

Cabinet Paper material

Proactive release

Minister & portfolio Hon Chris Hipkins, Minister of Education
Name of package Paper Two: Proposed Changes to School Board Elections: Approval to Consult
Date considered 19 April 2021
Date of release

These documents have been proactively released:

Cabinet Paper: Paper Two: Proposed Changes to School Board Elections: Approval to Consult
Appendix 1: Draft discussion document: Proposed changes to school board elections

Date considered: 19 April 2021
Author: Minister of Education

Cabinet Minute: CAB-21-MIN-0131

Date considered: 19 April 2021
Author: Cabinet Office

Cabinet Minute: SWC-21-MIN-0049

Date Considered: 14 April 2021
Author: Cabinet Office

Material redacted

Some deletions have been made from the documents in line with withholding grounds under the Official Information Act 1982. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

The applicable withholding grounds under the Act are as follows:

Section 9(2)(f)(iv) to protect the confidentiality of advice tendered by Ministers of the Crown and officials

Some deletions have been made from the documents as the information withheld does not fall within scope of the Minister's portfolio responsibilities, and is not relevant to the proactive release of this material.

You can read the Official Information Act 1982 here:

<http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>

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Office of the Minister of Education

Cabinet Social Wellbeing Committee

Education legislative proposals paper two - public consultation on proposed changes to school board elections

Proposal

- 1 This paper is the second of two papers seeking approval for public consultation on education legislative proposals. This paper seeks Cabinet's approval to consult on changes to school board elections.

Relation to government priorities

- 2 These proposals contribute to the Government's focus on laying the foundations for a better future, including by supporting diversity and strengthening social inclusion.

Executive Summary

- 3 The current legislative framework for school board elections is outdated and prescriptive. Additionally, it does not enable election processes to reflect the preferences and needs of voters and school communities.
- 4 The attached discussion document seeks feedback on a range of proposed changes to the legislative framework for school board elections. The most significant proposal is to provide schools with the choice about whether to run their elections electronically, through hui or through the current process which primarily uses the postal system and paper forms.
- 5 Other significant proposals include requiring schools to consult students (years nine and above), staff and school communities on election processes; updating the criteria for co-opting and appointing board members; strengthening student voice; clarifying casual vacancy procedures; and, election timetable amendments. The discussion document also seeks views on a range of more minor amendments.
- 6 Subject to the outcomes of the consultation, I expect to seek Cabinet agreement to changes to the legislative framework for school board elections in August this year.
- 7 If changes to primary legislation are required, I intend to progress these through the Education and Training Amendment Bill No. 2. Other amendments will be progressed through changes to the Education (Board Elections) Regulations 2000.

Background

- 8 Parents, staff, and students in years nine and above, elect representatives to their school board. The legislative framework for school board elections is primarily set out in Schedule 23 of the Education and Training Act 2020 (the Act) and Education (Board Elections) Regulations 2000 (the Regulations).
- 9 Last year Cabinet agreed to minor changes to the Regulations with the primary goal of improving the workability of the framework in time for the December 2020 midterm elections [CAB-20-MIN-0348]. Cabinet also noted that a more fundamental review of the legislative framework for school board elections was planned [CAB-20-MIN-0074].
- 10 This review has concluded that the framework for school board elections is outdated, prescriptive, inflexible, and may play a role in the lack of diversity on some school boards. I am keen to consult on proposals to encourage greater diversity and participation on school boards. The attached discussion document seeks the public's feedback on a range of proposed changes to the framework for school board elections.

Analysis

Giving schools the choice about whether to run their elections electronically, through hui or through the current process

- 11 Currently, the school board election requirements enable a primarily paper-based and postal election process.¹ This means that elections cannot be carried out fully through electronic methods or through in-person hui.
- 12 The current process can be restrictive and limit connections with voters and school communities, many of whom prefer communicating face-to-face or online. To increase choice for school communities, enable schools to respond to the needs and preferences of diverse school communities and to future proof the system, the key change that I propose consulting on is enabling the following two new election processes. The current process will continue to be an option for schools and their communities who prefer to use it.

