



## Education Report: Request for permission to consult on Alternative Constitutions

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	5 July 2021	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1259330
<b>Drafter:</b>	Andrea Thomson – Senior Advisor	<b>DDI:</b>	04 463 8254
<b>Key Contact:</b>	Jann Marshall, Associate Deputy Secretary Network and School Delivery	<b>DDI:</b>	04 463 8829
<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** that the Ministry undertake consultation on your behalf, regarding changes to the constitution for the Kaitaia Abundant Life School (238) Board;

**Agree** that the Ministry undertake consultation on your behalf, regarding changes to the constitution for the Combined Board of Te Kura Kaupapa Māori o Manurewa (4229) and Te Wharekura o Manurewa (3113);

**Note** that under clause 4(3)(b) of Schedule 22 to the Education and Training Act 2020 (the Act), you may not approve an alternative constitution unless you have consulted with any persons or organisations as you think fit;

**Note** that the Ministry will report back to you on the outcome of consultation in the subsequent papers seeking approval for each Board's constitution;

**Agree** to proactively release this Education Report as part of the next publication.

## Summary

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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 can 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. Whilst the Act is silent on the process for approving the return to a standard constitution from a previously approved alternative constitution, we have considered the same legislative requirements as if you were approving an alternative constitution for a board.
4. Clause 4 of Schedule 22 to the Act also 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, and, that you have consulted any persons or organisations as you think fit.
5. The Kaitaia Abundant Life School (238) Board currently operates with an alternative constitution for the Board, which was originally approved in 2014 by the then Minister of Education. The Board has requested to return to a standard constitution.
6. The Combined Board of Te Kura Kaupapa Māori o Manurewa (4229) and Te Wharekura o Manurewa (3113) is considering a request for an amendment to the transitional arrangements in their recently approved alternative constitution. The alternative constitution was approved by you in August 2020 and your decision was published in the New Zealand Gazette (notice number 2020-go3388).
7. The Ministry is working through the details and legislative requirements with both Boards, to prepare final proposals for your consideration.
8. While the final proposals are in development, the Ministry is seeking your permission to undertake consultation on your behalf, with respective parties at each of the schools such as but not limited to:
  - a. Current students at the school;
  - b. Parents, caregivers and whānau of current and prospective students of the school;
  - c. Staff employed by the school;
  - d. The Proprietor;
  - e. Iwi and/or hapū;
  - f. The Education Review Office;
  - g. Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa;
  - h. The New Zealand School Trustees Association.

## Recommended Actions

The Ministry of Education recommends that you:

- a. **Agree** to the Ministry undertaking consultation on your behalf, regarding changes to the constitution for the Kaitaia Abundant Life School (238) Board;

☒ Agree / ☐ Disagree

- b. **Agree** to the Ministry undertaking consultation on your behalf, regarding changes to the constitution for the Combined Board of Te Kura Kaupapa Māori o Manurewa (4229) and Te Wharekura o Manurewa (3113);

☒ Agree / ☐ Disagree

- c. **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;

**Noted**

And if you agree,

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

**Noted**

And

- e. **Agree** 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 withheld in line with the Official Information Act 1982.

☒ Release / ☐ Not release

  
Helen Hurst  
Tumu Te Hāpai o Rāngai | Te Hāpai o Rāngai  
Deputy Secretary  
Sector Enablement and Support

5/7/21



Hon Chris Hipkins  
Minister of Education

19/7/2021



## Background

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### **Kaitaia Abundant Life School (238)**

1. Kaitaia Abundant Life School (238) is a decile 2, co-educational, state-integrated, composite school (year 1-13), located in Tai Tokerau. Kaitaia Abundant Life School's initial integration agreement was executed on 29 March 1996.
2. The roll at the end of 2020 for Kaitaia Abundant Life School was 224 students comprising 171 (76.3%) Māori, 7 (3.1%) Pacific and 1 (0.4%) Asian, 39 (17.4%) European and 6 (2.7%) other ethnicities.
3. The Board has a history of statutory intervention. On 18 April 2013, the Board was dissolved under section 78N(1) of the Education Act 1989, by the then Minister of Education Hon Hekia Parata (*New Zealand Gazette*, notice 2013-go2001). On the same day, the Minister's delegate appointed Chris Saunders as Commissioner under section 78N(2) of the Education Act 1989 to replace the Board (*New Zealand Gazette*, notice 2013-go2292).
4. In May 2014, the Commissioner and Proprietor requested an alternative constitution for the Board as an exit strategy from a statutory intervention, and as part of a phased return to fully elected, self-governance.
5. At that time, the proposed alternative constitution was intended to support a degree of elected community participation, supported by governance modelling and direction from selected Ministerial Appointed members.
6. The Board is now requesting to return to a standard constitution, as set out in section 119 of the Education and Training Act 2020.

### **Te Kura Kaupapa Māori o Manurewa (4229) and Te Wharekura o Manurewa (3113)**

7. Te Kura Kaupapa Māori o Manurewa (4229) is a decile 1, state, designated character primary (year 1-8) school located in Auckland. At the end of 2020, the school had a roll of 67 students, all of whom are Māori.
8. Te Wharekura o Manurewa (3113) is a decile 2, state, designated character secondary (year 9-13) school, located in Auckland. At the end of 2020, the school had a roll of 27 students, all of whom are Māori.
9. During 2019, the individual Boards commenced work on a joint proposal to establish a combined board. The final proposal to establish a combined board with an alternative constitution was approved by you in August 2020 [METIS 1200969 refers] and your decision was published in the *New Zealand Gazette* (notice number 2020-go3388).
10. The individual Boards subsequently held their elections in October 2020 to elect the first members under the alternative constitution for the Combined Board. This took place in time for the establishment of the Combined Board to take effect on 2 October 2020.
11. As the first elected members took office in October 2020, this will result in an initial term of office of around 18 months through to the 2022 triennial elections. The Board is

considering submitting a request to make amendments to the constitution. If the Board proceeds with this request, we are seeking your approval to conduct consultation on your behalf, to fulfil the legislative requirements.

12. The Ministry is working through the details and legislative requirements with both Boards, to prepare final proposals for your consideration.
13. While the final proposals are in development, the Ministry is seeking your permission to undertake consultation on your behalf, with respective parties at each of the schools such as but not limited to:
  - a. Current students at the school;
  - b. Parents, caregivers and whānau of current and prospective students of the school;
  - c. Staff employed by the school;
  - d. iwi and/or hapū;
  - e. The Education Review Office;
  - f. Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa;
  - g. The New Zealand School Trustees Association.

## Risks

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14. The Ministry has identified no risks with either your approval for consultation, or for the Ministry to conduct consultation on your behalf.

## Financial Implications

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15. The Ministry has 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.