Regulatory Impact Statement

Supporting field-based Initial Teacher Education programmes

Agency Disclosure Statement

This Regulatory Impact Statement has been prepared by the Ministry of Education.

It provides an analysis of five options to enable provision of field-based Initial teacher education (ITE) as an alternative to traditional or exemplary pathways into teaching.

Consultation on the options in this RIS has been limited due to the need to put in place new regulatory arrangements as soon as possible to support the current field-based ITE pilot, Teach First NZ.

The Ministry considers this document to be a fair representation of available options.

Ellen MacGregor-Reid
Deputy Secretary, Strategy Planning & Governance, Ministry of Education
Executive summary

1. Initial teacher education (ITE) is the pathway into the teaching profession. To attract high calibre students ITE providers need to be innovative and to adapt their programmes to reflect best practice.

2. Field-based ITE, in which school boards employ students as teachers while they complete their teaching studies, is a relatively new model of ITE, and there is considerable interest in such models in both New Zealand and internationally. Field-based ITE appears to demonstrate many of the best practice features we want to encourage in ITE in the future. Currently, there is only one field-based ITE programme in New Zealand – the Teach First NZ pilot.¹

3. The current regulatory framework is not flexible enough to allow schools to employ people who are undertaking their teaching qualification, into a teaching position. Currently individuals employed must be the best suited person for the position as set out in the State Sector Act 1988, which for teaching positions would be a registered teacher as required by the Education Act 1989.

4. Not being able to provide field-based ITE limits the system’s ability to innovate and to adopt new evidence-based practice in response to changing needs in schools and student populations. It also limits schools’ contribution to educating future teachers to the existing practicum arrangements.

5. Five options for enabling field-based ITE were considered:
   - retaining the status quo
   - changing staffing orders for schools
   - The Secretary for Education employing field-based ITE participants and placing them in schools
   - establishing a new scholarship type
   - enabling school boards to employ ‘trainee teachers’.

6. The Ministry considers that the best option is to amend the Education Act 1989 to create a new category of ‘trainee teacher’ to enable schools to employ participants in field-based ITE. This option provides the greatest consistency with the current legislative framework (where school boards are responsible for the appointment and employment of teachers), without changing the nature of field-based ITE.

Status quo

7. ITE is the pathway into the teaching profession. It’s important that ITE attracts high calibre students into teaching, and equips them with the skills and knowledge they need to meet the needs of diverse learners. In particular, good quality ITE must:

¹ There are field-based Early Childhood Education ITE programmes. The features of the model are unique and suited only to the ECE sector.
• provide high quality learning environments designed to support complex classroom challenges, and combine learning to teach with development of a professional knowledge base needed to adapt to changing environments

• include integration between provider, school and community to support collaborative partnerships and relationships

• build the capability of teacher mentors so that candidates have access to high quality teacher education expertise wherever the learning occurs

• include an assessment of candidates' integration of theory and practice and its application in the context of improving student learning and achievement

• engage in research activities to build the evidence base about effective practice and evaluate the effectiveness of the approaches adopted within the programme.

8. ITE providers need to innovate and adopt best practice in response to changing needs in schools and student populations. This is key to ITE providers’ ability to ensure their graduates are both highly capable and well prepared to teach.

9. To support this, we need to create an environment where ITE providers can innovate to reflect best practice, including improving their programme quality and delivery based on evidence in other jurisdictions.

10. Field-based ITE appears to have many of the best practice qualities we want to encourage in ITE provision in New Zealand. Under field-based ITE programmes, students are employed by schools as teachers while undertaking their teaching qualification. Instead of being based in universities, with some in-school experience through their practicum, students participating in field-based ITE have their university study fitted around time spent in the classroom. This greatly increases the within-school experiences and responsibilities of participants when compared to the practicum components of other ITE programmes.

11. This provides increased opportunities to link theory and practice; integration between provider, school and community; and builds the capability of teacher mentors. It also enables student teachers to participate fully in the schooling environment, as schools become responsible for their appointment and employment.

**Problem definition**

12. Providing for a range of different models of ITE contributes to the system’s ability to innovate, improve, and attract skilled individuals into the teaching profession. Field-based ITE programmes have the potential to increase the diversity and quality of ITE programmes available in New Zealand. To offer such programmes providers need a supportive regulatory framework. New Zealand currently has one field-based ITE programme, teach first NZ, run as a pilot, and due to end in 2018.

13. Working in schools as teachers is a key component of field-based ITE programmes. To enable such programmes, participants, who are not yet registered teachers, need to be employed by schools.

14. The regulatory framework governing the appointment of teachers does not support schools to employ field-based ITE participants. On 26 November 2015, the Employment Relations Authority issued a determination which cast doubt on the
legality of the practice of "ring fencing" positions in schools for Teach First NZ students. Because these positions were determined by the ERA to be teaching positions, they found that Teach First NZ students had not been appointed in a manner consistent with the legal requirements relating to such positions. The positions should have been advertised nationally, and, if a registered teacher had applied, and been the best candidate, he or she should have been appointed.

