

3

From: [redacted]@massey.ac.nz]
Sent: Friday, 2 February 2007 1:07 p.m.
To:
Subject: FW: CEC and advertising complaint.
Attachments: Letter to CEC (FINAL).doc; CEC flyer.pdf; CEC Complaint.doc; cec home page.htm; cec about us.htm

CONFIDENTIAL

Hi [redacted]

Here are the various files which accompanied our online complaint for the Advertising Standards Complaints Board in regard to the CEC. We've since heard from the Deputy Secretary, Heather McKenzie, that there is a slight variation in their view in terms of the exact advertising and ethics of advertising code numbers to which this pertains, but the letter is at home and I do not have the details at hand. I can send them along if you are interested. In any case, they will examine our case when the board next meets.

Thanks

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

16 October 2006

National Office

Education Management Policy
45-47 Pipitea Street
Thorndon
Private Box 1666
Wellington
New Zealand

Direct: (04) 463 8096
Fax: (04) 463 8106
<http://www.minedu.govt.nz>

File: IO9002/00/3

Brian Pegler
Chairman
Churches Education Commission
PO Box 9049
WELLINGTON

Dear Brian Pegler

MINISTRY OF EDUCATION APPROVAL FOR CHURCHES EDUCATION COMMISSION POLICY STATEMENT

The policy statement 'entitled *What is Religious Education?* on the Churches Education Commission website has recently been drawn to my attention and I am concerned to note the associated claim that this has been approved by the Ministry of Education.

I am not aware of the Ministry of Education having approved or supported the policy statement contained on the website (and, I understand, repeated in leaflets for schools) and would therefore appreciate it if you could clarify the basis for this statement. I am specifically interested to know when Ministry of Education approval was sought or granted.

Further, I note that elsewhere on the website, under the heading *Authority*, the following statement is made:

The Churches Education Commission is recognised by the Ministry of Education ... as the major provider of Christian Religious Education in New Zealand.

The Ministry of Education does not endorse any voluntary providers of religious instruction and observances and I am alert to the possibility that, by placing this assertion under the heading *Authority*, it may be seen as endorsement. For this reason, I would appreciate it if you would remove all reference to the Ministry of Education from this section of the website.

I would also appreciate your response in writing to the points raised in this letter.

Yours sincerely

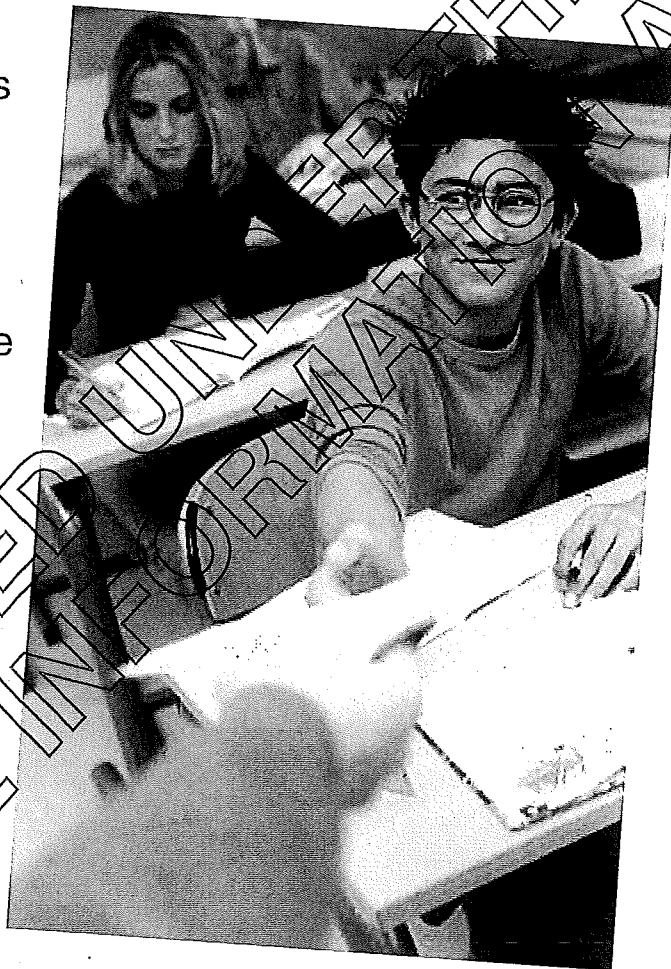
Martin Connelly
Senior Manager
Education Management Policy

(B)



The Churches
Education Commission:
Christian Religious
Education in state
schools

The Churches
Education
Commission
supports
children in the
development
of spiritual
and moral
values



Mauia te Rongopai ki a matou tamariki

Matou te manana' o ia o' o le Tala lelei i Aoga

OFFICIAL INFORMATION ACT

What is Religious Education?

"Religious Education means learning to understand and appreciate the beliefs by which people live as an aid to the development of a student's own beliefs and values. While acknowledging that there are other views about life that could have a place in religious programmes, 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."

Policy statement of the Churches Education Commission

– approved by the Ministry of Education and the NZ School Trustees Association

Who is responsible for Religious Education?

The Churches Education Commission (CEC) acts on behalf of Christian Churches as the agency responsible for Christian Religious Education in state schools. CEC volunteers are trained and accredited as RE teachers, and undergo police vetting. They work to CEC's Code of Expectations, and teach from an approved curriculum.

The Board of Trustees of each school decides whether to offer Religious Education, based on the decision of its parents. The Principal and Board approve the teachers and the teaching material.

What is the approved Curriculum?

The 'Religion in Life' curriculum and, for large groups or assemblies, 'Life Focus' are endorsed by the CEC as appropriate for a secular classroom. 'Religion in Life' is an educationally sound curriculum which is Bible based and uses the student's interests and experience as a starting point in allowing them to learn by exploration and discovery. Lessons do not call for a faith commitment from students. The material links readily into a school's values education programme.

The Churches Education Commission also offers chaplains to support a school's pastoral care networks.

For further information contact:

Churches Education Commission

P O Box 9049

WELLINGTON

Ph 04 384 3587

www.cec.org.nz



ChurchesEducationCommission

John Powell and Kim Powell Advertising Standards Authority Complaint

The leaflet provided by the Churches Education Commission on their website is highly misleading and deceptive, and thus violates the 3rd Basic Principle and the 2nd Rule of the Advertising Code of Ethics which require that advertisements should not be misleading or deceptive and should not contain statements which create a misleading or deceptive impression. The leaflet is deceptive because it states under the initial heading "What is Religious Education" that the Churches Education Commission policy statement is approved by the Ministry of Education, even though the Ministry of Education does not approve of the policy statement. This gives the misleading impression that the Churches Education Commission is approved of or endorsed by the Ministry of Education. [See also the attached letter from the Ministry of Education to the Churches Education Commission.] The heading "What is the Approved Curriculum" is therefore also highly misleading, because the Churches Education Commission curriculum is approved only by the Churches Education Commission itself, and not by anyone else (and is not approved of by the Ministry of Education). The Churches Education Commission leaflet/flyer (attached) is available on the Churches Education Commission Website (www.cec.org.nz) by clicking the "Caring For Children" heading on the left and then clicking "Click here" at the bottom of the "Caring For Children" page.

