are challenged to achieve their best?

1 Not at all 2 3 4 5 Extremely

4. Do you as parents receive adequate information about your child's progress (e.g. portfolios, interviews, reports)?

1 Not at all 2 3 4 5 Extremely

5. Do you think that children have enough sporting opportunities?

1 Not at all 2 3 4 5 Extremely

6. Do you think that children have enough cultural opportunities?

1 Not at all 2 3 4 5 Extremely

7. If you have a child at Year 6 level, do you think they are well prepared for intermediate school?

1 Not at all 2 3 4 5 Extremely

OFFICIAL INFORMATION ACT

8. Do you think that the school encourages good behaviour and important social values?

1 2 3 4 5  
Not at all Extremely

9. Do you think the school has effective behaviour management programmes?

1 2 3 4 5  
Not at all Extremely

10. Does your child feel happy and safe at school?

1 2 3 4 5  
Not at all Extremely

11. Do you think school and team newsletters provide good information about school programmes?

1 2 3 4 5  
Not at all Extremely

12. Do you think that the appearance of the school is visually pleasing?

1 2 3 4 5  
Not at all Extremely

**STAFF**

13. Is your child's teacher friendly and positive?

1 2 3 4 5  
Not at all Extremely

14. Does the school respond to your enquiries / concerns?

1 2 3 4 5  
Not at all Extremely

OFFICIAL INFORMATION ACT

15. Are the Principal / Senior Management interested and approachable?

1	2	3	4	5
Not at all				Extremely

16. What skills do you have that you could share with us?

- Gardening
- Kapa Haka
- PMP (Tuesday / Thursday from 9.00am – 12.00pm)
- Library
- Mending Books
- Making Resources
- PTA
- Reading With Children
- Board of Trustees
- Other

If you would like us to contact you please fill in your details below:

Name: \_\_\_\_\_

Child's Name: \_\_\_\_\_ Room No: \_\_\_\_\_

Telephone: \_\_\_\_\_

FURTHER COMMENTS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

OFFICIAL INFORMATION ACT





(6)

**Ken White**

**From:** Carol Stoney  
**Sent:** Monday, 14 April 2014 12:56 p.m.  
**To:** Ken White  
**Subject:** FW: Could you please pass this on to Carol in your office

And this is my last one.

**From:** Emmett Geoghegan  
**Sent:** Friday, 21 February 2014 9:18 a.m.  
**To:** Carol Stoney  
**Subject:** RE: Could you please pass this on to Carol in your office

If you are not the intended recipient, any use or disclosure of this e-mail is unauthorised. If you have received this e-mail in error please notify me immediately and delete the e-mail.

Advice from Legal Services is subject to legal professional privilege, this means it cannot be released to anyone outside the Ministry of Minister's Office without approval from the Attorney General. Some text in this email may be marked as being suitable to copy and paste into correspondence. If you wish to draw upon advice given when writing correspondence please refer drafts back to Legal Services for review. For further information see - <http://www.dpmc.govt.nz/cabinet/circulars/co05/5.html>

Carol,

The MOE does not "approve" any such programmes. (We don't)

CEC is a group that represents multiple churches – It is not approved to be.

Historically there has been some confusion re statements that endorsed the CEC or its programmes.

This is on the public record – see <http://203.152.114.11/decis> ruling. It also received media coverage at the time.

I can't see any confusing statements in the current CEC material perhaps this school has an old pamphlet or is relying on material

The current CEC pamphlet ([http://www.mediafire.com/view/tv3xrdxzxu7218/CEC\\_Info\\_P](http://www.mediafire.com/view/tv3xrdxzxu7218/CEC_Info_P))

states that each BOT approved the religious instruction curriculum. This makes sense as it is the BOT which has the decision making power re if and when RIs offered.