Enabling electronic election processes

- 13 Electronic communication is part of most people's daily lives. Students, parents, and schools increasingly prefer to communicate through text messaging, emailing and digital applications.
- 14 I would like to consult the public, including key stakeholders such as school boards, students, parents, whānau and school communities on allowing school board elections to be run electronically. I consider that such a change would better enable boards to respond to the needs and preferences of their school communities. Electronic elections may make it easier for some parents to

¹ The current election process provides for voting papers to be issued to all voters. Students and staff can in some circumstances physically pick them up. The Regulations set requirements for returning officers, nominations processes, voting processes, election timetables, notifications, and validity of nominations and votes. Voting papers must be either sent in to the school via the postal service, or hand delivered to the school.

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participate and this may result in the election of board members that are more reflective of the school community.

- 15 However, I am also aware of some concerns with electronic elections, including in relation to the level of security that can be ensured. Through the consultation, I am seeking to gain a better understanding of the public's views of the advantages and disadvantages of electronic election processes, including the best ways of guaranteeing the robustness and security of such processes.
- 16 Electronic election processes would have to comply with minimum legislative requirements similar to those that apply to the current school board election process, for example in relation to nominations and voting. Minimum requirements give a level of assurance to everyone participating in the process that it will be relatively secure, transparent and fair. Beyond those minimum legislative requirements, there would be flexibility to run elections through various electronic methods, including email, digital applications and webpages.

Enabling hui-based election processes

- 17 Some school communities prefer to elect board members through hui or in-person meetings. Currently, schools are only able to have election hui if they have an alternative constitution that allows for this.
- 18 I propose consulting on enabling school board elections to happen through hui. As with electronic elections, I believe that this would better enable the preferences and needs of school communities to be reflected in school board election processes. Enabling schools to deliver culturally responsive and inclusive election processes may make it easier and more desirable for some parents to participate. In turn, this may result in the election of board members that are more reflective of the school community.
- 19 Hui-based election processes would also have to comply with certain minimum requirements, including those relating to voter eligibility. This would provide certainty and transparency for all those involved in the process. While all schools would have to meet these basic requirements, schools would be able to hold unique hui that reflect their specific school kaupapa and local tikanga.
- 20 Some hui-specific requirements would also have to be established because the structure of hui elections is significantly different to electronic or current election processes. For example, hui elections may not be required to use nomination or voting forms, with voters instead being able to elect through a show of hands. Nominating and voting outside of the hui itself may also need to be allowed to account for voters that cannot make it on the day.

Requirement to consult students (years nine and above), staff and school communities on election processes

- 21 The election needs and preferences of voters and school communities are crucial to schools deciding whether to run their elections through hui, electronically or through the current process. For instance, there may be some voters or school communities that wish to continue using the current processes. In that case, it

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would be inappropriate for elections to be held either electronically or through in-person hui.

- 22 I therefore propose including in the discussion document a proposal for boards to consult their students (years nine and above), staff and school communities about election processes at least every three years. This is intended to enable boards to understand the specific election related needs and preferences of their students, staff and school communities and to choose to run their elections in ways that will best meet the needs of those groups.
- 23 Currently, if a board wishes to adopt a staggered election cycle for parent representatives it must do so at a meeting open to all parents of students enrolled at the school. A board must take reasonable steps to ensure that the parents are notified of the details relating to this meeting, including the date and time of the meeting. This gives parents the opportunity to have a say about the adoption of a staggered election cycle for parent representatives.
- 24 I propose to seek the public's views on including the requirement for boards to consult parents on whether to adopt a staggered election cycle in the proposed new consultation requirement. This means that boards would not have to consult on these two matters separately.

Updating criteria for co-opting and appointing board members

- 25 School boards can co-opt members to ensure that there is a good balance of skills, genders and ethnicities. The criteria for co-opting and appointing board members were established around two decades ago. I would like to consult on updating these criteria to give better effect to te Tiriti o Waitangi and be more inclusive of the LGBTQIA+ and disability communities.

Strengthening student voice

- 26 Students in years nine and above can elect a student representative to their school board. This is intended to give students a voice in governance decision making. However, I am aware of concerns that this mechanism is not always effective in achieving this intent. For example, if there is a casual vacancy for a student representative, schools are required to run another election to fill it. If no nominations are received, or no board member is elected at this election, the vacancy for the student representative is not allowed to be filled until the next annual student elections.
- 27 I propose consulting on removing this prohibition and requiring schools to either select a student representative or establish a different method through which to enable student voice on school boards. This is intended to ensure that there is always a way for students to have a say at a school board level and increase the effectiveness of the student representative election process.