The Churches Education Commission website is, itself, highly misleading. The second sentence on the website homepage (www.cec.org.nz) states that "We are the organization responsible for co-ordinating the Religious Education programmes in New Zealand..." The reality is that any volunteer can provide religious instruction in schools, subject to minimum requirements, so the statement is deceptive (thus violating the 3rd Basic Principle of the Advertising Code of Ethics). The statement also violates the principles of free and fair competition (the 5th Basic Principle of the Advertising Code of Ethics) as well as Guidelines a and b of the Code for Comparative Advertising which require that advertising about potential competitors be factual and unambiguous. More importantly, the webpage reached by clicking "About Us" on the left hand side of the Churches Education Commission homepage contains exceedingly misleading information under the heading "Authority" (half way down the page). The first sentence states "The Churches Education Commission is recognized by the Ministry of Education ...as the major provider of Christian Religious Education in New Zealand state schools..." The Ministry of Education does

not recognize the Churches Education Commission as a major provider of religious instruction. This statement is very deceptive because it can easily be understood to be an endorsement, especially since it is made under the heading "Authority" (see also the attached letter from the Ministry of Education to the Churches Education Commission), so this statement violates the 3rd Basic Principle of the Advertising Code of Ethics. The deception created by the Churches Education Commission website and brochure creates an overall sense of social irresponsibility to society and therefore violates the 4th Basic Principle of the Advertising Code of Ethics.

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- Home
- 2006 National Conference
- About Us
- Caring For Children
- State School Chaplaincy
- National News & Information
- Regional Comments & Contacts
- Curriculum/Resources/Testimonials
- Contact Us

Welcome

Welcome to the news and information site of the Churches Education Commission (CEC).

We are the organisation responsible for coordinating the Religious Education programmes in New Zealand (sometimes called Bible in Schools). You can become a fully trained volunteer and make a difference to the next generation!

In addition we organise State School Chaplaincy - supporting the pastoral care networks in schools for students, staff, parents and care-givers, and Boards of Trustees... caring for the whole school community.

Our regional branch leaders comment on what is happening in the area closest to you

- Check out the curriculum and resources available for your school
- Read what principals, teachers and parents have been saying

CEC National Office is happy to try and answer all your questions about Religious Education in schools and chaplaincy issues. We will also direct you to the right people and resources.

Please don't hesitate to contact us now!

Last Updated: 9/20/2006 1:37:00 PM

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Home

2006 National Conference

About Us

Caring For Children

State School Chaplaincy

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About Us

Christian churches have been offering Christian Religious Education to state schools in New Zealand for over 100 years.

C.E.C. provides and resources Christian Religious Education programmes and chaplaincy in state schools.

We are the educational agency of our 16 member churches. Our aim is "to stimulate, service and co-ordinate the concerns of member churches and related organisations for Christian and general education in New Zealand".

We liaise with national and local churches, schools, educational authorities and agencies (e.g. Ministry of Education and School Trustees Association), to resource and inform.

MEMBER DENOMINATIONS

These denominations are currently members of CEC:

Anglican, Apostolic, Assemblies of God, Associated Churches of Christ, Associating Churches and Ministries of New Zealand, Baptist, Christian Brethren, Congregational, Elim, Lutheran, Methodist, New Life, Presbyterian, The Salvation Army and The Wesleyan Methodist Church and The Christian Covenant Centre.
The Catholic Church has observer status.

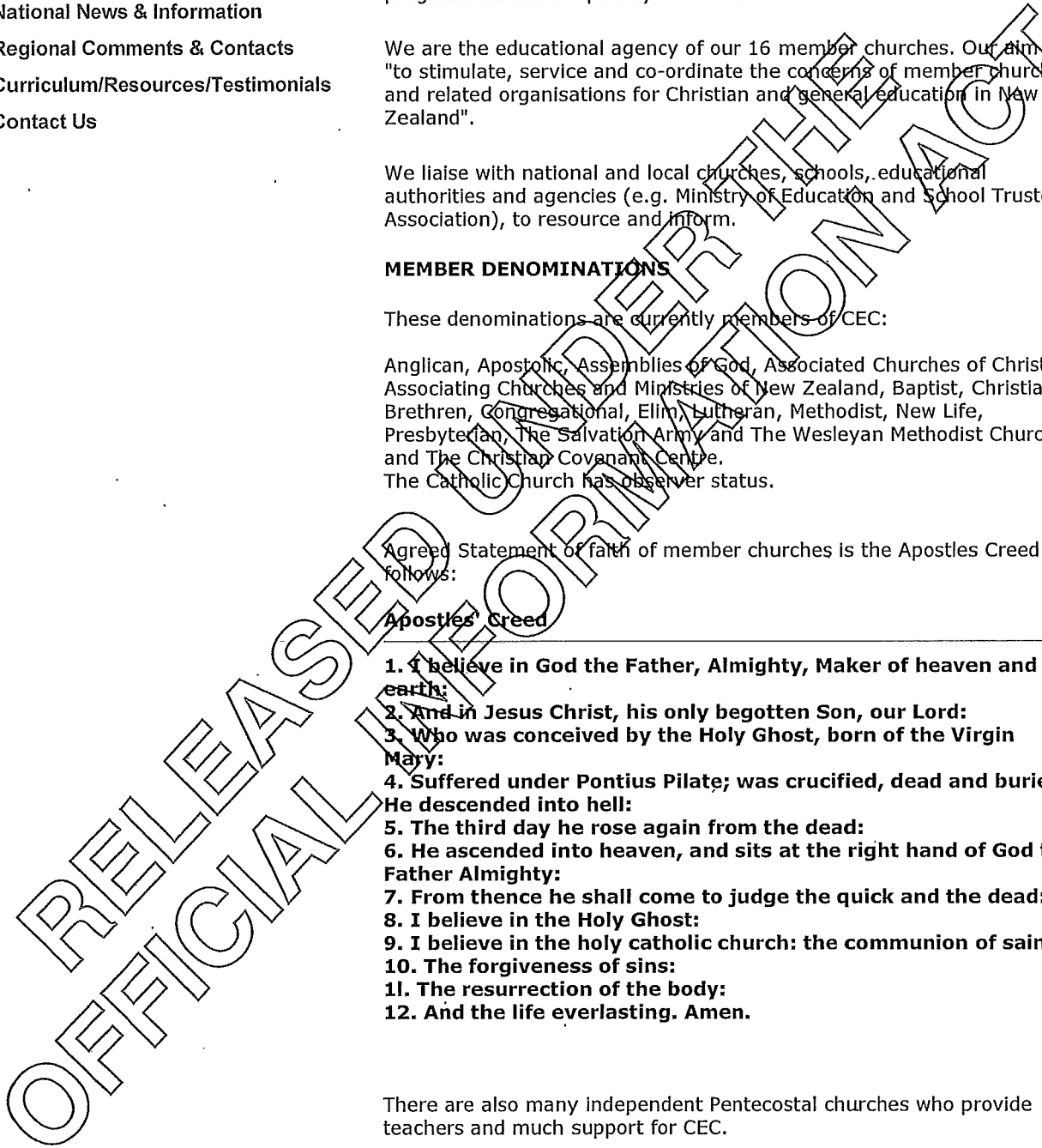
Agreed Statement of faith of member churches is the Apostles Creed as follows:

Apostles' Creed

1. I believe in God the Father, Almighty, Maker of heaven and earth;
2. And in Jesus Christ, his only begotten Son, our Lord;
3. Who was conceived by the Holy Ghost, born of the Virgin Mary;
4. Suffered under Pontius Pilate; was crucified, dead and buried: He descended into hell;
5. The third day he rose again from the dead;
6. He ascended into heaven, and sits at the right hand of God the Father Almighty;
7. From thence he shall come to judge the quick and the dead;
8. I believe in the Holy Ghost;
9. I believe in the holy catholic church: the communion of saints;
10. The forgiveness of sins;
11. The resurrection of the body;
12. And the life everlasting. Amen.