Objectives

15. The primary objective of this proposal is to provide for field-based ITE in a way that is consistent with the advertising and appointment process required under the State Sector Act 1988 and Collective Agreements.

Options

16. Five options were considered:
   - retaining the status quo
   - changes to staffing orders for schools
   - The Secretary for Education employing field-based ITE participants and placing them in schools
   - establishing a new scholarship
   - enabling school boards to employ people participating in field-based ITE as trainee teachers.

17. Options were assessed against the following criteria:
   - enables field-based ITE (school-based, employment in a teaching position, in a way that is durable in the long-term)
   - complies with the regulatory framework (specifically the appointment and application requirements set out in the State Sector Act 1988 and the collective agreements)
   - contributes to the improvement of ITE (supports providers' ability to innovate and respond to workforce needs, with graduates are who well prepared to begin teaching).

Impact analysis

Option one: Retaining the status Quo

18. The status quo is not a viable option as it hinders delivery of field-based ITE programmes. One exception is the current pilot, Teach First NZ, where we have
reached agreement with the PPTA for the programme to continue as it currently operates for the duration of the pilot (it is due to end in 3 years).²

19. Other providers may want to take advantage of best practice and incorporate elements of field-based ITE into the programmes they currently offer. This could, for example, be an ‘internship’ where, instead of a practicum, students are employed in schools for a significant portion of their ITE qualification. They could not do so under the status quo.

20. Schools will not be able to employ participants of field-based ITE unless they meet the criteria to become a host school for the Teach First NZ pilot as outline in the settlement with the PPTA. Schools’ contribution to teacher education will continue to be limited to the current practicum process.

21. Not being able to offer or include components of field-based ITE limits ITE providers’ ability to innovate and take advantage of best practice in responding to changing needs in schools and student populations. This is key to ITE providers’ ability to ensure that new teachers entering the workforce are both highly capable and well prepared.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Assessment</th>
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<tbody>
<tr>
<td>Enables field-based ITE</td>
<td>Not in the long-term</td>
</tr>
<tr>
<td>Complies with the regulatory framework</td>
<td>No, employment process for schools taking on a field-based ITE participant will not comply</td>
</tr>
<tr>
<td>Contributes to the improvement of ITE</td>
<td>No, innovation in this area is restricted</td>
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Option two: Temporarily increasing staffing orders at participating schools

22. Schools can request a temporary increase in their staffing when approved by the Secretary for Education under section 71, Education (2016 School Staffing) Order 2015. This exemption is on top of entitlement staffing, and is provided to meet a specific need, for a set period of time. This is a short-term emergency measure to assist boards in exceptional and unusual circumstances.

23. Under this option, the Secretary for Education could approve temporary increases in staffing for schools participating in field-based ITE programmes, so that they could employ a field-based ITE student. This would meet the advertising and application process, as the best qualified applicants would be those who meet the criteria for the special reasons staffing order.

24. However, this is not a long-term solution, as increases in staffing can only be given temporarily. Without long-term certainty about the delivery of field-based ITE schools may not agree to participate long-term in field-based ITE programmes or to set aside the resources required (such as in school mentoring) for field-based ITE students.

25. While providers could offer short-term or one-off field-based ITE pilot programmes, which would enable innovation to some degree, overall this option does not allow for delivery of field-based ITE programmes.

² Settlement was reached on 16 March 2016.
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<td>Not in the long-term</td>
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<tr>
<td>Complies with the regulatory framework</td>
<td>Yes</td>
</tr>
<tr>
<td>Contributes to the improvement of ITE</td>
<td>No, providers will only be able to offer pilot field-based ITE programmes</td>
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**Option three: Participants of field-based ITE programmes are employed by the Secretary for Education**

26. Participants could be employed by the Secretary for Education and placed in schools under section 91N of the Education Act 1989, *Power of Secretary to employ teachers*. Under this option participants would no longer be employed by schools, and funding would instead come from the Ministry of Education. Employment by the Secretary for Education means the roles would fall outside the collective agreements.

27. However, this would require changes to the ways in which field-based ITE programmes operate, as the relationship between the participant and the school, a key component of field-based ITE, would not exist in the same way. Rather, it would rely on the Ministry of Education to facilitate the relationship, which would remove the value of employing participants in schools with associated in-school supports, and increases involvement from the Ministry of Education.

28. Participants would also need to be placed in schools. This removes the school boards' ability to appoint the person best suited to a position in their school.

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<tr>
<td>Enables field-based ITE</td>
<td>No, participants would not be employed by schools</td>
</tr>
<tr>
<td>Complies with the regulatory framework</td>
<td>Yes</td>
</tr>
<tr>
<td>Contributes to the improvement of ITE</td>
<td>No, compliance cost may inhibit innovation</td>
</tr>
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**Option four: Establishing a new scholarship type for field-based ITE participants**

29. A scholarship, similar to the TeachNZ Career Changer scholarship, could be established, in which field-based ITE participants would be student teachers in the Postgraduate Diploma in Teaching (Secondary, Field-Based) Programme. In effect field-based ITE participants become student teachers on an extended practicum. As participants would no longer be employees neither the collective agreements nor the State Sector Act 1988 would apply.

