

Contact Management System

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,Enquiry,Governance,Religious Education,,8-Nov-2013 13:23,ID:488016

0. Active

1. Closed

Status: Closed **ID:** 488016
Lodged By: **Date Lodged:** 3-Dec-2013 1:30 PM
Last Changed By: **Date Changed:** 3-Dec-2013 1:31 PM
Start Date: 8-Nov-2013 1:23 PM **Category:** ECP

Customer Details

No customer has been specified for this request.

Request Details

Actual Start Date:	3-Dec-2013										
Select School for Lead SA:	<table border="1"> <thead> <tr> <th>Contact</th> <th>MōE Number</th> <th>Lead Senior Advisor</th> <th>Facility Type</th> <th>Fund Type</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Contact	MōE Number	Lead Senior Advisor	Facility Type	Fund Type					
Contact	MōE Number	Lead Senior Advisor	Facility Type	Fund Type							
Senior Advisor:											
Contact Name:											
Contact Type:	Board Member										
Contact Details:	87										
Call Type:	Enquiry										
Enter Key Words:	<table border="1"> <thead> <tr> <th>Category</th> <th>Subject</th> <th>Topic</th> </tr> </thead> <tbody> <tr> <td>Governance</td> <td>Religious Education</td> <td>(Unspecified)</td> </tr> </tbody> </table>	Category	Subject	Topic	Governance	Religious Education	(Unspecified)				
Category	Subject	Topic									
Governance	Religious Education	(Unspecified)									
Issue or Request:	Seeking advice following teacher question use of recently instituted Religious Education (RE) time at the school. Currently not closing school; offering values programme for the 45 minutes to children who opted out of RE. Teacher querying the BoT re content of RE and legalities of not closing schools while activity in progress.										
Next Ministry Action Required:	Refer (Other MoE)										
Ministry's Response:	Provided advice re provisions under Section 25 of the Act; as BoT decision and governance issues advised also apply to										

OFFICIAL INFORMATION ACT
 RELEASED UNDER THE ACT

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From:
Sent: Thursday 16 January 2014 3:53 p.m.
To:
Subject: RE: Bible Studies, Saint Heliers School

Good Afternoon :

Thank you for your email of the 22 September which was responded to by one of the Senior Advisers here in the Ministry of Education.

St Heliers School is one of the schools I have responsibility for with regards to general enquiries.

In answer to your specific enquiries I refer you back to reply to you on the 23 September. discussed her email to you with me as the Team Leader. I was happy with the information she had supplied.

1. A board of trustees can decide to close the school for up to 60 minutes per week to offer religious instruction.
2. For this time, the school is technically "closed". Your child is therefore not required to attend.
3. The board of trustees, usually through its principal, must notify parents that it is closing the school for this specific purpose. (***this would not be a weekly event but could be contained in the schools policies and procedures for which the Board of Trustees and the principal are responsible any questions relating to these MUST be referred to the BOT through the Principal.***)
4. Parents have the right to withdraw their child from the religious instruction. They should notify the school of their decision in writing. (***Again this would be notified in an email or a written correspondence to the Principal so he can organize a suitable place for the child to be supervised.***) Note comment below.
5. The school has a responsibility of care for children who are at school but not participating in the programme. This means that they should be supervised as they are before and after school, ie playground supervision. The school is not obliged to provide an alternative programme (as the school is technically closed).

Any concerns you have about the board's decision to close the school for this purpose should be referred to the chairperson of the board, through the Principal as the Principal is a member of the Board and delegated any matters that occur throughout the school day that concern the day to day running of the school. Any procedural matter should be referred to the principal.

You commented in your latest email that you were confused because of various comments made by TV interviewers and parents being interviewed. Media is not obliged to report only fact but will often report comment even if it is uninformed or has a bias one way or the other.

Board of Trustees are crown entities who have the responsibility for the running of the School. This is NOT an issue that the Ministry of Education is authorised to intervene in.

I have made comment in italics that may assist you in understanding how and why decisions are made by Boards of Trustees.

Currently bible studies are offering to year 1 and year 2 students only. Parents have never been told officially by newsletter, email or any other official communication method that;

1. the school is officially closing for religious studies,
2. that there are alternatives to religious study.
3. what the scope and topics are that will be covered by Bible Studies.