There are also many independent Pentecostal churches who provide teachers and much support for CEC.

Other organisations with Associate status: Bible College of New Zealand, Bible Society, Children's Bible Ministries, Conference of Churches of Aotearoa New Zealand, Scripture Union.



- ◆ Sharing our love and knowledge of God with children so as to give them a framework by which to discern faith for their lives
- ◆ Providing a Christian role model
- ◆ Presenting the Gospel
- ◆ Stimulating children to think about critical issues and to understand they can have purpose and hope.

BASIC TRAINING FOR R.E.TEACHERS

The seven modules of National Basic Training are:

1. Welcome to the Team, our history and policy.
2. Syllabus considerations.
3. Child development.
4. Principles of lesson planning.
5. Classroom management and discipline.
6. Communicating cross-culturally in class.
7. Why do? ... How to! Skills and methods for the classroom.

ACCREDITATION

National Criteria for Accreditation as a Voluntary CEC Teacher:

1. Commitment to the Code of Expectations.
2. Local Church endorsement.
3. Completion of Basic Training - seven modules.
4. Satisfactory teaching practice (including an observed lesson).
5. Completion of police vetting

Certificates of accreditation are issued for a period of 5 years. Renewal of accreditation is granted if applicants continue to provide satisfactory service to the school and are willing to attend ongoing training.

CODE OF EXPECTATIONS

Code of Expectations For Religious Education Teachers In State Schools:

Voluntary teachers are expected to be a safe, professional Christian presence in a school and are expected to:

1. Accept and teach by the Churches Education Commission Religious Education Policy Statement.

CEC National Office is happy to try and answer all your questions about Religious Education in schools and chaplaincy issues. We will also direct you to the right people and resources.

Please don't hesitate to contact us now!



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184

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National Officers: Petrea Medland(Christian Religious Education National Coordinator), Ps Helen McGhie (AOG rep and National Chaplaincy Coordinator), and Ian Clark (Treasurer)

WHAT DOES CEC DO?

CEC PROVIDES :

- a.. Co-ordination of over 4,000 voluntary teachers of Religious Education (often known as Bible-in-Schools) in state primary schools.
- b.. national training and accreditation for those 4,000 teachers, administered through the 19 District Committees.
- c.. Curriculum and training resources for teaching Christian Religious Education. The agreed syllabus is the "Religion in Life" curriculum, endorsed by all member churches, and by The NZ School Trustees Association. In addition, 'Life Focus', a 4 year syllabus, has been especially written to cater for large, assembly style groups in primary schools.
- d.. Assessment, training and co-ordination of chaplaincy services for state schools. In May 2004, there were 250 active chaplains in state schools at all levels and in pre-schools.
- e.. Information for churches and educational bodies about CEC's religious education and chaplaincy services.
- f.. Responses to general and religious education issues on behalf of their member churches.

AUTHORITY

The Churches Education Commission is recognised by the Ministry of Education and the New Zealand School Trustees Association as the major provider of Christian Religious Education in New Zealand state schools as made possible by the Education Acts 1964 and 1989.

The 1964 Education Act allows for "Religious Instruction" to be offered in state schools for up to 20 hours per year. In practice, the Board of Trustees of each school decides whether to offer Religious Education, based on the decision of the parents.

Schools then invite CEC volunteers to take a half hour class of Religious Education, and the school is legally 'closed' for this short lesson. The Board of Trustees and Principal approve the CEC volunteer teachers and the teaching material.

Teachers come from, and are supported by local churches. CEC trains and accredits voluntary teachers and provides them with suitable resources.

POLICY STATEMENT

"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."

OUR PURPOSE

- ◆ Sharing our love and knowledge of God with children so as to give them a framework by which to discern faith for their lives
- ◆ Providing a Christian role model
- ◆ Presenting the Gospel
- ◆ Stimulating children to think about critical issues and to understand they can have purpose and hope.

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CODE OF EXPECTATIONS

Code of Expectations For Religious Education Teachers In State Schools:

Voluntary teachers are expected to be a safe, professional Christian presence in a school and are expected to:

1. Accept and teach by the Churches Education Commission Religious Education Policy Statement.

2. Teach from an approved syllabus. ('Religion in Life' or 'Life Focus')

3. Recognise that in the classroom they represent all member denominations of CEC and teach the basic doctrines of the Christian faith without denominational bias.

4. Seek the Principal's approval for any promotion of other agencies (eg Bible Society, World Vision)

5. Teach positively, presenting the Christian message with love. Use language that children understand and not religious jargon.

6. Accept that the purpose of Religious Education is to create an awareness of the spiritual dimension and to impart knowledge of the Christian faith. Volunteer teachers are 'seed sowers' to enable the child to make informed choices without pressure for commitment.

7. Respect the variety of experiences and beliefs (represented among the children in the class (and their parents/caregivers). Christian convictions can be affirmed without denying the genuineness of the experience of others.

8. Always be on time, and leave the class in a settled condition.

9. If unable to be present, ensure that the relieving voluntary teacher has the appropriate lesson material and accepts this Code of Expectations.

10. Co-operate with the Convenor, Principal and school staff in every possible way.

11. Abide by the school's policies on behaviour management, discipline, safety, and emergency procedures.

CEC National Office is happy to try and answer all your questions about Religious Education in schools and chaplaincy issues. We will also direct you to the right people and resources.

Please don't hesitate to contact us now!

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22

20 February 2007

National Office

Education Management Policy
45-47 Pipitea Street
Thorndon
Private Box 1666
Wellington
New Zealand

Direct: (04) 463 8096
Fax: (04) 463 8106
<http://www.minedu.govt.nz>

File: IO9002/00/3

Brian Pegler
Chairman
Churches Education Commission
PO Box 9049
WELLINGTON

Dear Brian

RE: MINISTRY OF EDUCATION APPROVAL FOR CHURCHES EDUCATION COMMISSION POLICY STATEMENT

Thank you for your letter of 30 October 2006 regarding the above, and please accept my apology for the delay in responding to this letter.

At a recent meeting with _____ was agreed that the Churches Education Commission would amend those sections of the website that I identified as being of concern to the Ministry of Education in my previous letter. These amendments entail:

- the removal of any wording either on the website or in downloadable documents available from the website stating that the Ministry approves or supports the Churches Education Commission policy statement; and
- the replacement of the word "Authority" with the word "Relationships," as you suggest, above the following statement

The Churches Education Commission is recognised by the Ministry of Education ... as the major provider of Christian Religious Education in New Zealand.