If the complainant wants us to (as we don't want to breach her privacy) I do suggest we touch base with the school. We can a) point the school to the HRC guidance - <http://www.hrc.co.nz/human-rights-environment/religion-in-new-zealand-schools> and the HRC itself (they do not mind calls from anyone who wants information of help) and b) to NZSTA for support as the helpdesk staff can assist with specific advice re specific issues (0800 782 435).

Obviously we should also point out that the newsletter statement is incorrect. But I don't suggest we get directly involved in debate on the specific issues (e.g. RE v RI) as it is better if both parents and the school use the HRC for information. We do not have a formal role either as expert or complaints agency re the nitty gritty re religion (it is the same re employment issues and many issues schools face/grapple with).

Regards

**Emmett Geoghegan**  
Senior Solicitor  
Legal Services  
National Office, Ministry of Education  
Level 3, 45-47 Pipitea Street,  
P.O. Box 1666, Thorndon, Wellington  
Ph: (04) 463 8715 Fax: (04) 463 8779

EMMETT GEOGHEGAN UNDER THE INFORMATION ACT

Repeat  
Emmett  
+ Co not  
legal email



**From:** Carol Stoney  
**Sent:** Friday, 21 February 2014 7:42 a.m.  
**To:** Emmett Geoghegan  
**Subject:** FW: Could you please pass this on to Carol in your office

Hi Emmett

I know Ken has discussed this case with you. We have replied to according to your advice last week – she will get the letter today to tomorrow.

Please could you take a look at the email from her below. Do you know if this is actually the case (that the MOE approves the programme)?

My understanding is that a school can offer religious instruction that meets the HR guidelines. Is the school correct in its statement?

Thanks

Carol

Carol Stoney

Team Leader, North West  
Education, Curriculum and Performance Team | Ministry of Education  
Private Bag 92644, Symonds Street, Auckland 1150,  
New Zealand DDI 09 632 9571 | Fax 09 632 9456 | Mob 027 559 1772  
Email [carol.stoney@minedu.govt.nz](mailto:carol.stoney@minedu.govt.nz) Website [www.minedu.govt.nz](http://www.minedu.govt.nz)

**From:** Ken White  
**Sent:** Friday, 21 February 2014 7:35 a.m.  
**To:** Carol Stoney  
**Subject:** FW: Could you please pass this on to Carol in your office

Hi Carol

For you.

Dominion Road school is saying MOE has approved the programme!!!!

Ken White  
Advisor  
Education Curriculum and Performance  
Sector Enablement and Support  
Northern Region  
DDI: 09 632 8470  
email: [ken.white@minedu.govt.nz](mailto:ken.white@minedu.govt.nz)

**From:**  
**Sent:** Thursday, 20 February 2014 4:29 p.m.  
**To:** Ken White  
**Subject:** Could you please pass this on to Carol in your office



Hello Ken, I had a call from someone called Carol in your office last week who was following up on my complaint but unfortunately I didn't take any contact details for her. Could you please pass this on to her? Thanks so much.

Hi Carol

Further to our conversation last week, I have just received the DRS school newsletter for this week which contains the following:

#### CHRISTIAN RELIGIOUS EDUCATION

Each year we offer a Christian Religious Education Programme to our year 3-6 students (Takahe and Kakapo teams). This programme is provided by the Churches Education Commission (CEC) and is delivered by volunteers who are trained and accredited as Christian Religious Education teachers, and who also undergo police vetting. The Ministry of Education have approved this programme. *Parents can choose for their children to opt out of this programme, by sending a note to the classroom teacher.* Students who opt out will be supervised by one of our staff in our library. During this time they are able to participate in library activities.

The programme is offered at school each Wednesday morning 9-9:30am, and will commence here on Wednesday 05 March.