30. The new scholarship would need to be at a rate similar or equivalent to the salary of current Teach First NZ participants, to attract the same calibre of participants. There would still be a need for additional resources for supervision and/or a school based mentor while in the classroom.

31. This option differs the most from the model of field-based ITE, of employment by school boards in schools.
Option five: Enabling school boards to employ ‘trainee teachers’

32. School boards could be enabled to employ people participating in field-based ITE as trainee teachers. This would retain the employment aspect of field-based ITE programmes, the longer period of time spent in the classroom compared with other ITE participants, and the associated increased responsibility of trainees. These positions would be designated as trainee positions by the Secretary for Education.

33. In practice, enabling school boards to employ trainee teachers would allow schools to have a more meaningful input into training teachers and teacher education. Schools would also benefit from the additional resources provided by the ITE provider to develop supports for the ITE participant (such as mentor training to another teacher).

34. The State Sector Act 1988 requires preference to be given to the person best suited to the position. Where the position is a trainee teaching position, the best suited person would be a trainee, not a registered teacher. Collective agreements require positions to be advertised nationally, for example through the Education Gazette, and national advertising would be workable under this option.

35. We considered introducing the trainee teacher position by amending the State Sector Act 1988, but this would increase the risk of unintended consequences on appointment processes for other parts of the state sector. This risk is mitigated by amending the Education Act 1989 instead.

36. There is also a precedent for making this amendment within the Education Act 1989. Prior to the 1989 education reforms, school boards were able to appoint “certifying students” to “certificating positions”, when a position had been designated as such by the Secretary for Education. This met the requirements under the State Sector Act 1988 as the person best suited for a certificating position was a certifying student. Post 1989, there is no equivalent statutory mechanism for establishing a position as suitable for a person not yet a registered teacher and undertaking their teaching qualification. As a consequence, there is no means of enabling schools to employ students as teachers as part of a field-based ITE programme.

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<tr>
<td>Enables field-based ITE</td>
<td>Yes, through the trainee position</td>
</tr>
<tr>
<td>Complies with the regulatory framework</td>
<td>Yes, school boards would be responsible for advertising and appointing the best suited candidate</td>
</tr>
<tr>
<td>Contributes to the improvement of ITE</td>
<td>Yes</td>
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Consultation

37. The State Services Commission has been consulted. Broad options were discussed with the PPTA and parties involved in the Teach First NZ pilot while settlement was being negotiated.

Conclusions and recommendations

38. We recommend option five. The Education Act 1989 should be amended to create a trainee teacher position that enables school boards to employ people who are participating in field-based ITE. This offers the greatest support for field-based ITE programmes, by employing students in schools with similar responsibilities to registered teachers, while complying with the State Sector Act 1988 and the collective agreements.

39. Other options considered in this RIS are either only suitable in the short term (limiting the impact of field-based ITE to contribute to ITE's ability to self improve), or require changes to the model of field-based ITE (by preventing employment by schools, a key component of field-based ITE).

Implementation, monitoring, evaluation and review

40. Following the enactment of this amendment providers will be able to develop field-based ITE programmes or to incorporate field-based elements into programmes they currently offer.

41. The Education Council is responsible for the approval, review and ongoing monitoring of ITE programmes. It has a key role in increasing the quality of all ITE provision. Part of this will be the quality approval of ITE programmes, including the introduction of any new ITE programmes, or changes to existing ITE programmes.

42. For initial approval to be granted:
   - new ITE programmes submit documentation to an approval panel; for university sector programmes the Education Council forms the panel with some input from the Committee on University Academic Programmes (CUAP); for non-university sector programmes the Education Council and the New Zealand Qualifications Authority (NZQA) form the panel
   - the approval panel then presents a report to the Education Council (and NZQA for non-university sector programmes) for consideration and approval.

43. Following approval, providers and schools will apply to the Secretary for Education to have a position in the school designated as a trainee teacher position. This application may include information such as the duration (fixed-term or permanent) and conditions of employment (0.5 or 0.8 FTE), training received prior to employment commencing, and ongoing in school supports (mentoring, supervision, etc). Trainee teacher positions will then be advertised in a manner where the best suited candidates can apply (potentially through the Education Gazette).

44. Ongoing monitoring and six yearly reviews by the Education Council will contribute to information on how field-based ITE programmes have been implemented. In addition,
we will monitor the number of field-based ITE programmes and programmes with field-
based elements being delivered, including the number of students participating and 
grading from such programmes. We will also monitor the number of advertisements 
for trainee teacher positions. The Education Council will monitor student outcomes.

45. A key indicator of this policy’s success will be whether school boards advertise for and 
employ trainee teachers. We will monitor the uptake of field-based ITE by schools.