These are small amendments, however, I am confident that they will do much to eliminate possible confusion among viewers of the website regarding the Ministry's position in relation to the Churches Education Commission. As I noted in my previous letter, the Ministry does not endorse any voluntary providers of religious instruction and observances and I do believe there is potential for this interpretation to be derived from the wording as it stands.

I thank you for your co-operation in this matter.

Yours sincerely

Martin Connolly
Senior Manager
Education Management Policy

OFFICIAL INFORMATION ACT



memo

To: EMP
Cc: Legal Services
From: Legal Services
Date: 27 February 2007 **File:** LO38 02 01 5
Subject Religious instruction - guidance for Christchurch office

Your request

- 1 You told me this morning that the ministry's Christchurch office has received phone calls from parents concerned about religious instruction. Staff in that office wanted guidance from you before responding. Please feel free to forward this document but note that it should not leave the ministry.
- 2 I attach the relevant legislation in an appendix.

Can schools close to offer religious instruction and observances?

Legal authorisation

- 3 The general rule is that teaching in New Zealand primary schools is to be "entirely of a secular character" (s77 Education Act 1964).
- 4 Nevertheless, s78 very clearly permits schools to close for religious instruction and observances. There are strict rules around this. In particular:
 - a student participation is voluntary, parents may opt their children out of religious instruction; and (s79)
 - b the amount of time devoted to instruction and observances cannot add up to more than 60 minutes in a week or 20 hours in a school year (s78)

How does this system operate?

Board of trustee discretion

- 5 The system established by the Education Act 1964 is also very flexible. Schools boards may:
 - a ask the Minister of Education to authorise more religious instruction than permitted by s78;
 - b choose whether or not to permit religious instruction and observances at all (they are not obliged to);
 - c decide when it occurs in the school day (it does not have to be in the morning); and
 - d determine whether a class, classes or the school as a whole be closed.

- 6 Schools must administer these arrangements sensitively. They should take care to avoid embarrassment and coercion.

Who can concerned parents talk to about this?

Boards are responsible

- 7 School Boards of Trustees retain overall responsibility for the delivery of religious instruction and observances in schools; they approve the instruction, the instructors and the timing of school closure. Accordingly, school boards are the first point of contact for parents who may have concerns.

What happens to students who have been opted-out?

Supervision

- 8 At the very least, opted-out students are entitled to be supervised on the same terms as children on school property before the beginning and after the end of classes (i.e. when the school is closed for regular instruction).

Are there any alternatives to specially closing the school?

Before school, after school or at lunch time

- 9 Religious instruction and observances can also be offered when the school is *already* closed for regular secular instruction (i.e. before school, after school or at lunch time).
- 10 This option has a number of benefits:
- a no student would need opt-out and appear different from others;
 - b there would be none of the supervision issues inherent in the Education Act 1964 system;
 - c only those interested in religious instruction and observances would be inconvenienced; and
 - d it would free up regular teaching time.
- 11 As another alternative, religious instruction and observances could be offered during periods when students can choose amongst a range of activities. The class in which it is offered would then be closed as per s78 Education Act 1964.

39

From:
Sent: Thursday, 15 March 2007 10:22 a.m.
To:
Subject: Religious instruction and the Churches Education Commission

Kia ora

Thank you for your email query below regarding religious instruction and the Churches Education Commission – and please accept my apology for our delay in responding to your initial query.

In response to your question, no, the Ministry of Education has not approved the policy statement on the Churches Education Commission website (which is also reproduced in its information brochures). This is a matter we are aware of and have sought to resolve with the Commission. We have requested the removal of any wording either on the Commission's website or in downloadable documents available from the website stating that the Ministry approves or supports the Commission's policy statement.

We have also requested the replacement of the word "Authority" with the word "Relationships" above the following statement on the website

The Churches Education Commission is recognised by the Ministry of Education ... as the major provider of Christian Religious Education in New Zealand.

The Ministry does not endorse any voluntary providers of religious instruction (and observances) and is concerned about the potential for this interpretation to be derived from the wording as it stands.

I hope that this helps to clarify the Ministry's position and thank you once again for your query.

Kind regards,

Senior Policy Analyst
Education Management Policy
Ministry of Education

p:
f:

 Please consider our environment before printing this email

Name:
Email:
Query:

The following was sent to the Ministry in Rotorua 10 days ago, to zero response. Please reply! Pass on as relevant, I am unsure of best destination. Thanks.

To: MOE, Rotorua 1207 Pukuatua St Phone: 0-7-349 7399 Fax: 0-7-349 7398 5 March 2007
Re: Religious education in state-run primary schools

Dear Sir/Madam

We would appreciate you answering a question we have about religious education in primary schools, please. Our primary school currently has the Churches Education Commission (CEC) visit and deliver Christian 'schooling' to children. This is during school time, however many children (including our own) take up the option of doing other activities. Our question relates to a 'recruitment' flyer that the CEC has recently delivered to all parents via the school children. This states: "Religious education means learning to understand and appreciate the beliefs by which people live as an aid to the development of a student's own beliefs and values. While acknowledging that there are other views about life that could have a place in religious programmes, 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 the cultural heritage and history and their continuing power and relevance." This statement is, according to the CEC flyer, approved by the MOE. We would like to ask, is the work of the CEC indeed 'approved' by the MOE? If so, we would like to note that the above statement and the reality of the teaching are not aligned. The reality is that any acknowledgement of other belief systems is unstated; teaching is exclusively Christian. The above statement supports the flyer in its implication that the CEC programme is curriculum-based – when in fact it is all about communicating a specific religious belief. We are in no way opposed to Christianity or religious education per se. Indeed, we would embrace genuinely impartial religious education that gave our children the opportunity to touch on ALL main religions. However, as non-Christians, we are very uncomfortable with young primary school children getting a Christian drilling, under the veil of impartial religious education. To a 6-year old, colouring in archetypal pictures of a Christian Jesus and knowing that "God loves me" is hardly impartial. We are keen to know, does the Ministry really approve CEC Christian education of children in state schools during school hours? Thank you for your response. Please tell us if you would like a copy of the flyer faxed to you.

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MINISTRY OF EDUCATION

Te Tāhuhu o te Mātauranga

memo

To: Mike De'Ath, Grant McMillan
Cc:
From: []
Security classification: In confidence
Date: 20th March 2007 **File:** IO900200/3
Subject: **Human Rights Commission mediation meeting with Avondale School regarding religious instruction**

Kia ora korua,

The purpose of this memo is to provide you with a summary of the meeting held yesterday in Christchurch between the principal and Board chair of Avondale School and a parent [] who laid a complaint with the Human Rights Commission regarding the school's religious instruction programme. The Ministry was represented by Crown Law and [] (from the Legal team) and I also attended.

Background

In 2006 [] laid a complaint with the Human Rights Commission regarding the provision of religious instruction at Avondale School. The Board of Avondale School uses its discretion under section 78 of the Education Act 1964 to close part of the school for the purposes of secular teaching from 8-9.30 am one day each week, during which time Bible in Schools is offered. The Board has chosen to offer this programme only to Year 2 students and [] was one of a small number of children in Year 2 who did not participate in this in 2006. The problem for [] relates to the treatment of [] as a non-participant student.

For part of 2006 the school provided Reading Recovery for Louis during the time set aside for Bible in Schools; when this ceased, it suggested that [] join a Year 1 class in the library under the supervision of a teacher, but this was not acceptable to []. For the remainder of the school year (from approx. July onwards), [] therefore remained at home until 9.30 am on the days when Bible in Schools was offered.