Clarifying casual vacancy procedures

- 28 I intend to consult on several proposed improvements to the requirements which set out how casual vacancies of board members are to be filled. These include:

- 28.1 removing some of the detailed requirements about the timing of when casual vacancies need to be filled and by when boards must make certain decisions. Instead schools would be required to do this as soon as reasonably practicable. This will improve flexibility for schools and create better alignment between these requirements and the election timetables;
- 28.2 clarifying requirements about the filling of casual vacancies that arise for positions elected during midterm elections; and
- 28.3 clarifying the time period during which boards can choose not to fill a casual vacancy due to an upcoming election in an election year. The current requirements are that the vacancy need not be filled during a period of six months from 1 October in a year before an election year. It is unclear if boards can leave a vacancy unfilled if the election dates are later than April, i.e. more than six months from 1 October. I propose to consult on amending the legislation to clarify that if a vacancy occurs six months before the first date in the range of election dates gazetted by the Minister, a board may resolve not to fill it.

Election timetable changes

New month-long timetable for student representative elections and staff representative by-elections

- 29 Schools that have students in years nine and above are required to hold elections for a student representative on their boards. Student representative elections are held every year in September. I consider that a shorter timetable may be more appropriate and engaging for students than the current 63-day long timetable. I also understand that some boards would like to run an election to fill a casual vacancy for a staff representative faster than what's enabled by the current timetables.
- 30 I propose to consult on a new month-long timetable for student representative elections and staff representative by-elections. The current 63-day timetable would be retained and apply to all elections except hui-based elections, student representative elections and staff representative by-elections.

Enabling flexibility for when student representative elections are held

- 31 As I mentioned above, student representative elections take place every year in September. While this might work for some schools, it is possible that students may wish to elect their student representative at a different time in the year.
- 32 I propose to ask the public's views, including those of students, on amending the legislation so that it does not specify when the student representative elections have to take place. Schools would still be required to have a yearly election for a student representative, but they would be able choose when in the year this would take place.

Removing the long election timetable and requirement for distance schools to use it

- 33 Distance schools are required to use an election timetable which is almost three months long. Currently, New Zealand's only distance school is Te Aho o Te Kura Pounamu. Distance schools are also required to hold their board elections on the second Tuesday in July or earlier. I understand that these outdated requirements make the board election process for distance schools too long. I therefore propose to consult on their removal. Distance schools would use the 63-day timetable instead.

Minor and technical changes

- 34 I also propose to consult on some further minor and technical changes. These include removing redundant provisions, using gender inclusive terminology, addressing a current gap in grounds for invalidating a vote and removing the prescription around what nominee statements should include. Further information about these minor and technical changes can be found on page six of the attached discussion document.

Financial Implications

- 35 There are likely to be either no or only minimal financial implications. School boards already receive funding to run their election processes and it is likely that running election hui would cost approximately as much as the current paper-based process. Running elections electronically has the potential to be more expensive but it will only be possible to determine the extent of the financial implications once the proposed changes are finalised, after public consultation. I anticipate being able to advise Cabinet of any financial implications when I seek policy approvals for these changes.

Legislative Implications

- 36 Feedback from public consultation on these proposals will inform revised proposals that I expect to submit to Cabinet later this year.
- 37 If changes to primary legislation are required, I intend to progress these through the Education and Training Amendment Bill No. 2 9(2)(f)(iv)
[REDACTED]
[REDACTED]
- 38 Other amendments will be progressed through changes to the Education (Board Elections) Regulations 2000.

Impact Analysis

Regulatory Impact Statement

- 39 The Regulatory Impact Analysis panel at the Ministry of Education has reviewed the discussion document and confirmed that it can substitute for a Regulatory Impact Statement. It will lead to effective consultation and support the eventual development of a quality Regulatory Impact Statement.

Climate Implications of Policy Assessment

- 40 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Population Implications

- 41 The proposed amendments are intended to make it easier for parents, students, staff and school communities to participate in school board elections. Providing schools and school communities with choice about how they run their election processes, coupled with the requirement for boards to consult with students, staff and school communities, is intended to enable schools to run election processes that are more culturally responsive, inclusive and accessible for those participating in them. This includes disabled students, staff and members of the school community. The proposed amendments also have the potential to benefit Māori and iwi by recognising hui as a form of election in the legislation.

Human Rights

- 42 All of the proposals appear to be consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993. A final determination as to the consistency of these proposals with the New Zealand Bill of Rights Act will only be possible when changes to the legislative framework for school boards have been drafted.

