



## Education Report: Amendment to the Alternative Constitution for Te Kāpehu Whetū School Board

<b>To:</b>	Hon Jan Tinetti, Minister of Education		
<b>Cc</b>	Hon Kelvin Davis, Associate Minister of Education		
<b>Date:</b>	12 April 2023	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1307167
<b>Drafter:</b>	Lyndsay Whitehead Senior Education Adviser - Te Mahau / Te Tai Raro	<b>DDI:</b>	9(2)(a) [REDACTED]
<b>Key Contact:</b>	Isabel Evans, Hautū – Te Mahau / Te Tai Raro	<b>DDI:</b>	9(2)(a) [REDACTED]
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

This report seeks your approval to amend the constitution for Te Kāpehu Whetū School Board (the Board) (3619).

### Summary

1. Te Kāpehu Whetū was established in January 2023 following the merger of Te Kāpehu Whetū (Teina) (869) and Te Kāpehu Whetū (Tuakana) (870). Te Kāpehu Whetū is a state designated character schools situated in Whangārei and is a year 1-13 kura.
2. Prior to the merger the schools had a combined board which had an alternative constitution.
3. Amending the alternative constitution is to remove the requirement to have two Pouhere (Principals) on the Board and remove the word *combined*. These changes are to reflect the newly merged school.

## Recommended Actions

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The Ministry of Education recommends you:

- a. **agree** to amend the constitution for Te Kāpehu Whetū School Board;

☒ **Agree** ☐ **Disagree**

- b. **sign** the attached letter to the Presiding Member of Te Kāpehu Whetū School Board informing them of the changes;

- c. **sign** the New Zealand Gazette notice formally advertising the changes; and

- d. **agree** that this Education Report is proactively released as part of the next publication.

☒ **Release/Not release**



Isabel Evans  
**Te Hautū | Deputy Secretary**  
**Te Mahau | Te Tai Raro**

12/04/2023



Hon Jan Tinetti  
**Minister of Education**

14/04/2023

## Background

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1. Te Kāpehu Whetū was established in January 2023 following the merger of Te Kāpehu Whetū (Teina) (869) and Te Kāpehu Whetū (Tuakana) (870). Te Kāpehu Whetū is a state designated character school situated in Whangārei and is a year 1-13 kura.
2. The kura were replacement state schools for the Partnership Schools | Kura Hourua sponsored by He Puna Marama Trust, which closed in 2018. The kura were governed by a Combined Board.
3. The Combined Board applied to merge the two kura under section 206 of the Education and Training Act 2020 (the Act).
4. The proposal to merge the kura was approved on 18 September 2022 and took effect on 1 January 2023.
5. Prior to the merger each kura had an acting Pouhere (principal) and both were appointed in 2022.
6. The current alternative constitution that was approved on 23 October 2019, is as follows:
  1. *Pursuant to section 98A of the Education Act 1989 (“Act”), I hereby specify that the alternative constitution for the Combined Board of Trustees of **Te Kāpehu Whetū (Teina)** and **Te Kāpehu Whetū (Tuakana)** (“Board”) will be as follows:*
  2. *Up to a maximum of 11 members:*
    - a. *At least one and no more than five trustees to be appointed by He Puna Marama Trust;*
    - b. *The two Pouhere (Principals) from the Teina and Tuakana; and*
    - c. *Up to four members co-opted by the Board on the basis of particular experience, expertise, skill and/or leadership that in the opinion of the Board will assist in advancing the kaupapa of Te Kāpehu Whetū.*
  3. *All appointments and co-options to the Board are to be made on the basis of knowledge of the kaupapa of Te Kāpehu Whetū.*
7. Under clause 4 of Schedule 22 of the Act you have the authority to approve (and therefore amend or replace) an alternative constitution if you have reasonable cause to believe that an alternative constitution is in the best interests of the school, and
  - (a) one of the following applies:
    - (i) the Chief Review Officer, in a written report, recommends that the Minister consider devising an alternative constitution; or
    - (ii) 20% or more of the parents of children enrolled at the school or schools have requested an alternative constitution; or
    - (iii) the board (or if a board has been replaced by a commissioner, that commissioner) has requested an alternative constitution; or
    - (iv) the Minister has required the board to have an alternative constitution under clause 7(5) or 8(3); and
  - (b) the Minister has consulted any persons or organisations as the Minister thinks fit.
8. As the board has requested the amendment the requirements of Clause 4 have been met.