[] complaint to the Human Rights Commission asked three questions:

- Should religious instruction be provided in state schools at all?
- If yes, how can it be implemented in a sensitive way?
- Was Louis discriminated against (under the Human Rights Act) through his non-participation in religious instruction?

Ministry response

Crown Law, in representing the Ministry, stressed that it was not the Ministry's role to prove or disprove whether discrimination occurred – this is a role for the Human Rights Review Tribunal, if the matter goes any further. Crown Law also stressed that, in answer to the first question, yes, the Board of a primary school can offer religious instruction because the Education Act 1964 specifically permits this. This ability to offer religious instruction is not inconsistent with the New Zealand Bill of Rights Act *per se*, however, it does require sensitive local implementation. The Ministry's approach in the meeting was to assist the school and the parent to identify what might constitute appropriate implementation in this particular case.

Key issues discussed at the meeting

The principal and Board chair were largely in agreement with the parent and were very sympathetic to her concerns, but they felt constrained by the expectations of other parents in the community who wished to see Bible in Schools continue. The school tested public opinion in 2006 by sending a survey to all parents seeking their views on a way forward; this attracted a 32% response rate (not bad for a decile 2 school), with 59% in support of Bible in Schools. Accordingly, the school felt that it did not have a mandate to either significantly change the basis on which Bible in Schools is offered or to discontinue it altogether. It also received a number of letters/phone calls at this time from parents who were highly concerned by the prospect of it being stopped.

The principal and Board chair also had concerns about alternative accommodation for students who do not participate in Bible in Schools. They noted that, as a primary school, Avondale does not have 'break out' space available, which left it with few accommodation options other than the library (which is generally in use for other purposes).

Above all, however, the principal and Board chair stated that they felt disempowered in this situation: they saw their role as being to provide teaching and learning, but a precedent has been created, whereby Bible in Schools is provided in the school, and the community expects it to continue. The principal also expressed a reluctance to change practices in this area for fear that a parent may "complain to the Ministry and get a different answer."

Outcome

Crown Law and Ministry officials suggested the option of providing Bible in Schools outside of school hours – either before or after school, or during the school lunch break. This was an option that was acceptable to both the school and the parent, and, after some discussion, it was agreed that the school would look to implement this approach in 2008, pending:

- the results of a further parent survey, to be distributed in Term 4 this year;

and subject to:

- the Ministry writing a letter to the principal and Board confirming that this proposed approach represents 'best practice' and that it has the support of the Ministry.

I suggested that a letter be drafted, for the school's use, in response to a very specific request from the principal, who asked for a 1-page note from the Ministry, "backing the

school's decision." I see this letter as the Ministry supporting good governance in general and this school – that fears a backlash from some of its community – in particular.

As this outcome was acceptable to all parties, there will be no further action taken by the Human Rights Commission.

Next steps

Maria Hansen, the Human Rights Commission mediator, will send a summary of the meeting to all parties, which will formalise the agreed outcome. [Note that any failure to carry out an agreed action will constitute a breach of the mediation and the matter may be referred back to the Commission.]

Education Management Policy and Legal will provide a draft letter to the school in August 2007; I think it would be most appropriate, however, if this letter was seen to come from the local Ministry office. If you are both happy with this approach, I'll work with you closer to the time to ensure that you have a role in the drafting and presentation of this letter.

Kind regards,

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OFFICIAL INFORMATION ACT

58

From:
Sent: Friday, 23 March 2007 10:11 a.m.
To:
Subject: RE: Website Query - Please respond within 2 working days (pageID 6169)
Attachments: Education Act 1964 - religion provisions.doc

Hello

This came through the website; I thought I would show it to you before I despatched a reply. Please confirm that you agree with it. I have been out of the office for the last two days and am unsure if anything significant has changed...

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Legal Clerk

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

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

From: On Behalf Of Enquiries National
Sent: Wednesday, 21 March 2007 10:45 a.m.
To:
Subject: FW: Website Query - Please respond within 2 working days (pageID 6169)

Hi Iain,

National Enquiries received the below email from a principal requiring information about regarding the legislation that allows the closure of schools for religious education.
Are you or someone in your team able to assist with this query?
Please let me know if legal can help with this query or cc National Enquiries in your reply.

Kind regards,

Assistant Communications Advisor
Communications Group

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

From: principal@albany.school.nz [mailto:principal@albany.school.nz]

Sent: Wednesday, 21 March 2007 8:13 a.m.

To: /

Cc: /

Subject: Website Query - Please respond within 2 working days (pageID 6169)

Dear Web Page owner

A query has been received from Page <http://www.minedu.govt.nz/index.cfm?id=6169> of the Ministry's Website.

Query Form Details:

· Name: **Maree Bathurst**

· Email: **principal@albany.school.nz**

· Query:

· **Could you please email me information regarding the legislation that allows the closure of schools for religious education. Thankyou**

Reminder: Please respond to this email within 2 working days or forward to the appropriate person for a response.

Thankyou.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Education Act 1964

77 State primary schools to be kept open at certain times

Except to the extent that—

- (a) A school term commences on any day other than a Monday or ends with any day other than a Friday; or
 - (b) A school is lawfully closed pursuant to section 129C of this Act,—
- every State primary school shall be kept open 5 days in each week for at least 4 hours each day, of which hours 2 in the morning and 2 in the afternoon shall be; and the teaching shall be entirely of a secular character.

78 Religious instruction and observances in State primary schools

Notwithstanding anything to the contrary in section 77 of this Act, if the School Committee for the school district in which the school is situated, after consultation with the [Principal], so determines, any class or classes at the school, or the school as a whole, may be closed at any time or times of the school day for any period or periods exceeding in the aggregate neither 60 minutes in any week nor 20 hours in any school year, for any class, for the purposes of religious instruction given by voluntary instructors approved by the School Committee and of religious observances conducted in a manner approved by the School Committee or for either of those purposes; and the school buildings may be used for those purposes or for either of them.

78A Additional religious instruction

Notwithstanding anything in sections 77 and 78 of this Act, in any case where the Minister is satisfied that the majority of the parents of pupils attending a school wish their children to receive religious instruction additional to that specified in the said section 78 and he is satisfied that such additional religious instruction will not be to the detriment of the normal curriculum of the school, he shall generally or in any special case, after consultation with the School Committee, authorise the additional religious instruction up to such an amount and subject to such conditions as he thinks fit.

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.
- (2) Any parent or guardian who has given such an indication of wishes may at any time withdraw it.

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

Any teacher at a State primary school shall, if the School Committee for the school district in which the school is situated so approves, at his request be freed from school duties for up to 30 minutes a week to allow him to take part in his own school in religious instruction and religious observances or either, but no person shall directly or indirectly bring any pressure to bear on a teacher to induce the teacher to take any such part, and the position of any teacher and his opportunities for appointments and for promotion shall not be adversely affected because he does not take part in religious instruction and religious observances or either.