Further information as to the content of the programme is available on the Churches Education Commission website:

[www.cec.org.nz](http://www.cec.org.nz)

I put in red the passages I object to for the following reasons:

- By stating 'we offer' misleads parents into believing the programme is offered by the school rather than the school being closed during this time.
- Use of the term 'religious education' is not consistent with the definitions provided by the Human Rights Commission (which would not allow for children to opt out as it would be a curriculum subject) and misleads parents into believing the programme is quite different than it actually is.
- My understanding from our conversation last week is that the Ministry has not approved this programme but the school has clearly stated the Ministry has approved it, misleading parents that this has occurred.
- The wording of the programme being offered at school Weds 9-9:30 does not make it clear that the school is officially closed and that this is officially outside the school day.
- Further information on the content does not appear to be available on the CEC website.

I would raise these issues with the school directly but as you are aware the BoT has refused to engage with me further on this subject.

I am also concerned that this notice follows immediately below a notice requesting parents not remove their children early on grounds that "...students are involved in very busy and well planned teaching and learning programmes for all of the school day."

Looking forward to hearing further from you regarding the response from your legal team on the issues I have raised previously, on who I can contact about whether the school is meeting their requirements for minimum teaching days and written confirmation that the Ministry has not approved any of the CEC religious instruction programmes.

Kind regards

Begin forwarded message:

**From:** ( )  
**Subject:** Fwd: Complaints regarding schools and Board of Trustees' exercise of discretions  
**Date:** 11 February 2014 10:16:14 am NZDT  
**To:** Ken White <Ken.White@minedu.govt.nz>

Hello Ken

Sorry to bother you about this again but I still haven't received any response from Leisa regarding my complaint or subsequent emails. Can you please confirm whether the address I have used for Leisa on the email below is correct? Are you able to advise when this might be investigated?

Kind regards

Begin forwarded message:

**From:** ( )  
**Subject:** Fwd: Complaints regarding schools and Board of Trustees' exercise of discretions  
**Date:** 3 February 2014 9:36:00 am NZDT  
**To:** leisa.maddix@minedu.govt.nz

Hello Leisa

Just following up on the complaint I sent last year. Can you please confirm whether this will be investigated and if so when I might expect an update. Dominion Road School reopened today for 2014.

Kind regards

Begin forwarded message:

**From:** Ken White <Ken.White@minedu.govt.nz>  
**Subject:** RE: Complaints regarding schools and Board of Trustees' exercise of discretions  
**Date:** 11 December 2013 10:36:40 am NZDT  
**To:** ( )  
**Cc:** Leisa Maddix <Leisa.Maddix@minedu.govt.nz>

Hello

Yes I can confirm your complaint has been received and is being investigated. Leisa is away this week but should be in a position to respond to you sometime next week.

Regards

Ken White



Advisor  
Education Curriculum and Performance  
Sector Enablement and Support  
Northern Region  
DDI: 09 632 9470  
email: [ken.white@minedu.govt.nz](mailto:ken.white@minedu.govt.nz)

-----Original Message-----

From:  
Sent: Wednesday, 11 December 2013 10:18 a.m.  
To: Ken White  
Subject: Re: Complaints regarding schools and Board of Trustees' exercise of discretions

Hello Ken

I had posted a complaint through to Leisa before receiving your email (I'd phoned the Ministry in the interim) and then sent an email to her last week asking for confirmation it had been received but as yet have received no response. Is there a way to check if the complaint has been received and if it will be investigated or a number I can call Leisa on to confirm?

Kind regards

---

On 26/11/2013, at 11:02 am, Ken White <[Ken.White@minedu.govt.nz](mailto:Ken.White@minedu.govt.nz)> wrote:

Hello

Thank you for your email concerning the way in which a board of trustees has exercised its discretion to close the school for religious instruction.

If you do not feel the board has responded appropriately to you then you can put your concerns in writing to Leisa Maddix, Manager Regional Operations, Ministry of Education, Private Bag 92044, Symonds Street, Auckland or email [leisa.maddix@minedu.govt.nz](mailto:leisa.maddix@minedu.govt.nz)

Regards

Ken White  
Advisor  
Education Curriculum and Performance  
Sector Enablement and Support  
Northern Region  
DDI: 09 632 9470  
email: [ken.white@minedu.govt.nz](mailto:ken.white@minedu.govt.nz)



-----Original Message-----

From:

Sent: Thursday, 21 November 2013 4:39 p.m.