Any questions relating to the above statements should be addressed to the Board of Trustees through the Principal.

If you are NOT happy with the response to your questions the correct procedure is to write to the Chairperson of the Board of Trustees setting out you views on the topic you wish to debate with the Board.

1. Does the school have to officially advise parents that the school is shutting for regions studies, and how should they do this?

(See answers to your past email addressed to I

!)

2. Does the school have to official state what topics will be covered by religious studies and advise parents in writing of this?
(The content of what is contained in the RE lessons will have been approved by the Board of Trustees through the Principal. The usual content is monitored by a Bible in Schools organisation that covers general religious topics that are regarded as appropriate for New Zealand society.)

3. If the school is not officially shut, what sort of care needs to be provided for those not attending?
(In this case only the classes designated in the schools policy and procedures are closed for that time. As stated earlier the school is obliged to provide supervision only for those not attending RE classes as the school / classes are not open for instruction.

4. Does the school have to officially state that there is an alternative to bible studies?
(This will be contained in the schools policies and/or procedures.)

None of the above is happening in our school which I find quite alarming.

I suggest that you make an appointment with Mr McCarthy craigm@stheliers.school.nz and have a full discussion with him.

For my part I will contact Mr McCarthy and have a discussion with him with regards to the content of your emails and your concerns. I am sure he will be very happy to give you the Boards/ Schools perspective if you contact him personally.

Thank you for your enquiry, if you have any further concerns the Ministry of Education will be happy to respond to these.

Yours faithfully

Senior Adviser
Education Curriculum and Performance Team
Maungawhau Northern Regional Operations
Ministry of Education

Level 4 Eden 5 Building
Cnr Edwin Street and Normandy Road
Mt Eden
Private Bag 92644
Symonds Street
AUCKLAND 1150: DDI:

@minedu.govt.nz

From:

Sent: Wednesday, 15 January 2014 10:51 a.m.

To: Enquiries Auckland

Subject: Fwd: Bible Studies, Saint Heliers School

Hi

I contacted you in 2011 when our eldest daughter started to attend St Heliers School, email exchange is below.

Our 2nd daughter is about to start attending the school in year 0 in June this year. Yesterday one parent from our school was on TV 3 news, discussing bible studies at St Heliers School, from what I could gather they have discussed the issue with the both the principle and the board, and now have taken the issue to the Human Rights Commission, I don't have more details at this stage.

I am an concerned parent and just want to understand what the rights and obligations of the school are before our 2nd daughter joins the school this year.

Currently bible studies are offering to year 1 and year 2 students only. Parents have never been told officially by newsletter, email or any other official communication method that;

1. the school is officially closing for religious studies,
2. that there are alternatives to religious study.
3. what the scope and topics are that will be covered by Bible Studies.

For our first daughter, I had no idea that Bible Studies was optional and that the school had to provide equivalent care as the school is not officially closed until she was in term 3. I had to basically plead with the principle to get an alternative care to be provided. The alternative care was basically the child was put into the ELS room (English as a second language), given art materials, and told to do drawings for the 1 hour. Given that the school was not officially shut, I think all the above is breaking ministry guidelines.

As a result of this, I am quite confused on the obligations of the school when it comes to bible studies.

I have some questions for you.

1. Does the school have to officially advise parents that the school is shutting for religious studies, and how should they do this?
2. Does the school have to official state what topics will be covered by religious studies and advise parents in writing of this?
3. If the school is not officially shut, what sort of care needs to be provided for those not attending?
4. Does the school have to officially state that there is an alternative to bible studies?

None of the above is happening in our school which I find quite alarming.

Regs,

On 23 September 2011 11:34.

.....@minedu.govt.nz> wrote:

Good morning

The ministry guidelines are as follows:

1. A board of trustees can decide to close the school for up to 60 minutes per week to offer religious instruction.
2. For this time, the school is technically "closed". Your child is therefore not required to attend.
3. The board of trustees, usually through its principal, must notify parents that it is closing the school for this specific purpose.

4. Parents have the right to withdraw their child from the religious instruction. They should notify the school of their decision in writing.

5. The school has a responsibility of care for children who are at school but not participating in the programme. This means that they should be supervised as they are before and after school, ie playground supervision. The school is not obliged to provide an alternative programme (as the school is technically closed).