81 Schools other than State primary schools not affected

Nothing in this Act shall affect religious instruction or religious observances in schools other than State primary schools.

memo

To: Schools Support Development Officer, Invercargill
From: , Legal Clerk, Legal Services
Date: 27 March 2007 **File:** LO38/02/01/5
Subject Religious instruction in state primary schools

Preliminary matters

Use of this memorandum

- 1 You are welcome to discuss paragraph 4 of this memorandum with your enquirer. The remainder is for your information. Please do not forward this document to anyone outside the ministry.
- 2 While it is important to be helpful, we need to avoid inflaming the situation. Religion in schools has been a hot topic recently. It is a matter for the school.
- 3 You are very welcome to contact me with any further questions. My direct dial is

Assumption

- 4 I have assumed that the school opens later on the morning that RI is offered. Please let me know if I have misunderstood anything.

Factual background

- 5 According to your email to yesterday:

a parent does not want her 2 girls to participate in RI [Religious Instruction]. Some other children who travel to school by bus are housed in the Library during RI as their parents do not wish them to participate either. However this mum told she would have to keep them at home. As mum works this is difficult. She has asked why school lets one family stay in the library and makes another stay at home.

Your response

- 6 Your response to the enquirer should note:
 - a A school is entitled to ask parents to keep children home until the school day officially starts. When religious instruction is offered, the school day starts later.
 - b A school is closed when religious instruction occurs.
 - c The ministry expects schools to be reasonable about the way they permit religious instruction to occur. Putting the children who take the bus in the library seems to be a reasonable step.
 - d The enquirer should be encouraged to discuss her situation with the school. It is a matter for local school involvement.

Law

- 7 The teaching in state primary schools must be "entirely of a secular character" when the school is open (s77 Education Act 1964). Nevertheless, a Board of Trustees may close all or part of a school so that volunteers can offer religious instruction (s78).
- 8 I attach the legislation as an appendix.

General comment

School is within its rights

- 9 The school board is not obliged to offer secular instruction when religious instruction occurs; it is closed. It is entitled to ask parents to keep children home until the school day officially starts.

Reasonableness

- 10 Nevertheless, we would expect schools to be reasonable. On the face of it, keeping the other children who travel to school by bus in the library is a reasonable accommodation.

Some cautions

- 11 This is a matter for school management. The parent should be encouraged to discuss the issue with the Principal.
- 12 I am unwilling to provide more comment because:
 - a I do not know the specifics, and
 - b it is not appropriate for us to intervene further

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Education Act 1964

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- (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.
- (2) Any parent or guardian who has given such an indication of wishes may at any time withdraw it.

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

Any teacher at a State primary school shall, if the School Committee for the school district in which the school is situated so approves, at his request be freed from school duties for up to 30 minutes a week to allow him to take part in his own school in religious instruction and religious observances or either; but no person shall directly or indirectly bring any pressure to bear on a teacher to induce the teacher to take any such part, and the position of any teacher and his opportunities for appointments and for promotion shall not be adversely affected because he does not take part in religious instruction and religious observances or either.

81 Schools other than State primary schools not affected

Nothing in this Act shall affect religious instruction or religious observances in schools other than State primary schools.

Chair
Education and Science Select Committee

RELIGIOUS INSTRUCTION AND OBSERVANCES IN STATE SCHOOLS

Purpose

1. The purpose of this paper is to respond to the Committee's request for a briefing on *'issues around the teaching of religion, religious observances and the influence of religion on the ethos and life of schools.'* The paper addresses this request by discussing the legal framework within which the Boards of Trustees ("Boards") of state schools may choose to offer religious instruction and observances and the relevant constraints on their ability to do this.
2. This paper also discusses the Ministry of Education's ("the Ministry's") recent work in this area, which will assist Boards to better exercise religious neutrality when offering religious instruction and observances in the future.

Background

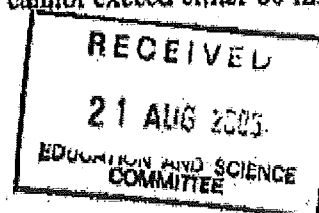
3. All New Zealand state schools are able to offer religious instruction and observances, however, the nature and scope of these activities is limited by education and human rights legislation and varies between different schooling types and levels.

Primary and intermediate schools and "secular teaching"

4. The Education Act 1964 ("EA1964") is clear in stating that teaching in all primary and intermediate schools must be *'entirely of a secular character.'* The Ministry interprets "secular" to mean "non-religious" and "non-spiritual."

5. For those Boards that wish to offer religious instruction or observances, however, limited discretion is available to do so during periods where classes or the school as a whole are considered closed. The periods where the school is used for religious instruction or observances cannot exceed either 60 minutes in

* Section 77



any week or 20 hours in any school year and any instruction can be led only by voluntary instructors. Any student participation in these activities is voluntary, and students may be given an exemption from participation if a parent requests this in writing.

6. In this way, the aim of education legislation is to ensure that, if religious instruction and observances are offered, they are effectively "fenced off" from the secular life of a school. The instruction and observances should occur outside normal teaching hours, instruction should be led by voluntary instructors only, and there should be no compulsion for students to participate.
7. It is important to note that the restrictions on the provision of religious instruction and observances in no way impede schools' ability to offer education about religion. The neutral presentation of information about religion is a legitimate part of secular teaching and may be discussed in many parts of the national curriculum, including the social studies and health and physical education curricula. Conversely, religious instruction and observances involve education *in* religion. Religious instruction and observances include programmes based on a primary religious text, such as the Bible in Schools programme, the recitation of prayers and the singing of hymns. These are not neutral activities and either presuppose prior religious belief on the part of students or actively encourage this.

Secondary and composite schools and the discretion of Boards to manage as they "think fit"

8. Unlike primary and intermediate schools, secondary and composite schools are not subject to a secular teaching requirement. This means that Boards may choose to include religion in the life of a secondary or composite school through their general discretion *'to control the management of the school as it thinks fit'* provided under the Education Act 1989 (the "EA1989").⁵
9. This may extend beyond the teaching about religion through the curriculum to the inclusion of religious instruction or observances. Once again, however, student participation is not compulsory and students may be excused from tuition under the EA1989 for *sincerely held religious or cultural views*.⁶ "Tuition" includes attendance at assemblies or other whole-of-school events where religious instruction or observances may feature.

Integrated and designated character schools

10. Both integrated and designated character schools operate in accordance with an approved special character, which may be religious in nature, thus offering parents an alternative to state "secular" education. Where a school's special

⁵ Section 75

⁶ Section 29A

observances as appropriate, but student participation in these activities remains optional as in other types of state schooling.⁷

The New Zealand Bill of Rights Act and its impact on religion in schools

11. Boards of all state schools are also subject to the New Zealand Bill of Rights Act, and must protect and promote the rights and freedoms that it contains. The Act contains five rights that have a direct application to religious instruction and observances in schools:

- *freedom of thought, conscience and religion* (section 13), by which everyone has the right to freedom of thought, conscience, religion and belief, including the right to hold opinions without interference;
- *manifestation of religion and belief* (section 15), by which every person has the right to manifest his or her religion or belief in worship, observance, practice or teaching, either individually or in communities with others, and either in private or in public;
- *freedom from discrimination* (section 19), by which everyone has the right to freedom from the prohibited grounds of discrimination outlined in section 21 of the Human Rights Act, including religion and the lack of a religious belief; and
- *rights of minorities* (section 20), by which a person who belongs to an ethnic, religious or linguistic minority in New Zealand shall not be denied the right, in community with other members of that minority, to enjoy the culture, to profess and practise the religion, or to use the language of that minority.

