

# THE GRANTING OF PREFERENCE OF ENROLMENT IN NEW ZEALAND CATHOLIC SCHOOLS

## 1.0 INTRODUCTION

- 1.1 It is twenty-two years since the New Zealand Catholic Bishops' Conference first promulgated the criteria to be used by Proprietors and their agents for granting the preference of enrolment for students/pupils wishing to be enrolled in the nation's Catholic schools.
- 1.2 Since then New Zealand society has evolved in a number of ways, which has necessitated a revision of the criteria promulgated on December 1<sup>st</sup> 1980. Over the last two years the New Zealand Catholic Bishops have consulted widely on this updated preference of enrolment criteria which are promulgated in this document.

## 2.0 THE LAWFUL OBLIGATIONS ON PROPRIETORS

- 2.1 Section 29 of The Private Schools Conditional Integration Act states:

**“29. Preference of Enrolment–**(1) Parents who have a particular or general philosophical or religious connection with an integrated school shall have preference of enrolment for their children at the school.

(2) Subject to the provisions of subsection (1) of this section, no prospective pupil shall be refused enrolment at an integrated school on the grounds of religion, race, socio-economic background, or lack of willingness of the parent to make financial contributions to the school.”

- 2.2 The standard clause in Catholic School Integration Agreements states:

“Preference of enrolment at the School under Section 29(1) of the Private Schools Conditional Integration Act 1975 shall be given only to those children whose parents have established a particular or general religious connection with the Special Character of the School and the Controlling Authority shall not give preference of enrolment to the parents of any child unless the proprietor has stated that those parents have established such a particular or general religious connection with the Special Character of the School.”

### **3.0 ENROLMENT**

- 3.1 Enrolment is the responsibility of the Board of Trustees and principal, rather than of the Proprietor. While all schools need to construct a clear enrolment policy, this is not the role of the Proprietor. The Proprietor's involvement in the process is to determine, from a legal point of view, who meets the preference criteria for enrolment eligibility.
- 3.2 Upwards of twenty Catholic Integrated Schools are likely to be adopting an Enrolment Scheme as a result of recent amendments to the Education Act. This development will bring the issue of preference of enrolment into bold focus. From a legal point of view, there cannot be two classes of preference.
- 3.3 An Enrolment Scheme, which is designed to prioritise the enrolment of preference students, cannot make distinctions between parents who have a preference of enrolment certificate. Any element of discrimination would be illegal.
- 3.4 A child/student either has a preference designation or not, irrespective of whether or not a school has an Enrolment Scheme.

### **4.0 ADMINISTERING THE CRITERIA**

- 4.1 The identification of the preference criteria is essentially a legal matter, because the criteria have to be based on what the Integration Act and the typical Integration Agreement mean by "a particular or general religious connection with an integrated school".
- 4.2 Preference status is what results from establishing either a "particular" or a "general" "connection" on the part of the parents, with a Catholic Integrated school.
- 4.3 As well as asking whether each of the following criteria indicates the necessary connection, it can be helpful to ask, for example, how would a Proprietor satisfy a Judge that a denial of preference is properly based on the parent(s) not having established a particular or general religious connection with a Catholic school?
- 4.4 See Appendix One for a commentary on the interpretation of the criteria.

## **5.0 THE CRITERIA BEING PROMULGATED BY THE NEW ZEALAND CATHOLIC BISHOPS CONFERENCE, WHICH ARE TO BE USED BY PROPRIETORS AND THEIR AGENTS**

- 5.1 The child has been baptised or is being prepared for baptism in the Catholic Church.
- 5.2 The child's parents/guardians have already allowed one or more of its siblings to be baptised in the Catholic faith.
- 5.3 At least one parent/guardian is a Catholic, and although their child has not yet been baptised, the child's participation in the life of the school could lead to the parents having the child baptised.
- 5.4 With the agreement of the child's parent/guardian, a grandparent or other significant adult in the child's life, such as an aunt, uncle or godparent, undertakes to support the child's formation in the faith and practices of the Catholic Church.
- 5.5 One or both of a child's non-Catholic parents/guardians is preparing to become a Catholic.

