



## Education Report: Request for permission to consult on an Alternative Constitution for Kerikeri High School

<b>To:</b>	Hon Jan Tinetti, Associate Minister of Education (School Operations)		
<b>Cc:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	29 July 2022	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1287176
<b>Drafter:</b>	Helen Greaney – Senior Advisor	<b>DDI:</b>	04 463 1056
<b>Key Contact:</b>	Isabel Evans, Hautū   Te Tai Raro	<b>DDI:</b>	09 632 9333
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

The purpose of this paper is for you to agree to the Ministry undertaking consultation under clause 4 of Schedule 22 to the Education and Training Act 2020, on your behalf, regarding constitution changes requested by the Kerikeri High School (5) Board.

### Recommended Actions

The Ministry of Education recommends that you:

- a. **Agree** to the Ministry undertaking consultation on your behalf, regarding constitution changes for the Kerikeri High School (5) Board;
- b. **Note** that under clause 4(3)(b) of Schedule 22 to the Education and Training Act 2020, you may not approve an alternative constitution unless you have consulted with any persons or organisations as you think fit.

**Agree / Disagree**

and if you agree,

- c. **Note** that the Ministry will report back to you on the outcome of consultation within a subsequent paper, seeking approval for the Board's constitution;

And we also recommend that you

- d. **Agree** that this Education Report be proactively released in line with your expectations. Any information that might need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

~~Release~~ / Not release



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

29/07/2022



Hon Jan Tinetti  
**Associate Minister of Education**  
**School Operations**

06 08 / 2022

## Background

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1. All school boards have a standard constitution as set out in section 119 of the Education and Training Act 2020 (the Act) unless you approve another form of constitution.
2. Under Clause 4 of Schedule 22 to the Education and Training Act 2020, you may approve an alternative constitution for a school board. This pathway is available to all state and state-integrated school boards that wish to have a different constitution for their board.
3. In all cases, clause 4(2) of Schedule 22 to the Act states that you may not approve an alternative constitution for a board unless you have reasonable cause to believe that an alternative constitution is in the best interests of the school or schools governed by the board.
4. You may not approve an alternative constitution unless requirements under clause 3(a) and 3(b) or one of clause 4 need to be met:

<p>3(a) one of the following applies:</p> <ul style="list-style-type: none"><li>(i) the Chief Review Officer, in a written report, recommends that the Minister consider devising an alternative constitution; or</li><li>(ii) 20% or more of the parents of children enrolled at the school or schools have requested an alternative constitution; or</li><li>(iii) the board (or if a board has been replaced by a commissioner, that commissioner) has requested an alternative constitution; or</li><li>(iv) the Minister has required the board to have an alternative constitution under clause 7(5) or 8(3); and</li></ul>	<p>(4) Subclause (3) does not apply if—</p> <ul style="list-style-type: none"><li>(a) the alternative constitution is the successor constitution for a board that was appointed or elected under clause 3(1); or</li><li>(b) the alternative constitution is approved for a combined board before the date specified in a notice under clause 7(1); or</li><li>(c) the alternative constitution is for the board of a continuing school and the Minister has given notice under section 206(5)(b).</li></ul>
<p>(b) the Minister has consulted any persons or organisations as the Minister thinks fit.</p>	

5. There is only a legislative requirement to consult if the pathway described under clause 3 is relevant.

## Kerikeri High School Profile

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6. Kerikeri High School (5) is a decile 6, co-educational, state school located in Te Tai Tokerau.
7. The roll in July 2021 was 1545 students comprising 927 (60%) European, 515 (33%) Māori, 30 (2%) Pacific, 36 (2%) Asian, 28 (1.8%) Other, and 9 (0.6%) International.

## Application

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8. In a letter dated 8 March 2022, [METIS 1283531 refers], the Board sought the Minister's consideration and approval for an alternative constitution, as set out in Schedule 22 of the Education and Training Act 2020.
9. The Board has worked over the past six years to strengthen its relationship with local iwi Ngāti Rēhia.
10. In late 2019 the Board agreed to adopt a permanent seat on the Board for Ngāti Rēhia<sup>1</sup>. The decision in 2019 originated from the understanding of how few parents of Māori descent stand for board election, leaving the Board to fill these positions through co-option. The Board believes that its governance capability would be strengthened, and the school's unique identity and community involvement preserved and enhanced, through changing the constitution.
11. The Board is seeking to move to an alternative constitution to cement the Memorandum of Understanding currently established with Ngāti Rēhia to ensure the Board will always have local iwi at the table.
12. We are working through the details and legislative requirements with the Board, to prepare a final proposal for your consideration.
13. While the final proposal is in development, we are seeking your permission to undertake consultation on your behalf, with respective parties such as, but not limited to:
  - a. Current students at the school;
  - b. Parents, caregivers and whānau of current and prospective students at the school;
  - c. Staff employed by the school;
  - d. Iwi and/or hapū;
  - e. The Education Review Office;
  - f. The New Zealand School Trustees Association.

## Risks

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14. We have identified no risks with either your approval for consultation, or for us to conduct consultation on your behalf.

## Financial Implications

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15. We have not identified any significant or explicit costs associated with the approval of proceeding to, or conducting, consultation on your behalf.

## Proactive Release

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16. We recommend that this education report is proactively released at this time and any information that may need to be withheld be redacted in line with the provisions of the Official Information Act 1982.

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<sup>1</sup> There are provisions under section 119 of the Act that allow a board to determine (up to a maximum number) of members either co-opted or appointed by bodies corporate approved by the board for the purpose.