Any concerns you have about the board's decision to close the school for this purpose should be referred to the chairperson of the board. Any procedural matter should be referred to the principal.

I hope this information is useful.

Kind regards

Senior Advisor | Education Curriculum and Performance | Ministry of Education | Northern Region |
Private Bag 92644, Symonds Street, Auckland 1150, New Zealand | DIAL 09 308 3721 | Fax 09 632 9435 | Mobile
Email education@minedu.govt.nz | Website www.minedu.govt.nz

From:
Sent: Thursday, 22 September 2011 9:56 a.m.
To: Enquiries Auckland
Subject: Fwd: bible studies at St Meliers Primary School

Hi,

I sent the below email to the general email address but have not had any feedback.

Just wondering if this is anything you can help with?

Regs,

----- Forwarded message -----

From:
Date: 9 September 2011 14:33
Subject: bible studies at St Heliers Primary School
To: info@minedu.govt.nz

Hi,

Our daughter attends St Heliers Primary School in St Heliers, Auckland. She is year 1 and has been attending since the start of this year.

We noticed that year 1 have bible studies class on every wednesday for 1 hour. I did not pay much attention to this, but then was discussing this with some friends of our who have children in other schools in Auckland recently.

They mentioned that most public schools do not run any form of bible studies as the public schools were not meant to have any sort of religious studies.

Can you please confirm if this is correct? If this is correct, they why is St Heliers Primary School run bible studies?

Regs,

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From: Leisa Maddix
Sent: Wednesday, 16 April 2014 11:56 a.m.
To:
Cc:
Subject: FW: RE; St Heliers Bay School

From:
Sent: Wednesday, 26 March 2014 9:25 a.m.
To:
Subject: Re: RE; St Heliers Bay School Apology from Senior Adviser MOE AUCKLAND

Hi

thank you for your note and I appreciate your effort to correct this error. I consider this privacy matter closed.

I was however hoping you could help with another issue with the school. Our school has been in the media over bible in schools. This was a result of parents who do not have a Christian background and ethnic minorities (like myself) tried to reach out to the principal and board but were basically ignored. The only option left was to take the issue outside the school to the Human Rights Commission.

The main issue was that parents felt the school was not following the guidelines from the HRC regarding bible in schools. These issues were;

- provide any documentation or overview on the RI program to parents
- provide any opt out option (until term 3, 2011)
- make it aware to parents there was an RI program
- make it aware to parents there was an opt out option (only provided after term 3, 2011)
- failing to show respect and understanding for ethnic minorities and people who do not follow Christianity

Here is the link to the HRC document.

http://www.hrc.co.nz/hrc_new/hrc/cms/files/documents/20-Jan-2010_09-32-15_WebUpdatedJan2010_HRC_Rel_in_NZ_Schls.pdf

This document outlines the responsibilities for the school if they run a RI program, which states;

- "If a school does provide religious instruction or observe religious customs it must be done in a way that allows students to opt out freely if they want to" Pg 6
- "schools may not discriminate against their students on the grounds of their religious belief or lack of it." Pg 8
- "It is important for Boards to communicate clearly with their community about religious observance and instruction that may occur at the school and the rationale the Board and staff have used to decide how their school handles religious observance or instruction." pg 8

It is clear that previous to this these actions are a breach of governance by the school and board. This breach needs addressing, even though we have an agreeable final outcome. I would therefore like to make an official complaint against our school and school board, as I feel the principal and board need additional training and education to ensure they don't make the same mistakes again (similar to what has just happened between us regarding the privacy issue).

What is the correct process for this? As the complaint is directly against the school board, it seems inappropriate to direct this complaint to the school board.

Please treat this email in confidence.