Consultation

- 43 The Treasury, Department of Prime Minister and Cabinet, Public Service Commission, Te Puni Kōkiri, Ministry for Pacific Peoples, Ministry for Women, Ministry of Business, Innovation and Employment, Ministry of Social Development, Office for Disability Issues, Office of Ethnic Communities, Ministry of Youth Development, Police, Oranga Tamariki, Ministry of Justice, Office for Māori-Crown Relations - Te Arawhiti, Immigration New Zealand, Office of the Privacy Commissioner, New Zealand Qualifications Authority, Education Review Office, Tertiary Education Commission, Teaching Council, Department of Internal Affairs and Education New Zealand have been consulted.

Communications

- 44 The Ministry of Education will run an eight week long public consultation process which will include targeted engagement with key stakeholders, such as parents and students. The Ministry also intends to work with the New Zealand School Trustees Association to access its school board network to receive feedback from boards on the proposed changes. The consultation materials will be tailored to meet the needs of various audiences, including disabled people. The Ministry also intends to have targeted engagements with Māori and iwi.

Proactive Release

- 45 I intend to proactively release this Cabinet paper once Cabinet decisions have been made.

Recommendations

46 The Minister of Education recommends that the Committee:

- 1 **note** that the proposed changes to the legislative framework for school board elections are intended to improve the school board elections framework by:
 - 1.1 providing schools with the choice about whether to run their elections electronically, through hui or through the current process;
 - 1.2 requiring boards to consult students (years nine and above), staff and school communities on election processes;
 - 1.3 updating the criteria for co-opting and appointing board members so that they are more inclusive and better reflect te Tiriti o Waitangi;
 - 1.4 strengthening student voice by requiring boards, after a failed election to fill a casual vacancy for a student representative, to either select a student representative or establish a different method through which to enable student voice on school boards;
 - 1.5 clarifying casual vacancy procedures;
 - 1.6 making amendments to election timetables to increase flexibility and to allow certain election processes to happen faster;
 - 1.7 making a range of other minor and technical amendments;
- 2 **note** that the intended period of public consultation will be from 21 April to 16 June (eight weeks);
- 3 **note** that I intend to seek final policy approvals for these proposals from Cabinet in August 2021;
- 4 **agree** to the release of the following discussion document subject to any editorial, formatting and layout changes required:
 - 4.1 Discussion document: Proposed changes to school board elections (attached at Appendix 1).

Authorised for lodgement

Hon Chris Hipkins

Minister of Education

Appendices

Appendix 1: Discussion document: Proposed changes to school board elections

Appendix 1: Draft discussion document: Proposed changes to school board elections

More Choices, More Voices: Rethinking school board elections

Introduction

Kura/school boards play an important role in the educational achievement and wellbeing of ākonga/learners. Parents, staff and students in years 9 and above, elect representatives to their kura/school board. At the moment, school board elections mostly have to use the postal system and paper forms. But we know that the current process doesn't work well for everyone:

- Voter turnout is variable across schools.
- The current processes have contributed to the underrepresentation of many communities, including Māori and Pacific communities.
- Some students feel like they don't have enough of a say in school board decisions.

Last year we made some minor changes to the Education (Board Elections) Regulations 2000 to improve the workability of the framework in time for the December 2020 midterm elections.

Since then, we have reviewed the more fundamental aspects of the legislative framework for school board elections. This discussion document seeks your feedback on proposed changes.

Summary of suggested changes

Key suggested change

1. We are considering enabling schools to choose whether to **run their elections electronically, through hui or through the current process.**

Other suggested changes

2. Requiring **schools to consult students (years 9 and above), staff and their school communities** on election processes.
3. Updating the **criteria for co-opting and appointing board members** so that they are more inclusive and better reflect te Tiriti o Waitangi.
4. Strengthening **student voice** by requiring boards, after a failed election to fill a casual vacancy for a student representative, to either select a student representative or establish a different method for students to have a say in school board decisions.
5. Clarifying **casual vacancy** procedures.
6. Making **amendments to election timetables** to increase flexibility and to allow certain election processes to happen faster.
7. Making other minor and technical changes.

Question 1:

Does the current postal school board election process work for you? If yes, in what ways? If not, what are the issues?