\* *See Appendix One for Commentary on using these criteria.*

## **6.0 ADMINISTRATION OF THE CRITERIA – STANDARD PROCEDURES**

- 6.1 The following may be authorized by the Diocesan Bishop as his agent in making a de facto judgement ABOUT EACH CASE. Without prejudice to Section 7.0 they are:
  - 6.1.1 Parish priests
  - 6.1.2 Assistant Priests
  - 6.1.3 Priests appointed under c. 517/1
  - 6.1.4 Deacons and lay persons appointed to pastoral care under c. 517/2
  - 6.1.5 Ethnic chaplains who liaise with parish priests or their delegate
  - 6.1.6 Local committees appointed by the bishop or by any of the above agents of the bishop.
- 6.2 The above-named shall make their judgements in the light of this policy document, *applying* the criteria, not determining or modifying the criteria.
- 6.3 The bishop of each Diocese will appoint a diocesan *Preference of Enrolment Committee or designated office holder* whose role is:

- 6.3.1 To monitor from time to time the judgements being made by those named in Section 6.1.1 – 6.1.6, in order to ensure consistency of interpretation
- 6.3.2 To be available for consultation by those named in 6.1.1 to 6.1.6 of this document.
- 6.3.3 To act as an Appeal Committee where preference of enrolment has been refused.
- 6.3.4 To advise the bishop from time to time on issues surrounding preference of enrolment.
- 6.3.5 To liaise with the Diocesan organization responsible for the Review and Development of the Special Character of Catholic Schools.

## **7.0 NON DIOCESAN OWNED SCHOOLS**

- 7.1 It is acknowledged that Proprietors of non-diocesan Catholic schools, legally, may determine what constitutes preference of enrolment in their school(s). It is also clear that the Special Character of these schools is that they are Roman Catholic schools, in which the values, practices and teachings of the Roman Catholic Faith are determined from time to time by each diocesan bishop making decisions in collaboration with other members of the New Zealand Catholic Bishops Conference. However, it would be hard to see that any child had a religious connection with any Catholic school outside of the preference criteria stated by the Bishops Conference.
- 7.2 Therefore each Proprietor is urged to administer the preference of enrolment criteria for the school(s) under his/her control, in conjunction with established Diocesan systems.
- 7.3 The administration of the criteria is as appropriate to non-diocesan schools as to diocesan schools. For this reason, and to avoid confusion in the minds of Catholic parents, all Proprietors are asked to commit themselves to administering the preference of enrolment for their school(s) as outlined in this document.

Approved  
New Zealand Catholic Bishops Conference

FINAL: June 2003.

**APPENDIX ONE  
COMMENTARY ON THE INTERPRETATION  
OF THE PREFERENCE CRITERIA**

**Parents/Guardians who have a particular connection with an integrated school:** Criteria that indicate a *particular* religious connection within a Catholic Integrated School are:

**1.0 The child has been baptised or is preparing for baptism.**

**Comment:** The exception to this would be where the parents/guardians have formally left the Catholic Church and have no intention of bringing the child up as a Catholic. It is the parents' connection or lack of connection with the Special Character of the Integrated Catholic school that is legally significant.

**2.0 The child's parents/guardians have already allowed one or more of its siblings to be baptised in the Catholic faith.**

**Comment:** The dispositions of the parents/guardians are paramount in making a judgement.

**3.0 At least one parent/guardian is a Catholic, and although their child has not yet been baptised, the child's participation in the life of the school could lead to the parents having the child baptised**

**Comment:** Those Catholic parents who have been negligent in the practice of their faith but who have not formally left the Church are *still Catholics*, and that is the basis of their connection with the Special Character of the Catholic school. Moreover, in today's circumstances, participation in a Catholic school represents those children's best hope of getting baptised, and our best hope of doing something for the faith of their parents.

**4.0 With the agreement of the child's parent/guardian, a grandparent or other significant adult in the child's life, such as an aunt, uncle or godparent, undertakes to support the child's formation in the faith and practices of the Catholic Church.**

**Comment:** This is especially important in relation to Maori Catholics, some Pacific Island families and some sole parent households.

**5.0 One or both of a child's non-Catholic parents/guardians is preparing to become a Catholic**

**Comment:** Again, the focus is on the parents/guardians. Their connection with the Catholic Church in this case is evident, even if their child has not yet been baptised.

FINAL

June, 2003.