Regs,

On 24/03/2014, at 8:39 am, -----

[@minedu.govt.nz](mailto:) wrote:

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OFFICIAL INFORMATION ACT

(5)

From: E Watson
Sent: Wednesday, 19 February 2014 4:44 p.m.
To:
Subject: Fwd: Please Keep Religion Out of Forrest Hill School

First email to me from a person called

----- Forwarded message -----

From: FHS Admin <admin@forresthill.school.nz>
Date: Thu, Jan 30, 2014 at 9:50 AM
Subject: Re: Please Keep Religion Out of Forrest Hill School
To: Enid Watson <ewatson@forresthill.school.nz>

No I don't know this name - as far as I can see on our parent list we do not have a parent/caregiver by the name of

No doubt you would have heard all the media coverage recently about Bible in Schools (negative) so probably a flow on from that I would say,

On Wed, Jan 29, 2014 at 9:20 PM, Enid Watson <ewatson@forresthill.school.nz> wrote:
Hi ; Do you know this person - Is she a parent?
Thanks
Enid

----- Forwarded message -----

From:
Date: Wednesday, January 29, 2014
Subject: Please Keep Religion Out of Forrest Hill School
To: ewatson@forresthill.school.nz

Dear Mrs Watson,

Would you please read the following link article and see what our parents think about Christian education classes offered at Primary Schools?

I totally agree with Christian education classes offered at Primary Schools are a form of discrimination.

YES. Our parent do have the right to opt out but we didn't do that because their kids will be ostracised.

If parents want their kids to have Christian education classes, they already arranged that on every Sunday morning. That's the fact. The purpose of Christian education classes is to grab kids from non-christian family. I totally hate that.

Please keep religion out of Forrest Hill school in the coming year.

Kind regards

<http://www.newstalkzb.co.nz/auckland/news/nbedu/483112354-religious-instruction-in-schools-going-to-human-rights-commission>

Religious instruction in schools going to Human Rights Commission

<https://www.facebook.com/KeepReligionOutOfSchoolNZ>

School Secretary

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From: E Watson
Sent: Wednesday, 10 February 2014 5:03 p.m.
To:
Subject: Fwd: Please Keep Religion Out of Forrest Hill School

The second email form () to me which I replied to

----- Forwarded message -----

From: Enid Watson <ewatson@forresthill.school.nz>
Date: Tue, Feb 11, 2014 at 6:01 PM
Subject: Re: Please Keep Religion Out of Forrest Hill School
To:

Thank you for your email
Enid

On Tue, Feb 11, 2014 at 9:47 AM,
Hi Mrs Watson,

We sent an email to you on 29th January and let you know some parents would like to keep religion out of Forrest Hill School. However, we haven't got any reply from you.

According to your 5 February 2014 notice, you will continue your "Bible in Schools" programme for 3, 4, 5 & 6 classes.

As a government funded primary school principal, we think it is inappropriate to allow this programme in our school.

It is a form of discrimination to some kids.

We will report this issue to Ministry of Education and Human Rights Commission. We wish they can help to keep religion out of our school.

Kind regards

RELEASED UNDER THE OFFICIAL INFORMATION ACT

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From:
Sent: Wednesday, 19 February 2014 12:31 p.m.
To:
Subject: complaint

Dear

Your query has been referred to me, as I am the Senior Adviser for Forrest Hill School.

You were correct to take up your concerns with the principal.

You are also able to write to the Board of Trustees and can expect a written reply. The Board represents you as parents and is responsible for the governance of the school. It is the Board that would need to discuss any changes to the "Bible in Schools" programme in the school.

Kind regards

Senior Adviser Education Curriculum and Performance
Ministry of Education, Private Bag 92644, Symonds Street, Auckland
DDI
Mobile:
Email: 1@minedu.govt.nz

OFFICIAL INFORMATION ACT

From:
Sent: Tuesday, 11 February 2014 10:07 a.m.
To: Enquiries National
Subject: Complaint Auckland Forrest Hill School principle

Dear Sir/Madam,

We would like to complaint Auckland Forrest Hill School principle Mrs Watson to allow "Bible in Schools" programme 2014 in Forrest Hill school.

We totally agree with Christian education classes offered at Primary Schools are a form of discrimination.

Ou kids are Forrest Hill school students. Although have the right to opt out but it is a hard decision for us to make a decision because our kids will be ostracised for not attending the classes.

As a government funded primary school, we think it is inappropriate to have religion lessons in school.

We contacted Mrs Watson and asked to cancel any religion lessons in our school and stopped this form of discrimination.

She simply ignored our letter and she never replied us.

Would you please contact Mrs Watson and asked her cancel her "Bible in Schools" programme 2014?