Question 2:

How could election processes be designed in a way to support engagement of Māori, Pacific, Muslim, Asian, refugee, migrant and disability communities?

Proposal 1: Giving schools the choice about whether to run their elections electronically, through hui or through the current process

Currently, the framework for school board elections only enables a primarily postal and paper-based election process. But different communities have different needs and this type of election process may not work well for you or your school community.

While we don't propose to take away the current process of running elections, we do want to give schools and school communities more choice about how to run their elections. This way schools can better respond to the diverse needs and preferences of their communities. We would like to hear what you think about enabling kura/schools to run some or all of their election processes electronically or through hui.

Electronic elections

Communication between ākonga/learners, parents and schools is now often taking place through text messaging, emails and apps. We are considering enabling elections to be run fully electronically. This may make it easier for parents to participate which could result in boards that are more reflective of the school community.

What could the electronic election processes look like?

Electronic elections would have to comply with minimum requirements similar to those that apply to the current process. For example, those relating to nominations and voting. Minimum requirements give a level of assurance to everyone participating in the process that it will be relatively secure, transparent and fair. But beyond those minimum requirements, kura/schools and returning officers would have plenty of flexibility to run elections through various electronic methods. For example, email, apps and webpages.

The Ministry of Education and the New Zealand School Trustees Association (NZSTA) will provide support and guidance to schools about their obligations if they choose to run their elections electronically. This could involve providing advice to schools about how to choose an electronic voting system and how to make such a process inclusive and accessible, including for disabled people.

Question 3:

What do you think would be the benefits and challenges of electronic elections? What do you think would be the best ways of guaranteeing the robustness and security of electronic election processes?

Hui-based elections

We know that some school communities prefer to elect board members through hui. Currently, schools are only able to have election hui if they have an alternative constitution that allows for this. Under the proposed new process, any school would be able to choose to hold their elections through hui. Enabling any school to easily choose to hold elections through hui may help schools to deliver culturally appropriate and inclusive elections. As with electronic

elections, we believe this could lead to increased voter turn-out and a more diverse board make-up.

What could the hui-based election processes look like?

To ensure transparency and provide certainty, hui elections would also have to comply with minimum requirements, including requirements to check that everyone who votes is eligible to vote. While all election hui would have to meet these minimum requirements, kura/schools would be able to hold unique hui that reflect their specific school kaupapa and local tikanga.

Some hui-specific requirements will also have to be established. This is because the structure of hui elections is significantly different to postal or electronic election processes. For example:

- hui elections may not be required to use nomination or voting forms, with voters instead being able to elect through a show of hands;
- returning officers' duties would look quite different in a hui context; and
- nominating and voting outside of the hui itself may need to be allowed to account for voters that cannot make it on the day.

Question 4:

What do you think would be the benefits and challenges of hui-based elections?

Proposal 2: Requirement to consult students (years 9 and above), staff and school communities on election processes

Each school and school community is different. We would like schools to choose an election process that works for their communities and so we are considering requiring boards, at least every three years, to consult:

- school communities - this includes parents and whānau of students that attend the school and the Māori community associated with the school;
- staff; and
- students. Schools with students in years 9 and above would be required to consult their students to find out how they would like their student representative elections to be run.

Currently, if a board wishes to adopt a staggered election cycle for parent representatives it must do so at a meeting open to all parents of students enrolled at the school. A board must take reasonable steps to ensure that the parents are notified of the details relating to this meeting, including the date and time of the meeting. This is intended to give parents the opportunity to have a say about whether they agree that a staggered election cycle for parent representatives should be adopted.

We are considering including in the proposed new broader consultation requirement described above, the current requirement for boards to consult parents about whether to adopt a staggered election cycle. This means that boards would not have to consult separately on these two things.

Question 5:

Do you think schools should have to consult students, staff and school communities on election processes?

Proposal 3: Updating criteria for co-opting and appointing board members to be more inclusive and better reflect te Tiriti o Waitangi

Boards can co-opt members to ensure that there is a good balance of skills, genders and ethnicities. The legislation currently lists criteria that boards should consider when deciding whether to co-opt a board member. Boards are required to reflect, as far as is reasonably practicable, the ethnic and socio-economic diversity of the student body of the school or special institution, the fact that approximately half the population of New Zealand is male and half female, the character of the school or schools or special institution it administers and the character of the community (whether geographical or otherwise) served by the school or schools or special institution it administers. Boards should also try to have available from within their membership expertise and experience in management.