12. State support for religion, including support at the Board of Trustees level, is not automatically a breach of the New Zealand Bill of Rights Act or of the international rights it enshrines. However, where state support is offered *in a school environment* it may potentially be in breach of the New Zealand Bill of Rights Act because of the risk of coercion to participate or state indoctrination, given:

- the vulnerabilities of students (particularly students of primary-school age); and
- their legal obligation to attend school.

13. On this basis, the New Zealand Bill of Rights Act does have a moderating influence on the way in which Boards may provide religious instruction and observances and creates an obligation to exercise religious neutrality. This obligation applies to the Boards of primary, intermediate, secondary and

⁷ Students attending designated character schools may be exempt from participation under the EA1989, while students attending integrated schools may be exempt under section 32(2) of the Private Schools Conditional Integration Act.

composite schools, but is perhaps of greatest import to primary and intermediate schools, which are legally required to provide secular teaching. The remainder of this briefing therefore focuses specifically on religious instruction and observances within primary and intermediate schools.

Areas of concern

14. The education legislation that provides primary and intermediate schools with a framework for offering religious instruction and observances predates the introduction of the New Zealand Bill of Rights Act by some 26 years. To date, no comprehensive advice has been issued to Boards about how to offer religious instruction and observances in a way that is consistent with modern human rights legislation and many Boards may currently lack an understanding of their obligations in this area.
15. The Ministry does not collect any central data about the number of schools that choose to offer religious instruction and observances, however, we are aware of a range of problems that have emerged in recent years. These include:
 - confusion about whether it is legally acceptable to provide access to voluntary groups to run lunch-time Bible Clubs in schools;
 - religion creeping into the secular life of schools through the use of prayers, religious readings or hymns in assemblies and other whole-of-school events at times when schools cannot be considered "closed" for the purposes of secular teaching;
 - teachers and principals leading religious observances, thereby creating the impression that student participation is not voluntary;
 - embarrassment and inappropriate alternative care arrangements for students who do opt out of participation in religious instruction and observances;
 - proselytising activity within schools carried out by school-based chaplains; and
 - a lack of transparency in the decision-making processes of Boards about which religious groups to allow access to, with a tendency in some cases to admit Christian groups only.

A balanced way forward

16. In recognition of the need for greater guidance in this area, the Ministry is currently preparing advice for all primary and intermediate schools about how to offer religious instruction and observances in a manner that is consistent with the New Zealand Bill of Rights Act. This advice also aims to encourage good practice in a multicultural and multi-faith society – and to protect and promote the rights of students and parents whose choice is to hold no religious belief.

17. This will be issued in the form of a circular and will provide practical advice about how to ensure that religious neutrality is maintained at all times by Boards. This is built on two central principles:

- that student participation in religious instruction and observances should be truly voluntary, with no direct or indirect pressure to participate; and
- that the ability to offer religious instruction and observances should cater for diversity of belief, reflect the range of religions that are important in today's New Zealand, and promote tolerance of multiple religious beliefs or none.

18. This rights-consistent approach to religious instruction and observances does involve a "narrowing down" of the discretion afforded to Boards in the EA1964. We highlight those areas where our advice represents a change in current practice in the following section of the paper, and also explain in more detail why this is necessary.

Truly voluntary participation

19. Truly voluntary participation means the avoidance of all direct and indirect pressure to participate in religious instruction and observances. In this context, the obligation of religious neutrality requires Boards to neither encourage nor discourage student participation in religious instruction or observances and to be alert to any practices that could be considered coercive.
20. To limit the indirect pressure that students may feel to participate, the Ministry will recommend that:

both instruction *and* observances are provided only by voluntary instructors

because instruction or observances led by school staff, including teachers and principals, may suggest to students that participation is not voluntary

all whole-of-school instruction or observances are discontinued or avoided

because students may feel indirect pressure to participate through embarrassment or peer influences in those circumstances

instruction and observances are provided in a separate, voluntary class during only the following times:

- before the school day begins;
- at lunch-time;
- after school; or
- a teaching period assigned for optional activities

because a clearer demarcation is required between the parts of the school day that would normally be set aside for secular teaching and periods when the school can be considered "closed" for the purposes of secular teaching

an "opt-in" system is used in preference to an "opt-out" system and that

parents are:

- notified about any religious instruction or observance before it occurs;
- given the opportunity to actively consider whether they wish their children to participate or not; and
- required to give written consent

because the ability to "opt out" of attendance or participation may be insufficient to avoid the appearance of coercion, and may expose students to undue embarrassment or attention

21. The Ministry will also recommend that, if a Board chooses to close a class for religious instruction or observances during a time that is normally set aside for secular teaching, any students who are not participating are provided with alternative supervision or instruction that is of clear educational benefit.

Catering for diversity

22. Plurality of religious belief exists not just in wider society, but within schools as well. In this context, religious neutrality requires Boards to be even-handed in their decisions about which voluntary instructors to approve or decline for the purposes of religious instruction and observances. It also requires Boards to be alert to the range of religions that may be important within the school community.

23. To encourage transparency in decision-making, the Ministry will recommend that:

Boards develop generic criteria that can be applied to all requests from religious groups for access to the school. These criteria will allow each request for access to be determined objectively and on a case-by-case basis.

This will reduce the risk of Boards being seen to act in a partisan way in approving access for some groups while declining access for others.

Other considerations

Tikanga Māori

24. All Boards are compelled by education legislation to develop policies and practices that reflect New Zealand's cultural diversity and the unique position of Māori culture.³

25. The Ministry recognises that meaningful and culturally appropriate inclusion of tikanga Māori does not always allow for a split between secular and spiritual or religious content to be observed in the manner envisaged by the EA1964.

³ EA1989, section 62

Further, we believe that tikanga should have an active role in the life of schools and not be "fenced off" in the same way as religious instruction and observances because it may contain elements that are spiritual or religious or both, such as karakia.

26. On this basis, we recommend only that Boards inform parents in advance if they are planning activities that relate to Māori language and culture that may include spiritual or religious elements. This provides an opportunity to inform parents of the purpose and significance of these activities and to advise of their right to have their child excused from tuition for any sincerely held religious or cultural views.
27. These steps will reduce the risk of students being exposed to spiritual or religious content that some parents may object to during periods that are set aside for secular teaching. They will also help to promote a broader understanding of Māori language and culture within schools' wider communities.
28. The Ministry will recommend that Kura Kaupapa Māori also apply this advice in relation to any spiritual or religious elements of their teaching.

Manifestation of religion and belief

29. The planned advice to Boards will also emphasise that the New Zealand Bill of Rights Act obligation to uphold students' rights to the manifestation of religion and belief applies irrespective of whether they offer religious instruction and observances or not.
30. This obligation may have broad-ranging implications and must be considered, for instance, when setting Board policies about uniform or school attire as these policies apply to religious symbols and items of dress. It may also be necessary for Boards to accommodate the religious observances or needs of individual students during the school day, if satisfied that these are required by the students' religious beliefs.