9. Clause 4 and Clause 5 of Schedule 22 of the Act require that your decision for an alternative constitution (and therefore any amendment) is published in the *New Zealand Gazette*.
10. Amending the alternative constitution would remove any reference to *Combined Board* and would amend 2(b) to the Pouhere. The amended constitution would require the board to be made up of the following:
  1. Up to a maximum of 11 members:
    - a. At least one and no more than ten board members to be appointed by He Puna Marama Trust; on the basis of particular experience, expertise, skill and/or leadership that will assist in advancing the kaupapa of Te Kāpehu Whetū; and
    - b. The Pouhere (Principal).
  2. All appointments to the Board are to be made on the basis of knowledge of the kaupapa of Te Kāpehu Whetū.
  3. The term of office for appointed members is no more than three years. Eligible members may be reappointed for further terms not exceeding three years. .
  4. Casual vacancies for appointed members must be notified promptly by the board to the appointing bodies and such vacancies will be filled by appointment in the same manner as the vacating member was appointed for the residue of the term of the vacating member.
  5. Clause 8 and clause 10 of Schedule 23 of the Education and Training Act (2020) will apply in respect of the Board.
11. A notice for the *New Zealand Gazette* outlining this change is attached for your signature.

### Other Relevant Information

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12. These changes are to reflect the newly merged school.
13. The changes being requested are to remove the requirement of having two Pouhere, and removing the word *combined* as neither of these are now relevant.

### Risks

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14. There is no risk attached to the Board's request to amend the membership to reflect a single kura.

### Conclusion

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15. The Ministry considers that the proposed amendments to the constitution are in the best interests of Te Kāpehu Whetū and recommends that you approve this proposal.

## Proactive Release

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16. It is intended that this Education Report is proactively released as per your expectation that information be released as soon as possible. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

## Annexes

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Annex 1: New Zealand Gazette Notice

Annex 2: letter to Kaye Taylor

Proactively Released

Proactively Released

## NEW ZEALAND GAZETTE NOTICE

### Amendment to the Alternative Constitution for Te Kāpehu Whetū School Board (3619)

Pursuant to clause 4 of schedule 22 of the Education and Training Act 2020 ("Act"), I hereby specify that the alternative constitution for the kura board of Te Kāpehu Whetū ("Board") will be as follows:

1. Up to a maximum of 11 members:
  - a. At least one and no more than ten board members to be appointed by He Puna Marama Trust; on the basis of particular experience, expertise, skill and/or leadership that will assist in advancing the kaupapa of Te Kāpehu Whetū; and
  - b. The Pouhere (Principal).
2. All appointments to the Board are to be made on the basis of knowledge of the kaupapa of Te Kāpehu Whetū.
3. The term of office for appointed members is no more than three years. Eligible members may be reappointed for further terms not exceeding three years.
4. Casual vacancies for appointed members must be notified promptly by the board to the appointing bodies and such vacancies will be filled by appointment in the same manner as the vacating member was appointed for the residue of the term of the vacating member.
5. Clause 8 and clause 10 of Schedule 23 of the Education and Training Act (2020) will apply in respect of the Board.

This notice shall come into effect on the date of publication in the *New Zealand Gazette*.

Dated at Wellington this 16th day of April 2023.



Hon Jan Tinetti  
Minister of Education

Proactively Released



# Hon Jan Tinetti

Minister of Education  
Minister for Women  
Minister for Child Poverty Reduction



Kaye Taylor  
Presiding Member

9(2)(a)

9(2)(a)

Tēnā koe Kaye

Thank you for your request seeking my approval to amend the constitution of Te Kāpehu Whetū School Board.

I am pleased to be able to tell you that, after considering all the information available to me, I have approved an amendment to the Board's alternative constitution, as requested by the Board. Once the amendment notice is published in the *New Zealand Gazette* the amended constitution will take immediate effect.

The membership of the School Board will be:

1. Up to a maximum of 11 members:
  - a. At least one and no more than ten board members to be appointed by He Puna Marama Trust; on the basis of particular experience, expertise, skill and/or leadership that will assist in advancing the kaupapa of Te Kāpehu Whetū; and
  - b. The Pouhere (Principal).
2. All appointments to the Board are to be made on the basis of knowledge of the kaupapa of Te Kāpehu Whetū.
3. The term of office for appointed members is no more than three years. Eligible members may be reappointed for further terms not exceeding three years.
4. Casual vacancies for appointed members must be notified promptly by the board to the appointing bodies and such vacancies will be filled by appointment in the same manner as the vacating member was appointed for the residue of the term of the vacating member.
5. Clause 8 and clause 10 of Schedule 23 of the Education and Training Act (2020) will apply in respect of the Board.

I thank you for your commitment to the school and wish you and Te Kāpehu Whetū school community well for the future.

Nakū noa, nā

Hon Jan Tinetti  
**Minister of Education**