These criteria were established around two decades ago. We consider that they should be updated so that when additional members are chosen, boards have to consider their Tiriti o Waitangi commitments and the need to reflect their diverse communities. For example, the criteria could be updated to specify that, as far as reasonably practicable, boards should reflect:

- the genders, sexualities and sexes of the school's students and of the school community;
- disabled students and the school's disability community; and
- Māori students and the school's Māori community, including local iwi and hapū.

Question 6:

Do you agree that the criteria for co-opting and appointing board members should be updated to be more inclusive and better reflect te Tiriti o Waitangi? If not, why not?

Proposal 4: Strengthening student voice

Currently, students in years 9 and above can elect a student representative to the board. This is intended to give students a voice in board decisions.

We think that improvements can be made to how schools seek and use the views of their students in board decisions. Currently, if there's a casual vacancy for a student representative, another election needs to be run to fill that vacancy. If no nominations are received, or no board member is elected at this election, the vacancy for the student representative is not allowed to be filled until the next annual student representative elections.

We are considering removing this prohibition and requiring schools to either select a student representative or establish a different method for students to have a voice on school boards. This means boards of schools with students in years 9 and above will always need to involve and consider the views of their students or a student representative.

Question 7:

Where an election to fill a vacancy for a student representative has failed, do you agree with requiring schools to either select a student representative or establish a different method for students to have a voice on school boards? If not, why not?

What else can be done to strengthen student voice and participation in school board elections?

Proposal 5: Clarifying casual vacancy procedures

We have identified several potential improvements to the requirements that set out how casual vacancies of board members are to be filled. These include:

- removing some of the prescriptive timing requirements about when casual vacancies need to be filled and by when boards must make certain decisions. Instead we propose requiring schools to do this as soon as reasonably practicable. This will improve flexibility for schools and create better alignment between these requirements and the election timetables;
- clarifying the time period when boards can choose not to fill a casual vacancy due to an upcoming triennial election. The current requirements are that the vacancy need not be filled during a period of 6 months from 1 October in the year before an election is held. This means it is unclear if boards can leave a vacancy unfilled if the election dates are later than April, i.e., more than six months from 1 October. We propose to clarify that if a parent or staff representative vacancy occurs six months before the first date in the range of election dates gazetted by the Minister, a board may resolve not to fill it; and
- clarifying requirements about the filling of casual vacancies that arise for positions elected during midterm elections so that it is clear that where a vacancy for that type of position occurs close to the next midterm election e.g. within six months of the next midterm election, the board can choose not to fill that casual vacancy.

Question 8:

What issues do you experience with casual vacancies?

Proposal 6: Election timetable changes*New month-long timetable for student representative elections and staff by-elections*

We have heard that the current 63-day timetable for student representative elections might be too long and that a shorter timetable may be more appropriate and engaging for students. We also understand that some boards would like to run an election to fill a casual vacancy for a staff member faster than what's enabled by the current timetables.

We propose introducing a new month-long timetable for student representative elections and staff by-elections. The current 63-day timetable would continue to apply to all elections except hui-based elections, student representative elections and staff by-elections.

Question 9:

Do you agree with a new month-long timetable for student representative elections and staff by-elections? Should there be a shorter timetable for electronic elections?

Holding student representative elections in September

As mentioned above, student representative elections take place every year in September. While this might work for some schools, it's possible that students may wish to elect their student representative at a different time in the year.

Question 10:

What do you think would be the benefits or challenges of schools being able to choose when in the year they hold student representative elections?

Distance schools: removing the long election timetable and the requirement to use it

Distance schools are required to use an almost three months long election timetable. Currently, New Zealand's only distance school is Te Aho o Te Kura Pounamu. Distance schools must also hold their board elections on the second Tuesday in July or earlier. We are considering removing the long election timetable as we have heard that these requirements make the board election process for distance schools too long. Distance schools would use the 63-day timetable instead.

If the feedback we receive is supportive of the proposal to remove the long election timetable, we also propose removing the requirements for when distance schools have to hold their elections as they would become redundant.

Question 11:

Do you agree with the proposal to remove the long election timetable? Will distance schools have enough time to run their elections?