3

From:
Sent: Tuesday, 10 July 2007 4:11 p.m.
To:
Subject: RE: Information on religious instruction & observances in schools

Thank you . Your information is most appreciated. As stated in our telephone discussion, I'm very happy with the attitude towards religion of my current employer Tamaki College. However, for a period of more than 18 months while employed at Mount Albert Grammar School, I was involved in a series of numerous conflicts over the issue(s) of religion in the state secondary school system. The current principal's view of religion is *"Stop stirring. The answer to anyone staff or students that do not like the traditions of the school is to find another place more to their liking. Please don't bother to email me again. This tradition will not be changing. All students attend assembly and take part. Its part of the MAGS deal. If they don't like it, don't come to MAGS. VERY SIMPLE"* He made statement on Thursday 29th September, 2005.

All the best. Yours truly

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

From: @minedu.govt.nz]
Sent: Tuesday, 10 July 2007 3:01 PM
To:
Subject: Information on religious instruction & observances in schools

Hi there,

Thanks for your call. As discussed, please find attached some background information that discusses the "rules" as they apply to religious instruction & observances in state schools. Please note that section 25A of the Education Act 1989 allows a student to be exempt from any tuition (including an assembly) on religious grounds. I've reproduced this section in full for you below.

25A Release from tuition on religious or cultural grounds

- (1) A student aged 16 and above, or the parent of a student aged under 16, may ask the principal to release the student from tuition in a particular class or subject.
- (1A) A request under subsection (1) must be made in writing, and at least 24 hours before the start of the tuition.
- (1B) This section applies only to students enrolled at a state school that is not an integrated school.
- (2) Unless satisfied that—
 - (a) The parent [or student (as the case may be)] has asked because of sincerely held religious or cultural views; and
 - (b) The student will be adequately supervised (whether within or outside the school) during the tuition,
 the principal shall not release the student.
- (3) Upon receiving a request from a parent under subsection (1), the principal must, before agreeing to release the student, take all reasonable steps to find out the student's views on the matter.]
- (4) Subject to subsection (2) of this section, the principal shall release the student from the tuition and (if the student is to be supervised outside the school) let the student leave the school during the tuition unless satisfied, in the light of—
 - (a) The student's age, maturity, and ability to formulate and express views; and
 - (b) Any views the student has expressed,—
 that it is inappropriate to do so.
- (5) Nothing in this section limits or affects section 79 of the Education Act 1964.]

I hope this information helps.

Kind regards,

Senior Policy Analyst
Education Management Policy
Ministry of Education



Please consider our environment before printing this email

DISCLAIMER

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_____ NOD32 1.1633 (20060629) Information _____

This message was checked by NOD32 antivirus system.
<http://www.eset.com>

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OFFICIAL INFORMATION ACT

Dear

Thank you for your email concerning 'Bible Studies' classes at your sons' school in West Auckland. I can understand your surprise to find that your sons have been attending these classes without your knowledge.

You are right that New Zealand schools are not required to give religious education. Section 77 of the Education Act 1964 (the Act) states that teaching in a State primary school "shall be entirely of a secular character" when open for instruction. School boards of trustees are, however, allowed to close the school for no longer than 60 minutes at a time and no more than 20 hours in the school year for the purposes of religious instruction (section 78 of the Act). This section allows volunteers to provide religious instruction on school grounds only when the school is closed.

Students are not required to participate in this religious instruction if their parents do not want them to take part (section 79 of the Act). To withdraw your child from the religious instruction you would need to write to the school principal to let them know your wishes. I would encourage you to raise your concerns about your school's communications of the 'Bible Studies' classes in a letter to the school board of trustees.

Kind regards,

Martin Connelly

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

From:

Sent: Monday, 1 December 2008 10:02 a.m.

To: Enquiries National

Subject: Urgent enquiry about Religious Instruction

Our two 7 year old sons attend a school in West Auckland and we have just found out, last night, that they have been having 'Bible Studies' at school.

We are very shocked to find this out, especially as a notice was not sent home to ask for our permission.

The school they attend is not a Christian school – and we see no reason as to why our children should be made to attend Bible Studies.

We have no problem with the school teaching our sons about different religions of the world, as this helps the children immensely in other areas – such as respect, understanding, tolerance etc - but to focus on one particular religion or 'holy book' is, in our opinion, wrong.

From a few phone calls made last night to parents of other children in our sons' classes, we have found that they, too, were unaware of the situation. They, like us, are also not particularly happy that our consent was not sought.

Please can you advise us as to whether it is compulsory within New Zealand schools to give religious education (of any sort), and, more importantly, whether the school is wrong to have been teaching 'Bible Studies' to our children without our prior permission.

We look forward to hearing from you at your earliest convenience,
Kindest regards,

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Proposed response to religion email:

Dear I

Thank you for your email regarding teaching religion in primary schools.

A distinction is made between "religious instruction" in schools, and the teaching about religions, belief systems and cultural practices that takes place as part of a school's education programme.

Section 77 of the Education Act 1964 (the Act) states that teaching in a State primary school "shall be entirely of a secular character" when open for instruction. School boards of trustees are, however, allowed to close the school for no longer than 60 minutes at a time and no more than 20 hours in the school year for the purposes of religious instruction (section 78 of the Act). This section allows volunteers to provide religious instruction on school grounds only when the school is closed. Students are not required to participate in this religious instruction if their parents do not want them to take part (section 79 of the Act). Decisions regarding religious instruction should be made by a school's Board of Trustees, after appropriate consultation with the school community.

New Zealand's curriculum policy is designed to allow schools to deliver programmes appropriate to the needs of their student cohorts. The degree of emphasis on religious and cultural practices as part of curriculum delivery is decided by the principal and teachers within each school. For example, in teaching health and physical wellbeing the curriculum allows for teachers to develop programmes that recognise the contribution of religion to personal wellbeing. Or in social sciences a student could be taught about the contribution and influence of religion in society. Schools can decide whether they focus on all religions or particular religions as part of the religious instruction or teaching of religions in their school.

Whether personal opinions are expressed to primary aged children is a matter of professional judgement. If you have concerns about a particular teacher or practices in your school the Board of Trustees, as employer, is the correct agency to respond to your concerns. Unless your complaint is about the Principal, the board will usually expect that you have already completed all the steps of the school's complaints procedure before bringing the matter to the board.

If you would like to know more about religion in New Zealand schools you can access the Human Rights Commission's draft report for consultation on *Religion in New Zealand Schools, Questions and Concerns* at: http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/05-May-2009_12-18-58_Religion_in_Schools_Draft_May09.pdf

Kind regards
Martin

-----Original Message-----
From: Martin Connelly
Sent: Tuesday, 4 August 2009 4:03 p.m.
To: Enquiries National
Cc: -----
Subject: RE: Religion in primary schools

Yes we will do - I think you have a stick response?

-----Original Message-----
From: On Behalf Of Enquiries National
Sent: Tuesday, 4 August 2009 4:00 p.m.
To: Martin Connelly
Subject: FW: Religion in primary schools

Kia ora

Are you the correct person to assist with this query?

Thanks,

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

From:

Sent: Tuesday, 4 August 2009 2:01 p.m.

To: Enquiries National

Subject: Religion in primary schools

Hi there

could you let me have some information about the teaching of religion in a primary school (non religious). I would like info on what should/can be taught and whether all religions should be covered or whether schools should/can focus on one. Also, to what extent should a personal opinion be expressed to primary age children?
Thanks

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