



Education Report: Appointment of Members of the Advisory Group on Charter Schools

To:	Hon Chris Hipkins		
Date:	9 April 2018	Priority:	High
Security Level:	In Confidence	METIS No:	1117837
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Messaging seen by Communications team:	No	Round Robin:	No

Purpose

The purpose of this paper is for you to establish and appoint members to your Advisory Group on Charter Schools.

Summary

You have introduced a Bill to remove the charter school model. Until this legislation is repealed in full, the Education Act 1989 (the Act) requires you to appoint an advisory group on charter schools. The group will continue to provide you with advice on the educational performance of charter schools still in operation, as required under the Act.

The attached draft Cabinet paper advises Cabinet of your intention to re-focus the activity and size of the Partnership Schools Kura Hourua Authorisation Board and to re-name it as the Advisory Group on Charter Schools. It consults Cabinet on your proposed members for the re-focussed group with five or six members and sets an initial term of membership until 30 April 2019.

Recommended Actions

The Ministry of Education recommends you:

- a. **Agree**, subject to Cabinet consideration, to appoint the following six individuals to the Advisory Group on Charter Schools as Members:

Bruce William Adin	<u>Agree / Disagree</u>
Murray [REDACTED] Jack [REDACTED] s 9(2)(a) OIA	<u>Agree / Disagree</u>
Te Rauma Whitu Kupenga	<u>Agree / Disagree</u>
Caroline Henrietta Eliza Milne	<u>Agree / Disagree</u>
Jason Paul Swann	<u>Agree / Disagree</u>
Bernardina Josina Maria Vester	<u>Agree / Disagree</u>

- b. **agree** to appoint Bruce William Adin as Chair;

Agree / Disagree

- c. **agree** to appoint Bernadina Josina Maria Vester as Deputy Chair;

Agree / Disagree

- d. **agree** to consult Cabinet (Cabinet Business Committee) on your intention to make these appointments;

Agree / Disagree

- e. **indicate** if you have any feedback on the draft Terms of Reference for the Advisory Group on Charter Schools set out in Annex Five to this report;

Yes / No

- f. **agree** that the draft Terms of Reference be shared in confidence with the proposed Chair, Bruce Adin;

Agree / Disagree

- g. **agree** that this report should be proactively released subject to the provisions of the Official Information Act 1982, the Privacy Act 1993 and the completion of Cabinet consideration, and after members of the Advisory Group have been informed of their appointments.

Agree / Disagree


Ellen MacGregor-Reid
Deputy Secretary
Early Learning and Student Achievement

9/4/18


Hon Chris Hipkins
Minister of Education

10/4/18

Background

- 1 Section 158C(1) of the Education Act 1989 (Annex One) (the Act) states (in respect of Partnership Schools Kura Hourua, commonly referred to as charter schools) that the Minister of Education "must appoint an advisory group, consisting of at least five, but no more than nine, members for the purpose of advising the Minister in relation to:
 - a) the approval of sponsors under section 158B; and
 - b) the educational performance of partnership schools kura hourua."
- 2 The previous ministerial advisory group, called the Partnership School Kura Hourua Authorisation Board (the Authorisation Board), had eight members whose terms of appointment came to an end on 1 March 2018. None of the members of the Authorisation Board sought re-appointment.
- 3 You have introduced a Bill to remove the charter school model and to repeal the parts of the Education Act which enable charter schools. However, until this legislation is repealed in full, the Education Act requires you to retain an advisory group on charter schools. The group will continue to provide advice on the educational performance of those charter schools which are still in operation, as required under the Act.
- 4 The attached draft Cabinet paper advises Cabinet of your intention to re-focus the activity and size of the Partnership Schools | Kura Hourua Authorisation Board and to re-name it as the Advisory Group on Charter Schools (the Advisory Group) (METIS 1097330 and 1102285 refer) with five or six total members, and sets an initial term of membership until 30 April 2019.
- 5 You initially decided to appoint a board of five members, in recognition of the reduced role of the group, since it will not be advising on potential new sponsors.
- 6 As there is a legislated minimum of five members on the Advisory Board, the Ministry considers it prudent to appoint six members to the board. This will allow for a deputy chair position and also provide continuity if one of the members drops out for any reason.
- 7 Six individuals have been identified through the candidate search process. We note also that the proposed Chair, Bruce Adin, is expected to be away for a four month period in 2018.
- 8 The Advisory Group could be disbanded, depending on your priorities, should all charter schools be closed. Alternatively the group could continue after 30 April 2019 under terms of appointment if needed, and you can extend the terms of appointment if required.
- 9 The Act also required that the Advisory Group provide advice on the approval of sponsors, however, as there are no plans for further applications rounds it is not anticipated that you will require such advice from this group.
- 10 Nominations for potential members were sought from Government nomination agencies (the Treasury, Ministry of Pacific Peoples, Ministry for Women and Te Puni Kōkiri) as well as the Ministry of Education's own sources.

Representativeness of the proposed Advisory Group on Charter Schools

- 11 If all appointments are confirmed by the Cabinet Business Committee (CBC), the Advisory Group will be reasonably well-balanced in terms of gender, ethnicity and geographical representation (noting the limitations for a group of five or six members and that there are no charter schools operating in the South Island of New Zealand), comprising up to:
- Four men and two women
 - Two Māori, one Pasifika and three European/Pākehā members
 - Two members from Auckland, one from Moerewa (Northland), one from Wellington and one from Porirua.
- 12 Considering that the proposed Chair, Bruce Adin, is scheduled to be away from early June until late September 2018 (four months), we recommend you consider appointing a Deputy Chair. This will ensure the continuity of the group over that period.
- 13 It would also be possible to add further members separately after a first tranche of appointments have been confirmed. If you would like further candidates to be explored please advise your Office to let us know.

Process

- 14 A draft Cabinet paper for these appointments is attached. The current timeframe proposed is for the Cabinet paper to go to CBC on 24 April and to Cabinet on 30 April 2018. The lodgement deadline would be before 10am on 19 April.
- 15 After Cabinet has confirmed its decisions you may sign (in duplicate) the letters of appointment to the chair and members. We will collect acknowledgement forms from members.

Other Relevant Information

- 16 A press statement will be prepared for your consideration. It is intended you would make an announcement after the candidates have been appointed. This would be in the week the letters are sent to them.

Proactive Release

- 17 We propose that, subject to approval by Cabinet, this report and the associated Cabinet paper be pro-actively released once the nominees have been contacted, and they have returned their signed letters of appointment. Any information which may need to be withheld will be done so in-line with the provisions of the Official Information Act 1982.

Annexes

18 The following documents are attached:

- Annex 1: Proposed Advisory Group members summaries, individual CV forms and organisational form
- Annex 2: Appointment and Honours Committee draft Cabinet paper including appendices
- Annex 3: Aide memoire for the CBC meeting
- Annex 4: Draft letters of appointment for the proposed Chair and members
- Annex 5 Proposed Terms of Reference