Kind regards

Related information:

<http://www.newstalkzb.co.nz/auckland/news/nbedu/483112354-religious-instruction-in-schools-going-to-human-rights-commission>

Religious instruction in schools going to Human Rights Commission

<https://www.facebook.com/KeepReligionOutOfSchoolNZ>

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From: E Watson
Sent: Wednesday, 19 February 2014 4:41 p.m.
To:
Subject: Follow Up

Hi
Thanks for being in touch today.

The admin team have scrutinized the parent data base and we do not have a person with the name as discussed yesterday.

I will forward the email that was initially sent to m to you to see. It looks as if the sender has typed in the Dear Mrs Watson introduction bit of the email and then cut and pasted the actual message from another source. The font is different and the structure is that of someone who has English as a second language.

It could be a parent who is not using their own name and using a g-mail address set up with the name taken on, or someone who is claiming to be a parent and who is not.

Rather interesting actually, not to mentions concerning.

Thanks
Enid

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OFFICIAL INFORMATION ACT

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From: Leisa Maddix
Sent: Wednesday, 16 April 2014 11:53 a.m.
To:
Cc:
Subject: FW: religious ethical discrimination.
Importance: High

From:
Sent: Tuesday, 4 February 2014 1:52 p.m.
To: Leisa Maddix
Subject: FW: religious ethical discrimination.
Importance: High

*As discussed RE St Heliers School
Cheers*

From: On Behalf Of Enquiries Auckland
Sent: Tuesday, 4 February 2014 1:02 p.m.
To:
Subject: FW: religious ethical discrimination.
Importance: High

Hi

I think this is for you.

Many thanks

From: Information Officer Shared Mailbox
Sent: Monday, 3 February 2014 10:22 a.m.
To: Enquiries Auckland
Subject: FW: religious ethical discrimination.
Importance: High

Hi Team,

The below came into the Information Officer Mailbox and as it is regarding St Heliers Primary School, I thought best to forward to the Auckland office.

If you could please let me know if this should go elsewhere

Thanks

Information Officer
Ministry of Education

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From:

Sent: Sunday, 2 February 2014 9:11 a.m.

To: infoline@hrc.co.nz

Cc: Information Officer Shared Mailbox

Subject: religious ethical discrimination.

TWIMC

I believe the complaint you have received from individual (s) breaches your "prohibited grounds" criteria with regard a particular religious belief as demonstrated by St Heliers Primary School.

I wish to bring a complaint against the individual(s) who are attempting to suffocate the right to express an ethical or religious belief as described in your 'prohibited grounds'.

I therefor intend to make a complaint on behalf of St Heliers School and to do that I need the name(s) and addresses of those who have laid this complaint.

Or, you publicly dismiss the complaint as in my opinion the complaint itself is a discrimination against ethical/religious belief as shown in your prohibited grounds.

This/these individual(s) have obviously approached the MOE with regard discrimination authorised by law and obviously have been told that the school is not acting 'unlawfully' by dispensing a certain ethical educational concept alongside Maori ethical tikanga concepts and 'Scientific' ethical concepts for the purpose of education.

I consider this action to be a direct discrimination and unlawful attack on a particular lawful educational ethical belief and I wish you to act to protect the criteria that you are mandated so to do.

Yours sincerely

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OFFICIAL INFORMATION ACT

From: Bulletin Shared Mailbox
Sent: Tuesday, 11 February 2014 4:27 p.m.
To:
Subject: RE: religión in schools

Follow Up Flag: Follow up
Flag Status: Flagged

Hi

Thanks very much for your email, it's great to hear from you. I am making some enquiries within the Ministry so I can respond more fully regarding the question of religious instruction/education in schools.

In the meantime, I'll pleased you enjoyed the Bulletin and are finding it useful.