To: Enquiries Auckland

Subject: Complaints regarding schools and Board of Trustees' exercise of discretions

Hello

I am trying to find out how I go about making a complaint regarding the way an Auckland school's board of trustees has exercised their discretion under the Education Act 1964 to close the school for religious instruction. I have raised the issue with the board, was unimpressed with their response so further detailed my concerns to them. The board has responded by stating they stand by their earlier statements and will not discuss the issue further. As I raised several issues which go to the heart of whether their exercise of the discretion is valid due to various legal issues, I do not believe this response is acceptable and wish to make a formal complaint and request the Ministry follow up as I believe the Board has acted outside its authority in the way that the decision has been made.

Can you please advise who I can contact to make a complaint and the process for doing so.

Kind regards

DISCLAIMER:

This email (including any attachments) may contain information which is confidential or legally privileged and may not reflect the Ministry of Education's view. The Ministry is not responsible for changes made to this email after we've sent it. If you have received this email by mistake, please reply to the Ministry immediately and delete both messages.

DISCLAIMER:

This email (including any attachments) may contain information which is confidential or legally privileged and may not reflect the Ministry of Education's view. The Ministry is not responsible for changes made to this email after we've sent it. If you have received this email by mistake, please reply to the Ministry immediately and delete both messages.

---

**From:** Leisa Maddix  
**Sent:** Wednesday, 16 April 2014 11:56 a.m.  
**To:**  
**Subject:** FW: Complaint regarding Dominion Road School Board of Trustees' Exercise of Discretion

-----Original Message-----

**From:**  
**Sent:** Thursday, 5 December 2013 10:17 a.m.  
**To:** Leisa Maddix  
**Subject:** Complaint regarding Dominion Road School Board of Trustees' Exercise of Discretion

Hello Leisa

Last week I posted a request for you to investigate the exercise of the Dominion Road School Board of Trustees' exercise of discretion to close the school for religious instruction. I just wanted to confirm that you received my letter and ask whether my concerns will be investigated. I have several concerns regarding the matter but the Board has refused to discuss the issue with me any further. Aside from the Board's legal obligations when exercising the discretion itself, there is also the issue of whether the school is open for the minimum required teaching days. The school officially closes for 30 minutes each week however I understand from parents who have been onsite on Wednesdays that the actual length of the programme is longer than 30 minutes.

You will note that in their response, the Board included a document purporting to be a copy of the school's annual survey from 2012 with a page devoted to asking for feedback regarding the programme. Interestingly, neither I nor any of the other parents of year 3 children I have asked have any recollection of that part of the survey and the programme is described in a way that the principal would not generally use. It also refers to the programme being approved by the Ministry of Education and I am very keen to find out from you about this approval.

If you have not received my complaint, please let me know so that I can email a copy through to you.

Kind regards

Parent of a student at Dominion Road School



52

---

**From:**  
**Sent:** Thursday, 10 April 2014 2:37 p.m.  
**To:**  
**Subject:** FW: Bible in Schools & Christian Propaganda

---

**From:**  
**Sent:** Monday, 7 April 2014 7:41 a.m.  
**To:**  
**Subject:** FW: Bible in Schools & Christian Propaganda

For OIA re religious instruction

---

**From:**  
**Sent:** Thursday, 21 November 2013 1:16 p.m.  
**To:**  
**Subject:** RE: Bible in Schools & Christian Propaganda

Good morning,

Thank you for your email regarding the issue of Religious Instruction in schools. Schools who offer religious instruction need to operate within the Education Act 1989. As schools need to be open for instruction for 2 hours in the morning and two hours in the afternoon, schools who offer religious instruction will generally close the school for 30 minutes and offer alternative arrangements for students whose parents do not wish them to take part. This still provides for the requirement to have the school open for instruction for four hours. These arrangements should be clearly communicated to all parents. You could ask for the school's policy on closing the school in this situation.

