

Education (Strengthening Second Language Learning in Primary and Intermediate Schools) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This bill aims to strengthen primary and intermediate schools', including Communities of Learning, access to language learning through additional resources provided by the government to fund professional development, language specialists and online resources. The bill covers all schools with students in Year 1-8 including junior high schools and middle schools. Learning a language has cognitive, cultural and social benefits and these benefits are becoming increasingly important in a globally connected world. Under the bill regulations will be made to identify at least 10 priority languages, which will be set following nationwide consultation with communities. The bill makes it clear that Te Reo Māori and NZ Sign Language are, as the official languages of New Zealand, priority languages and will be resourced. While learning languages is in the curriculum the reality is for many schools and students there is not enough resourcing to enable universal access to learn a second language in primary and intermediate schools. The current law requires schools to take reasonable steps to enable children to learn Te Reo and this will not change.

These 10 or more languages will be called the national priority languages. The Minister will also be required to consult on, and gazette, a national languages policy. New Zealand has become a very diverse country. Auckland alone is one of the most culturally diverse cities in the world. There is a need to have a dedicated strategy through a national languages policy to ensure that language learning is adequately resourced and supported not just in schools but also in the home and community.

These national priority languages must be resourced by the Government to ensure that schools can deliver their school priority language programme. Primary and Intermediate schools will then be required to consult and adopt their own priority language programmes. It will be up to school boards to decide which priority language will be available for learning in each school. This bill aims to resource universal accessibility

to learn a second language. The priority languages do not prevent schools from offering other languages in addition to the school priority language.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause, and provides that the bill comes into force on the day after the date on which it receives the Royal assent.

Clause 3 states that the bill amends the Education Act 1989 (the **principal Act**)

Clause 4 amends section 60 of the principal Act to insert new definitions.

Clause 5 of the bill inserts new *sections 60C to 60E*.

New section 60C requires every primary and intermediate school to have a **priority language programme** for the delivery of second language learning. A school's **priority language programme** must identify at least one **national priority language** as the **school priority language**.

New section 60D sets out the requirements for consultation prior to adopting a **priority language programme**.

New section 60E provides for the Minister issuing a national language policy, to provide guidance boards in respect of their obligations under *section 60C*.

Clause 6 inserts new *section 78AA* to enable regulations to be made to prescribe the national priority languages.

Clause 7 inserts new *section 79A* to provide for the funding of priority language programmes.

Clause 8 amends *section 87B* to make provision for reporting on the effectiveness of priority language programme delivery.

Hon Nikki Kaye

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education (Strengthening Second Language Learning in Primary and Intermediate Schools) Amendment Act **2018**.

2 Commencement

This Act comes into force on the day after the date on which this Act receives the Royal assent.

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3 Principal Act

This Act amends the Education Act 1989 (the **principal Act**).

4 Section 60 amended (Interpretation)

In section 60, insert the following definitions in their appropriate alphabetical order:

national priority language means a language prescribed by regulations made under **section 78AA** to be a national priority language

priority language programme means a priority language programme required by **section 60C**

school priority language means the national priority language adopted by a school in its priority language programme

5 New section 60C and 60E inserted

After section 60C, insert:

60C Priority language programme

(1) Every board must, for each primary school it administers, prepare, adopt and maintain a priority language programme in accordance with **section 60D**.

(2) The priority language programme prepared under **subsection (1)** must identify, from the national priority languages, at least one school priority language.

(3) The purpose of a priority language programme is to ensure that all students at the school are provided with the opportunity to learn the school priority language as a second language.

(4) A priority language programme must contain, in respect of the school priority language, for each year of schooling, the following—

(a) the areas of knowledge and understanding to be covered by students in that year; and

(b) the skills to be developed by students in that year; and

(c) desirable levels of knowledge, understanding, and skill to be achieved by students in that year.

(5) For the avoidance of doubt, a primary school is not prevented from offering other languages in addition to the school priority language.

(6) In this section **primary school** means a school established under **section 146** as a primary school or an intermediate school.

60D Consultation about priority language programme

(1) A board must not adopt or amend a priority language programme under **section 60C** without first—

(a) consulting with the school community; and

- (b) having regard to the school community's views.
- (2) The purpose of the consultation required by **subsection (1)** is to—
 - (a) inform the school community about the content of the priority language programme; and
 - (b) ascertain the wishes of the school community regarding the school priority language; and 5
 - (c) determine, in broad terms, the second language learning needs of the students at the school.
- (3) A board may adopt any method of consultation that it considers will best achieve the purpose set out in **subsection (2)**, but it may not adopt a priority language programme until it has— 10
 - (a) prepared the priority language programme in draft; and
 - (b) given members of the school community an adequate opportunity to comment on the draft priority language programme.
- (4) In this section, **school community** has the same meaning as in clause 1 of Schedule 6. 15

60E National language policy

- (1) The Minister may, by notice in the *Gazette*, issue a national language policy.
- (2) A policy issued under this section provides guidance boards in respect of their obligations under **section 60C** and must— 20
 - (a) specify the date on which it comes into effect;
 - (b) remain in effect for a period of 5 years unless earlier withdrawn or replaced by notice in the *Gazette*; and
 - (c) must be published on an Internet site maintained by the Ministry.
- (3) Before issuing a policy under this section, the Minister must consult with those stakeholders in the education sector that he or she considers ought to be consulted. 25
- (4) A statement issued under this section is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012, and does not have to be presented to the House of Representatives under section 41 of that Act. 30

6 New section 78AA inserted (Regulations prescribing national priority language)

After section 78, insert:

78AA Regulations prescribing national priority language

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations specifying the national priority languages. 35

- (2) The Minister must not make a recommendation for the purposes of **subsection (1)** without first consulting persons and organisations that the Minister considers appropriate, having regard to the subject matter of the proposed regulations.
- (3) The Minister must ensure that regulations made under **subsection (1)**— 5
- (a) specify a minimum of 10 national priority languages, which must include Te Reo Māori and New Zealand Sign Language; and
- (b) remain in force at all times.
- (4) Nothing in **subsection (3)(b)** prevents regulations made under this section from being amended or from being revoked and replaced by another set of regulations made under this section. 10
- 7 New section 79A inserted (Grants for priority language programmes)**
After section 79, insert:
- 79A Grants for priority language programmes** 15
- In each year, out of public money appropriated by Parliament for the purpose, boards must be paid such grants and supplementary grants as the Minister determines necessary to deliver priority language programmes.
- 8 Section 87B amended (Report on performance of schools' sector)**
- In section 87B(2)(c), after “achievement”, insert “, including the effectiveness of priority language programme delivery”. 20