Proposal 7: Minor and technical changes

We also propose making some further minor and technical changes, including:

- simplifying and modernising language, including using gender inclusive terminology and terminology in te reo Māori;
- removing redundant provisions, such as clause 5 of Schedule 23 of the Act, which states that a board or special institution can't hold an election if the election date is after the date of the school's closure;
- converting into regulations some of the provisions in Schedule 23 of the Act that are better suited for regulations as they deal with technical matters, for example clause 11 of Schedule 23, which specifies that before a person is appointed they must confirm that, to the best of their knowledge, they are eligible to be a board member;
- providing for a vote to be invalid if the returning officer has reasonable cause to believe that the vote was not cast by the eligible voter (this addresses a current gap in the grounds around invalidating a vote); and

- removing the detail currently provided for in the legislation about what nominees should include in their statements. This is intended to increase flexibility for nominees to include whatever information they wish about themselves in their statements.

Question 12:

What other changes should be made to school board elections?

Providing feedback*Purpose of feedback*

We are seeking your views on the suggested changes discussed above and whether you think that there are any other changes that should be made. Your feedback will enable us to make better informed decisions about possible changes to school board elections.

Please be assured that any feedback you provide will be confidential to those involved in analysing the consultation data. We will not identify any individuals in the final analysis and report writing unless you expressly give permission for this. However, submissions, including submitters' names, and documents associated with the consultation process may be subject to an Official Information Act 1982 request.

How to provide feedback

Submissions close on 16 June 2021. You can make a submission by emailing us at legislation.consultation@education.govt.nz, or write to:

Education Consultation
Ministry of Education
PO Box 1666
Wellington 6140
New Zealand

If you have any questions about making a submission, or would like more information, please email legislation.consultation@education.govt.nz.

Further information

The legislative framework for school board elections is set out in the Education and Training Act 2020 and the Education (Board Elections) Regulations 2000.

The Act can be accessed here:

<https://www.legislation.govt.nz/act/public/2020/0038/latest/LMS170676.html>

The Regulations can be accessed here:

<https://www.legislation.govt.nz/regulation/public/2000/0195/latest/DLM8656.html>



Cabinet


Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Social Wellbeing Committee: Period Ended 16 April 2021


On 19 April 2021, Cabinet made the following decisions on the work of the Cabinet Social Wellbeing Committee for the period ended 16 April 2021.

Out of scope




SWC-21-MIN-0049 **Paper Two: Proposed Changes to School Board Elections: Approval to Consult** CONFIRMED
Portfolio: Education

Out of scope



Out of scope



Michael Webster
Secretary of the Cabinet



Cabinet Social Wellbeing Committee

Minute of Decision

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Paper Two: Proposed Changes to School Board Elections: Approval to Consult

Portfolio **Education**

On 14 April 2021, the Cabinet Social Wellbeing Committee:

- 1 **noted** that the proposed changes to the legislative framework for school board elections, discussed in the submission under SWC-21-SUB-0049, are intended to improve the school board elections framework by:
 - 1.1 providing schools with the choice about whether to run their elections electronically, through hui or through the current process;
 - 1.2 requiring boards to consult students (years nine and above), staff and school communities on election processes;
 - 1.3 updating the criteria for co-opting and appointing board members so that they are more inclusive and better reflect te Tiriti o Waitangi;
 - 1.4 strengthening student voice by requiring boards, after a failed election to fill a casual vacancy for a student representative, to either select a student representative or establish a different method through which to enable student voice on school boards;
 - 1.5 clarifying casual vacancy procedures;
 - 1.6 making amendments to election timetables to increase flexibility and to allow certain election processes to happen faster;
 - 1.7 making a range of other minor and technical amendments;
- 2 **noted** that the intended period of public consultation will be eight weeks, from 21 April to 16 June 2021;
- 3 **agreed** to the release of the discussion document *Proposed changes to school board elections*, attached under SWC-21-SUB-0049, subject to any minor editorial, formatting and layout changes required;

- 4 **noted** that the Minister of Education intends to seek Cabinet approval for final policy proposals in August 2021.

Rachel Clarke
Committee Secretary

Present:

Rt Hon Jacinda Ardern
Hon Grant Robertson
Hon Kelvin Davis
Hon Dr Megan Woods
Hon Chris Hipkins
Hon Carmel Sepuloni (Chair)
Hon Andrew Little
Hon Poto Williams
Hon Peeni Henare
Hon Willie Jackson
Hon Jan Tinetti
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan

Officials present from:

Office of the Prime Minister
Office of the SWC Chair
Officials Committee for SWC