I'll be in touch again shortly

Kind regards

| Ministry Bulletin for School Leaders | He Pitopito Kōrero Ministry of Education | Level 4, 45-47 Pipitea Street | PO Box 1666 | Wellington | New Zealand

ddi: | email: @minedu.govt.nz

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

From:
Sent: Tuesday, 11 February 2014 10:28 a.m.
To: Bulletin Shared Mailbox
Subject: religion in schools

Hi there,

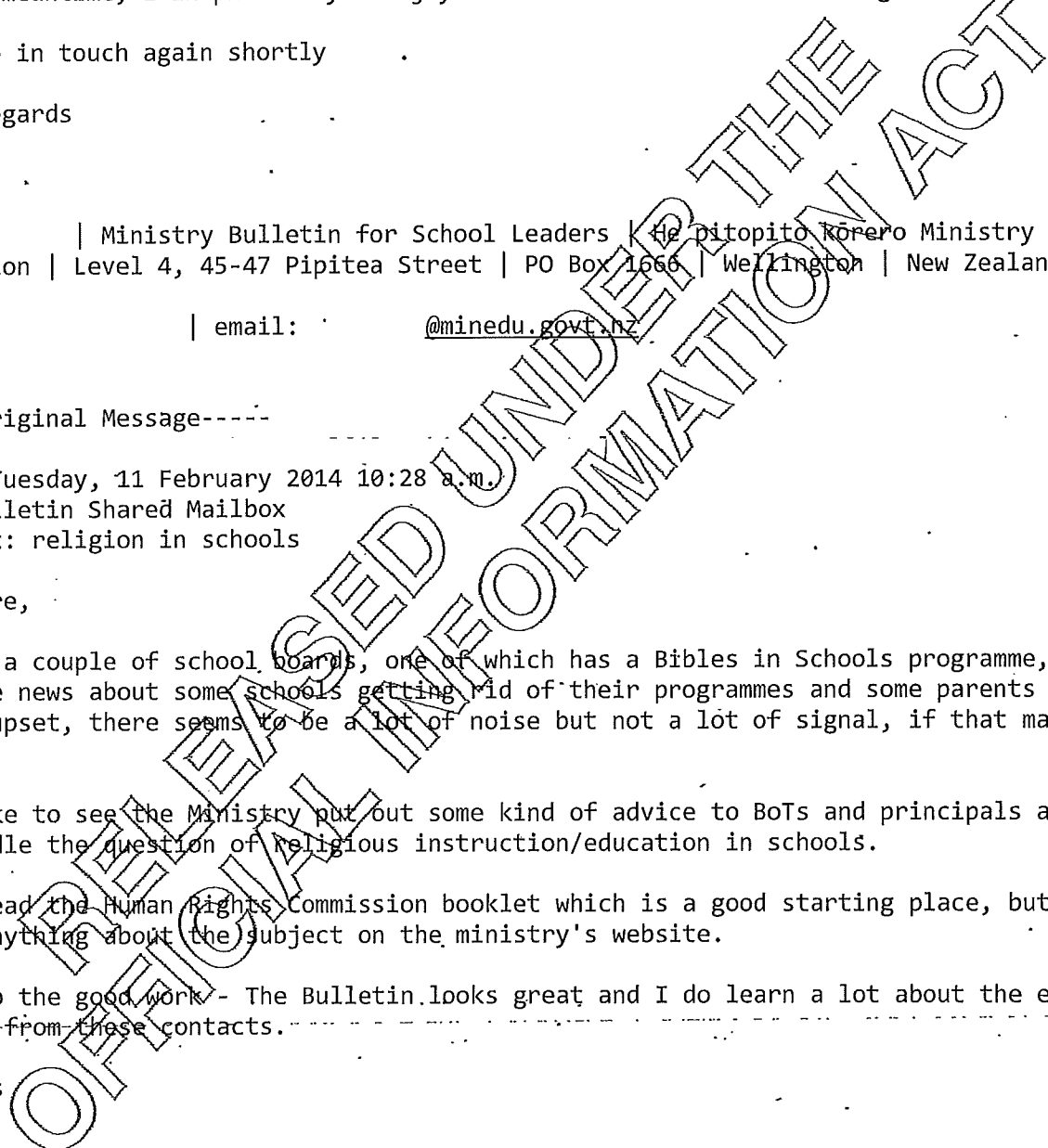
I'm on a couple of school boards, one of which has a Bibles in Schools programme, and with all the news about some schools getting rid of their programmes and some parents being quite upset, there seems to be a lot of noise but not a lot of signal, if that makes sense.

I'd like to see the Ministry put out some kind of advice to BoTs and principals about how to handle the question of religious instruction/education in schools.

I've read the Human Rights Commission booklet which is a good starting place, but I can't find anything about the subject on the ministry's website.

Keep up the good work - The Bulletin looks great and I do learn a lot about the education system from these contacts.

Regards



From: Bulletin Shared Mailbox
Sent: Friday, 14 February 2014 1:49 p.m.
To:
Subject: RE: religion in schools

Hi

Further to my email on 11 February, here is a more detailed response to your enquiry.

Schools have a lot of flexibility in the way they deliver the curriculum and are able to deliver it in a way that is most appropriate for their students in consultation with their school community.

We expect schools to carefully consider the view of all parents when considering acts of religious observance. Schools should always handle matters involving faith sensitively.

State primary schools are required to be secular but this doesn't preclude teaching about religions.

Secondary schools are not subject to the secular teaching requirement. Boards of trustees may wish to include some kind of religious practice such as a school prayer or hymn.

Schools are not required to report on the delivery of religious studies and they are also not required to report objections made about religious instruction or other curriculum-related matters.

Parents who have concerns about religious observance at school should talk to the principal in the first instance and if not satisfied with their response should approach the board.

When considering their approach a board would need to consider what, if any, impact human rights legislation may have. The New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 give students the right to freedom of religion and freedom of expression.

Students can be withdrawn from classes on religious or cultural grounds at the discretion of the principal. Consideration should be given to any student given such an exemption.

The link below outlines the relevant provisions in the Education Act
<http://www.legislation.govt.nz/act/public/1989/0080/latest/DLM178242.html>

The Human Rights Commission has advice about religion in schools
<http://www.hrc.co.nz/human-rights-environment/religion-in-new-zealand-schools>

I hope the above helps to outline the approach parents, schools and communities should consider when dealing with the curriculum in regard to religious education in schools.

Kind regards

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

From:
Sent: Tuesday, 11 February 2014 10:28 a.m.
To: Bulletin Shared Mailbox
Subject: religion in schools

Hi there,

I'm on a couple of school boards, one of which has a Bibles in Schools programme, and with all the news about some schools getting rid of their programmes and some parents being quite upset, there seems to be a lot of noise but not a lot of signal, if that makes sense.

I'd like to see the Ministry put out some kind of advice to BoTs and principals about how to handle the question of religious instruction/education in schools.

I've read the Human Rights Commission booklet which is a good starting place, but I can't find anything about the subject on the ministry's website.

Keep up the good work - The Bulletin looks great and I do learn a lot about the education system from these contacts.

Regards

respect

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(6)

No change in the law (ie, 'prayer in school can continue')

Education law dating back to 1877 requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. On this basis, religious instruction and observances may be offered by schools only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

There has been no recent change in the law and teaching in these schools therefore continues to be secular in nature. Equally, for parents who wish their children to be exposed to some religious instruction or observances, the option remains available in many schools to participate in these activities outside of school hours.

'But what about the national anthem?'

Although the New Zealand national anthem contains a reference to God (as you note), it does not function as a religious observance and is, instead, an expression of civic or national identity. Accordingly, there are no restrictions around the singing of the national anthem in state primary or intermediate schools.

Distinction between religious instruction & observances and religious education

Further, I would note that there are no restrictions at all around religious education – that is, the neutral presentation of information *about* religion – in any state school. Religious education is distinct from religious instruction and observances – which involves the teaching *in* or *of* religion – and may be taught through many parts of the New Zealand curriculum, including the social studies and health and physical education curricula.

'I think there should be more religion in schools'

The Ministry of Education believes that there is sufficient scope within the public education system to foster an interest in religion among students and to provide neutral information about this through the curriculum. I do not believe that further provision for religious instruction and observances is required.

'What about karakia?'

Because of the unique place of Māori language and culture in New Zealand society, and the associated obligations to reflect and promote this through the Treaty of Waitangi, the relationship between secular teaching and schools' inclusion of tikanga Māori requires special attention.

The Education Act 1989 contains several provisions that assist Boards to give effect to their obligations under the Treaty of Waitangi.

These include:

- section 60A, which provides for the National Education Goals; and

- section 61, which directs all Boards to develop *policies and practices that reflect New Zealand's cultural diversity and the unique position of Māori culture* and to ensure that all reasonable steps are taken to provide instruction in tikanga Māori (Māori culture) and te reo Māori (Māori language) for all full-time students whose parents ask for it.

Meaningful and culturally appropriate inclusion of tikanga Māori does not always allow for a split between secular and religious content to be observed in the manner envisaged by the secular teaching requirement contained in Education Act 1964. A karakia, for instance, may be spiritual or religious or both; in all cases, it remains an intrinsic part of tikanga Māori. For this reason, it is not always possible or appropriate to limit those aspects of tikanga that may contain religious elements, such as karakia, to times when the school is closed for the purposes of secular teaching.

'But religion provides education about 'values''

I agree that everyone has the right to be given ... [education about values etc.] and believe that the best way to do this is to incorporate common societal values into the New Zealand Curriculum. As you may be aware, the curriculum is currently being revised to ensure that values are given a more prominent place in our public education system in the future. If you are interested in viewing or commenting on the draft curriculum, it can be found online at: <http://www.tki.org.nz/nzcurriculum/>.

'Are you trying to limit my ability as an individual to pray when/where I see fit?'

Despite being secular, all state primary and intermediate schools, and all state secondary and composite schools, must have regard to section 15 of the New Zealand Bill of Rights Act, under which

every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.

In a school environment, it is up to individual Boards of Trustees to give reasonable accommodation to this section of the Act, but it may extend to the accommodation of religious observances (such as prayers) during the school day, if these are required by a student's religious beliefs.

Prayer rooms

The prayer room you refer to was constructed at a Christchurch school without the approval of the then Minister of Education, who advised at the time that this was an inappropriate use of public funding.

What about spirituality?

Further, there are no restrictions at all around religious education – that is, the neutral presentation of information about religion – in any state school. Religious education

is distinct from religious instruction and observances – which involves the teaching in or of religion – and may be taught through many parts of the New Zealand curriculum, including the social studies and health and physical education curricula.

In this way, the secular education system does attempt to be sensitive to spirituality. For instance, the 1999 Health and Physical Education Curriculum defined spiritual wellbeing (taha wairua) as

the values and beliefs that determine the way people live, the search for meaning and purpose in life and self-awareness. (For some individuals and communities, spiritual well-being is linked to a particular religion; for others it is not.)

In essence, this is about what people value, what motivates them, what makes them feel connected to one another and the world around them. The 2006 Draft Curriculum retains this understanding.

This mention of spirituality recognises that such big questions exist; the secular clause and the right to freedom of religion avoid forcing answers onto children. Human beings are not expected to leave this part of themselves at the school gates. The health and physical education learning area is meant to make a significant contribution to the well-being of students beyond the classroom.

Why have you decided not to issue guidelines?

The decision you refer to in your email to not release guidelines to schools on religious instruction and observances should not result in any change to the status quo in schools.

Education law dating back to 1877 requires that the teaching in all New Zealand state primary and intermediate schools is *entirely of a secular character*. On this basis, religious instruction and observances may be offered by schools only during periods where either the school as a whole, a class or classes, are considered closed for the purposes of secular teaching.

There has been no recent change in the law and teaching in these schools therefore continues to be secular in nature. Equally, for parents who wish their children to be exposed to some religious instruction or observances, the option remains available in many schools to participate in these activities outside of school hours. This participation, however, continues to be strictly voluntary.

It is my view that most schools operate on a common-sense basis in this area and work with their local parent communities to find solutions where practices raise concern, as in the case you refer to in your email. Where concerns are not addressed to the satisfaction of parents, I consider that the Human Rights Commission is the appropriate agency to provide more direct support, not the Ministry of Education.

I thank you for taking the time to put your concerns in writing and trust that this information may be of use to you.

Or:

It is my view that most schools operate on a common-sense basis when making decisions about religious instruction and observances and work with their local parent communities to find solutions where practices raise concern. For this reason, I do not believe that it is appropriate for the Ministry of Education to issue guidelines to all schools. I would expect, however, that the Ministry will continue to provide advice on a case-by-case basis, when and as specific concerns or complaints are brought to its attention.

I would also note that, as self-managing Crown entities, school Boards of Trustees must also bear the responsibility for any poor decisions they may make in this area – including any actions taken by the Human Rights Commission if these decisions are inconsistent with the New Zealand Bill of Rights Act.

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