You have raised your concerns with the principals and may wish to seek a copy of the school's complaints process. Approaching the Board of Trustees with your concerns would be the next step. A board does have complete discretion to control the management of the school as it thinks fit, subject to the general law of NZ.

Your concern about the issuing of the candy cane by the teacher could also be raised with the principal and Board as it appears this occurred outside of the time set aside for religious instruction.

I appreciate the issue of prayers/karakia and singing/waiata in schools may also raise concerns for schools and their communities and could be part of a consultation process between the Board and parents.

Kind regards



Team Leader  
Education, Curriculum and Performance  
Hamilton Office

---

**From:** \_\_\_\_\_  
**Sent:** Wednesday, 20 November 2013 4:26 p.m.  
**To:** Enquiries Hamilton  
**Subject:** Bible in Schools & Christian Propaganda

To Whom It Concerns,

My daughters have attended a public school for nearly 4 years now. When we enrolled them in school we opted them out of Bible in Schools. They do not sit in on the 'class'. However this is held within school hours. Immediately after lunch, bible in schools takes place taking up valuable learning time for my children. Instead they are to sit in the library and work on other work or read. Why is this still ok in a PUBLIC school??? Why can't such a thing be offered at lunch or AFTER school???? Also over the years we have experienced religious propaganda being handed to our children or left on their desk. These issues have been brought up with the principal but it doesn't seem to have stopped.

A few weeks ago our girls told us they were being made to sing 'Jesus songs'. We assumed they were just Christmas songs with one or two Christian Xmas songs thrown in. We recently learned this is NOT the case. Instead the entire school is sitting in the hall on Tuesdays for 30 minutes at the end of school being 'made' to sing these songs. Now it has not crossed the principal's mind that maybe those that don't partake in bible in schools should be exempt from singing these songs. No instead they are sitting there being 'made' to sing them as well. Keeping in mind they didn't make the 3 Jehovah witness children sing them. Our girls are not the only ones that don't partake in bible in schools, there is a large group of these kids now. No note was sent home about this singing taking place, it just happened. Not only that but again I bring up the fact that this is happening WITHIN school hours! Again prime learning for children especially towards the end of term. My husband talked to the principal today about our children partaking and he said he it just didn't dawn on him. Really? I think this is a pathetic excuse, it is our beliefs that seem to be mocked all the time. No one taking into consideration how we may feel about any of this. And I guarantee you if the shoe was on the other foot and we were up in the school spreading our beliefs and what we felt, there would be hell to pay and no one would tolerate that! But since we seem to be a number of select few, we get walked on.

Today my daughter was given a 'legend of the candy cane' along with a candy cane by her teacher. We are assuming it came from the bible in schools teacher for that class, not her primary teacher. This is the legend that was typed on the magnet 'look at a candy can and what do you see? Stripes that are red like the blood shed for me, white for my savior, who is sinless and pure. "J" is for Jesus, my lord, that's for sure! Turn it around and a saff you will see - jesus my shepherd is coming for me!' How is this material appropriate???? How is this ok to be handed out at a PUBLIC school????????????? We have had to endure this over the years along with prayer in school. I'm just not sure why we have to continue to defend our rights here. Why is it ok for Christianity to overrule how we feel or what we choose for our children? I dare say there would be a HUGE uproar if I got the media involved in such an issue. I'm just tired of fighting about this all the time. There should be no fight. There should be no headache. We should feel respected for our choices but we are not, instead being constantly disrespected. And it just seems we bring our concerns to the principal who says all the right words but the action is not there.

Feeling incredibly let down. And wanting to know what can be done.

Sincerely,

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT