



Education Report: Alternative Constitution for the Combined Board of Trustees for South Auckland Middle School (876) and Middle School West Auckland (877)

To:	Hon Chris Hipkins, Minister of Education		
Date:	11 June 2020	Priority:	High
Security Level:	In Confidence	METIS No:	1212441
Drafter:	Andrea Thomson, Senior Advisor	DDI:	s 9(2)(a)
Key Contact:	Isabel Evans (Director of Education for Auckland)	DDI:	
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

The purpose of this paper is for you to:

- **Approve** Villa Education Trust as a body that is responsible for the different character of South Auckland Middle School (876) and Middle School West Auckland (877), under Section 156AA(4)(b)(ii) of the Education Act 1989.
- **Approve** one of the two options for an alternative constitution under Section 98A of the Education Act 1989, for the Combined Board of Trustees for South Auckland Middle School (876) and Middle School West Auckland (877).
- **Sign** the attached relevant *New Zealand Gazette* notice, relevant letters to the Establishment Board of Trustees Chairperson and local Members of Parliament, notifying them of your decision.
- **Agree** to proactively release this Education Report as part of the next publication.

Summary

- 1 South Auckland Middle School and Middle School West Auckland are both designated character schools. The schools replaced the two Partnership Schools|Kura Hourua of the same names that were operated by Villa Education Trust (the Trust).
- 2 On 29 August 2018, you established these designated character schools with a Combined Board of Trustees and specified that the board would operate with an alternative constitution under section 98A of the Education Act 1989 (the Act).
- 3 The schools are currently governed by an Establishment Board of Trustees (EBOT) comprising five members recommended by the Trust and appointed by you under section 98(1) of the Act. The EBOT is now ready to transition out of the establishment phase to a board with an alternative constitution, and you are now being asked to approve the proposed composition of that alternative constitution.
- 4 The EBOT believes the proposed constitution provides for a successful governance model and continuity of leadership that will allow both schools to provide outstanding educational outcomes within their designated character status.
- 5 The EBOT is seeking your approval:
 - for Villa Education Trust to be named as a body that has responsibility for the different character of South Auckland Middle School and Middle School West Auckland under section 156AA(4)(b)(ii) of the Education Act 1989; and
 - of one of the proposed options for the alternative constitution for the Combined Board, to take effect from 21 August 2020.
- 6 *New Zealand Gazette* notices and letters to the EBOT's Chairperson are included for both options. Letters to the local Members of Parliament advising of the alternative constitution are also attached for your signature.

Recommended Actions

The Ministry of Education asks you to:

- a. **approve** Villa Education Trust as a body that has responsibility for the different character of South Auckland Middle School (876) and Middle School West Auckland (877) under section 156AA(4)(b)(ii) of the Education Act 1989;

☒ Agree ☐ Disagree

and approve either

- b. **Option 1 (two year initial term)** alternative constitution for the Combined Board of Trustees for South Auckland Middle School (876) and Middle School West Auckland (877) under section 98A of the Education Act 1989;

☒ Agree ☐ Disagree

or

- c. **Option 2 (five year initial term)** alternative constitution for the Combined Board of Trustees for South Auckland Middle School (876) and Middle School West Auckland (877) under section 98A of the Education Act 1989;

Agree ☒ Disagree

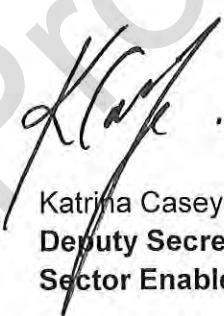
and if you agree:

- d. **sign** the relevant attached notice for publication in the *New Zealand Gazette*;
- e. **sign** the relevant attached letter to the Establishment Board's Chairperson, Cameron Astill, advising of your decision;
- f. **sign** the attached letters to the local Members of Parliament Hon Phil Twyford, Hon Peeni Henare, Hon Kelvin Davis and Hon Judith Collins, advising them of your decision.


You are also asked to:

- g. **agree** to proactively release this Education Report as part of the next publication.

☒ Agree ☐ Disagree


Katrina Casey
Deputy Secretary
Sector Enablement and Support

10/6/2020


Hon Chris Hipkins
Minister of Education

27/6/2020

Background

1. On 29 August 2018 you established South Auckland Middle School (876) and Middle School West Auckland (877) as designated character schools. These two schools replaced the two Partnership Schools|Kura Hourua of the same names that had been operated by Villa Education Trust (the Trust). Your decision was published in the *New Zealand Gazette*.
2. You also established a Combined Board of Trustees for these two schools which, following the transition from the establishment phase, would operate with an alternative constitution under section 98A of the Act.

South Auckland Middle School (876)

3. South Auckland Middle School is the co-educational, state, designated character school in Manurewa which replaced South Auckland Middle School (690), the former Partnership School|Kura Hourua.
4. South Auckland Middle School is a decile 1, restricted composite school that teaches students from years 7-10. As of 1 July 2019, the school's roll was 180 students, comprising 25% Māori (45), 60% Pacific (108), 4.4% Asian (8), 9.4% European (17) and 1.1% Other Ethnicities (2).

Middle School West Auckland (877)

5. Middle School West Auckland is the co-educational, state, designated character school in Henderson which replaced Middle School West Auckland (713), the former Partnership School|Kura Hourua.
6. Middle School West Auckland is a decile 2, restricted composite school that teaches students from years 7-10. As of 1 July 2019, the school's roll was 189 students, comprising 45.5% Māori (86), 39.7% Pacific (75), 4.2% Asian (8), 8.5% European (16) and 2.1% Other Ethnicities (4).

Designated character of schools

7. Both Schools share the same designated character, as set out in the establishment notice published in the *New Zealand Gazette* (notice number 2018-go4307):

"The schools' character is described as:

The schools are middle schools with an overarching "Villa" structure that allows for academic achievement and pastoral care. Education is project-based and has a focus on the "Growth Mindset" style of learning, based on the work of Carol Dweck.

The schools' vision is:

Through effective teaching, quality facilities, a supportive learning environment, an optimal day structure and an integrated curriculum,

young people develop and learn to give them a base for excellence in all spheres of life."

Villa Education Trust

8. The Trust was established in 2002. In 2003, it opened its first school, Mt Hobson Middle School. Mt Hobson Middle School continues to operate as a composite, co-educational private school in Newmarket, Auckland.
9. The Trust was the sponsor of the Partnership Schools|Kura Hourua South Auckland Middle School and Middle School West Auckland.
10. The Trust has reported its focus as being on providing the state schools with academic advice, community connections and operational support to enable the schools to be successful in achieving their vision to strengthen the designated character of the schools.
11. The Trust believes its provision of advice and support is an integral part of the schools' successful model, as this frees up school leaders, allowing them to focus on the learning and well-being of their students.

Responsibility for the different character of the Schools

12. Under section 156AA(4)(b)(ii) of the Act, you are able to name a body that has a special affiliation with a designated character school or has responsibility for the different character of the school.
13. The Establishment Board of Trustees (EBOT) has requested that the Trust be named as a body that has responsibility for the different character of both schools.

Rationale to approve Villa Education Trust as a body with special affiliation under section 156AA

14. The Ministry commissioned a report by Cognition Education Group in 2018, which confirms the special connection between the Trust and the Schools.
15. The programme of teaching and learning - which is based on a comprehensive 'local' curriculum that is aligned with the New Zealand Curriculum, and which provides for the personalised needs of priority learners - was written and developed by a member of the Trust. This member continues to provide advice and support through an Academic Advisor position provided through the Trust to the Schools.
16. In order to take responsibility for the preservation of the Schools' designated character and to ensure a continual focus on the improvement of outcomes for student, the Trust believes it is important that they formalise this relationship by naming the Trust as a body with special affiliation to the schools under section 156AA of the Act.
17. Through this relationship, the Trust says it will continue to provide:
 - experience and clear understanding of the reasons for and importance of the different characteristics of the Schools;

- institutional and community knowledge related to the special character of the Schools;
 - expertise related to the specific characteristics of the Schools.
18. The Trust has a high level of commitment to provide outstanding education to the Schools' students as the guardian of the Schools' designated character.
19. We support naming the Trust as a body with responsibility for the different character of the school under section 156AA(4)(b)(ii) to help maintain the designated character of the schools.
20. If you agree that Villa Education Trust be named as a body under 156AA(4)(b)(ii), your decision will be published in the *New Zealand Gazette*.

The legislative requirements for an alternative constitution

21. Under section 98A, 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.
22. You can approve a wide variety of governance structures to suit the circumstances of any given board. An alternative constitution can allow:
- formal recognition of a school community character/identity;
 - formal recognition of ongoing partnerships between the school and other parties;
 - a workable or different mix/number of trustees on a board.
23. You have already agreed that the Combined Board of Trustees for South Auckland Middle School and Middle School West Auckland will have an alternative constitution under section 98A of the Act. Your decision was published in the *New Zealand Gazette* on 28 August 2018 (*notice number 2018-go4307*).
24. At that time, the composition of the board had not been decided. You are now being asked to approve the proposed alternative constitution.

Consultation

25. The Act does not specifically require the board or the Minister to undertake consultation for an alternative constitution following an EBOT. We have provided guidance and information to the EBOT about alternative constitutions.

The proposed alternative constitution

Rationale for the proposed alternative constitution

26. The EBOT believes that the proposed constitution provides for a successful governance model and continuity of leadership that will allow both schools to provide outstanding educational outcomes within their designated character status. Additionally, they believe the proposed alternative constitution will enable the board to maintain a balance of skills,

knowledge and experience, towards good governance and for the benefit of the schools and their students.

27. The EBOT also believes that the proposed alternative constitution will help maintain and strengthen the special character and operations of the Designated Character Schools by allowing the Trust to appoint members to the board.
28. The Trust believes its members bring expertise, experience, and institutional and community knowledge specifically related to the Schools' designated character in the following areas:
 - expert knowledge and understanding of the programme of teaching and learning
 - strong links to the schools' communities, bringing local cultural perspectives to governance decisions
 - understanding of the culture of a large cohort of the students and local community
 - operational expertise to ensure the school is organised to maximise positive outcomes for students.
29. The EBOT is now ready to transition the Schools out of the establishment phase, and to pass governance to a Combined Board. The EBOT is requesting approval for the proposed alternative constitution.

Terms and conditions of proposed alternative constitution

30. The EBOT proposes that the alternative constitution for the Combined Board of the two schools shall be made up of the following members:
 - a. One trustee nominated and elected by the parents of students attending South Auckland Middle School
 - b. One trustee nominated and elected by the parents of students attending Middle School West Auckland
 - c. The Principal of each school
 - d. One staff trustee that will represent both schools, nominated and elected by the staff of both schools
 - e. Three trustees to be appointed by Villa Education Trust on the basis of particular experience, expertise, skill and/or leadership that in the opinion of the Trust will assist in advancing the students of both schools
 - f. Up to two trustees 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 students of both schools.
31. Despite section 98B of the Education Act 1989 (which excludes the application of certain sections of the Act to alternatively constituted boards), the constitution will provide that certain sections of the Education Act will apply to the board.
32. The board and Ministry are presenting two options for your consideration:

33. Option 1 – the stipulated sections are applied without modification and next election for staff and parent elected trustees takes place in 2022 and triennially thereafter:
- Under this option, the board elections will align to the triennial election periods set by you and the elected, appointed and co-opted trustees will have terms of office not exceeding three years.
34. Option 2 – Section 101 and 102 are not applied until 2025. All other stipulated sections are applied without modification:
- The EBOT has requested that the elected trustees (parent and staff representatives) of the board have an initial term of office of five years from 2020 to 2025. This means the board would not hold an election for these trustees during the 2022 triennial election period. Instead, they propose holding the next election during the 2025 triennial election period.
 - The terms of office for appointed and co-opted trustees would remain at no more than three years.
 - From 2025, the board wishes to apply sections 101 and 102 without modification. This means that the elections for staff and parent elected representatives will align to the triennial election dates and that the terms of office for staff and parent elected trustees will not exceed three years thereafter.
 - The board has requested this variation to the initial terms of office of the elected trustees, to avoid having two elections in close succession and to enable the board that succeeds the EBOT to have a length of time to be established.
35. The below table sets out the two options:

Option 1 (from July 2020)	Option 2	
	(from July 2020 to 2025)	(from 2025 onwards)
The below sections will apply from 2020 onwards without modification:	From the date of approval to day before the first day of the 2025 triennial election period, notwithstanding section 98B of the Act, the following sections of the Act will apply to the board:	From the first day of the 2025 triennial election period, notwithstanding section 98B of the Education, the following sections of the Act will apply to the board:
Section 96 - Parent representatives		
Section 97 - Staff and student representatives		
Section 101 - Elections of trustees	n/a	Section 101 - Elections of trustees
Section 102 - Term of office	n/a	Section 102 - Term of office
Section 104 - When casual vacancies arise		
Section 105 - Filling casual vacancies of elected trustees		
<i>Next election for staff and parent elected representatives takes place in 2022 and triennially thereafter</i>	<i>Next election for staff and parent elected representatives takes place in 2025 and triennially thereafter</i>	

Transitional arrangements

36. Letters to the current Chair of the EBOT and *New Zealand Gazette* notices for each option are attached for your signature. The *Gazette* notice sets out the alternative constitution, when it will take effect, and the date set for the first board meeting. This will allow the EBOT to begin planning for implementation of the new constitution including holding elections for parent and staff elected trustees.
37. For the purpose of section 101(8) of the Act, the first meeting of the board under either of the proposed alternative constitutions will be held on 21 August 2020. This proposed date is at the request of the EBOT. The first trustees elected, appointed or co-opted under this approved constitution will take office on this date.
38. If you agree to either of these alternative constitutions for the board, an election must take place prior to the date specified in the *Gazette* notice. For the alternative constitution to take effect on 21 August 2020, an election for the board must be held by 14 August 2020. The proposed election timetable is as follows:

Select Returning Officer by	Wednesday 8 July 2020
Close Main Roll	Wednesday 15 July 2020
Call for Nominations by	Friday 17 July 2020
Close Supplementary Roll	Wednesday 29 July 2020
Nominations Close	Friday 31 July 2020
Voting Papers Sent by	Wednesday 5 August 2020
Election Day	Friday 14 August 2020
Count Votes	Thursday 20 August 2020
Board Takes Office	Friday 21 August 2020

The Requirements for Gazette Notice

39. Under section 101(8A) if you approve an alternative constitution you must also, in the same *New Zealand Gazette* notice, fix the date of the election and first board meeting.
40. If you approve either of the alternative constitutions, we recommend the election be held on 14 August 2020, and the Trustees take office and first meeting be held on 21 August 2020.
41. Under section 156AA(4)(b)(ii), if you approve Villa Education Trust being named as a body that has responsibility for the different character of the school, we recommend this take effect from the date the notice is published in the *New Zealand Gazette*.
42. Notices for the *New Zealand Gazette* for both options are attached for your signature.

Risks

43. We consider the risks of approving either proposal are the following:
- **Challenges for trustees holding dual membership on the school board and the Trust board.** Any board member appointed by the Trust who is concurrently a board member of the Trust (as is the case with the current EBOT) may find it challenging to delineate between their roles on the Trust and on a school board. This risk can be mitigated by ongoing monitoring and support from the Ministry during the transition from the establishment phase and beyond.
 - **Reduced parental representation.** There is a small risk that with the reduction of parent representatives in both proposed alternative constitution options compared with a standard constitution, fewer people may seek nomination for the Board of Trustee elections.
 - **Removal of student representation.** Both proposed alternative constitution options remove the opportunity for student elections and the subsequent ability for their representation on the board. The absence of a student election denies the student community the opportunity for input into selection of a board member.
44. Section 98A of the Act sets out the criteria for who can request an alternative constitution. If 20% or more of the parents of children enrolled at the school request an amendment to an alternative constitution, this can be considered by the Minister of Education. This mitigates risks relating to reduced/removed opportunities for parent and student representation.
45. The board also has the ability to co-opt trustees, meaning they may choose to co-opt additional trustees from the parent community, further mitigating risks associated with reduced parental representation on the board.
46. In addition to the above, and for Option 2 only, there are risks associated with approving an initial five year term of office for the elected trustees (parent and staff). This risk would be eliminated by approving a term of up to three years only, as proposed by Option 1.

Ministry Comment

47. We support naming the Trust as a body with responsibility for the different character of the school under section 156AA(4)(b)(ii) to help maintain the special character of the schools.
48. We recommend you approve Option 1 - an alternative constitution containing two year initial terms of office - on the following basis:
- We do not agree with the EBOT's rationale that two years between elections (and until the 2022 triennial elections) is "in close succession". We note that approximately 300¹ schools that hold mid-term parent elections.

¹ Based on number of schools that held mid-term parent elections in December 2017.

- The board believes that an initial five year term “will enable the Board to have a length of time to be established”. Given that the parent and staff trustees in the proposed alternative constitution only make up three of the possible eight to ten board members, there would not be significant board turnover, meaning impact on board continuity would be minimal.
 - A five year term of office is greater than the standard three year term of office for elected trustees under a standard constitution in section 94 and could be seen as moving away from the intent of the Act.
 - Neither you nor previous Ministers have approved a term of office of greater than three years.
 - The schools provide education for students from years 7-10, which is a maximum enrolment period of four years. Approving an initial five year term of office would prevent parents of students enrolling in year 7 during 2021, from having the opportunity to elect parent trustees in the time their children are enrolled at the schools. It would also remove the opportunity for parents of current students to vote for trustees in 2022.
49. We do not endorse the proposed alternative constitution (Option 2) containing the 5 year initial term of office for staff and parent elected representatives.
50. Under section 98A, 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. The Ministry considers that the proposed alternative constitution is in the best interest of the Schools and its students.

Proactive Release

51. 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 redacted in line with the provisions of the Official Information Act 1982.

Annexes

Annex 1a: Option 1 – Initial two year term - Notice for the *New Zealand Gazette*

Annex 1b: Option 1 – Initial two year term - Letter to Establishment Board Chair

Annex 2a: Option 2 – Initial five year term - Notice for the *New Zealand Gazette*

Annex 2b: Option 2 – Initial five year term - Letter to Establishment Board Chair

Annex 3: Letters to Members of Parliament



NOTICE FOR NEW ZEALAND GAZETTE

The Alternative Constitution for the Combined Board of Trustees of South Auckland Middle School (876) and Middle School West Auckland (877)

1. Pursuant to section 98A of the Education Act 1989 ("the Act"), I hereby approve an alternative constitution for The Combined Board of Trustees for South Auckland Middle School (876) and Middle School West Auckland (877).
2. The Combined Board of Trustees for South Auckland Middle School and Middle School West Auckland ("the board") will be made up of the following members:
 - a. One trustee nominated and elected by the parents of students attending South Auckland Middle School;
 - b. One trustee nominated and elected by the parents of students attending Middle School West Auckland;
 - c. The Principal of each school;
 - d. One staff trustee that will represent both schools, nominated and elected by the staff of both schools;
 - e. Three trustees to be appointed by Villa Education Trust on the basis of particular experience, expertise, skill and/or leadership that in the opinion of the Trust will assist in advancing the students of both schools.
 - f. Up to two trustees 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 students of both schools.
3. Notwithstanding section 98B of the Education Act 1989, the following sections of the Education Act will apply to the Board:
 - Section 96 - Parent representatives
 - Section 97 - Staff and student representatives
 - Section 101 - Elections of trustees
 - Section 102 - Term of office
 - Section 104 - When casual vacancies arise
 - Section 105 - Filling casual vacancies of elected trustees.

Parent Elected Trustees

4. The elected trustees will be elected in accordance with section 96(3) of the Act.
5. Each candidate shall be nominated and elected by the parents of students attending the school which the candidate is being nominated to represent, in respect of each school the Combined Board will administer.
6. The next election for the parent elected trustees will occur during the 2022 election period set by the Minister of Education, and triennially thereafter.

Staff Trustee

7. The staff trustee will be elected in accordance with section 97(1) of the Act.
8. Each candidate shall be nominated and elected by the staff of both schools.
9. The highest polling candidate shall become a trustee.
10. The next election for the staff trustee will occur during the 2022 election period set by the Minister of Education, and triennially thereafter.

Trustees appointed by Villa Education Trust

11. Villa Education Trust may appoint eligible trustees for a term of office of up to three years.
12. Villa Education Trust may re-appoint eligible trustees for a subsequent terms of office of up to three years.
13. Villa Education Trust may specify a shorter term of office for appointed trustees at their discretion.
14. Casual vacancies for appointed trustees must be notified promptly by the Board and such vacancies will be filled by appointment in the same manner as the vacating trustee was appointed for the residue of the term of the vacating trustee.

Co-Opted Trustees

15. The term of office for eligible co-opted trustees is for a period of up to three years.
16. Eligible trustees may be co-opted for subsequent terms of office of up to three years.
17. A Board resolution co-opting a trustee may specify a shorter term of office.
18. Casual vacancies for co-opted trustees must be notified promptly by the Board and such vacancies will be filled by co-option in the same manner as the vacating trustee was co-opted for the residue of the term of the vacating trustee.

Transitional arrangements

19. For the purpose of section 101(8A) of the Act, the first meeting of the Board under this alternative constitution is fixed as 21 August 2020. The first trustees elected, appointed or co-opted under this constitution will take office on this date.
20. The Establishment Board of Trustees will:
 - a. Notify the date of the first Board meeting to Villa Education Trust, which may appoint up to three trustees prior to that date; and
 - b. Leave office at the end of the day before the date of the first Board meeting set under section 101(8A) on which the new trustees take office.
21. In line with section 96 and 97 of the Act, the next election for parent and staff elected representatives will occur during the 2022 election period set by the Minister of Education, and triennially thereafter.

Responsibility for the different character of the school

22. Pursuant to section 156AA(4)(b)(ii) of the Education Act 1989, I hereby approve Villa Education Trust as a body that has responsibility for the different character of South Auckland Middle School and Middle School West Auckland.

This notice shall take effect on the date of publication in the New Zealand Gazette.

Dated at Wellington this 30th day of June 2020.

Hon Chris Hipkins
Minister of Education



Hon Chris Hipkins

MP for Rimutaka

Minister of Education

Minister of State Services

Leader of the House

Minister Responsible for Ministerial Services



Mr Cameron Astill
Chairperson
Establishment Combined Board of Trustees
South Auckland Middle School and Middle School West Auckland
PO Box 74-276
Greenlane
Auckland

Dear Cameron

Thank you for your application seeking my approval for the alternative constitution for the Combined Board of Trustees for South Auckland Middle School and Middle School West Auckland.

I am pleased to tell you that I have approved an alternative constitution for the Combined Board under section 98A of the Education Act 1989. The constitution I have approved differs from the proposal that the Establishment Board put forward, in that the Board will be required to hold its next elections for staff and parent elected trustees in line with the next triennial elections in 2022.

The notice of my approval will be published in the *New Zealand Gazette* - <https://gazette.govt.nz/>.

The first day of office for the Board under the alternative constitution will be 21 August 2020. This date shall also serve as the date of the first Board meeting for trustees appointed or co-opted to the Board under this notice.

The Combined Board of Trustees for South Auckland Middle School and Middle School West Auckland ("the board") will be made up of the following members:

- a. One trustee nominated and elected by the parents of students attending South Auckland Middle School;
- b. One trustee nominated and elected by the parents of students attending Middle School West Auckland;
- c. The Principal of each school;
- d. One staff trustee that will represent both schools, nominated and elected by the staff of both schools;

- e. Three trustees to be appointed by Villa Education Trust on the basis of particular experience, expertise, skill and/or leadership that in the opinion of the Trust will assist in advancing the students of both schools;
- f. Up to two trustees 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 students of both schools.

Notwithstanding section 98B of the Education Act 1989, the following sections of the Education Act will apply to the Board:

Section 96 - Parent representatives

Section 97 - Staff and student representatives

Section 101 - Elections of trustees

Section 102 - Term of office

Section 104 - When casual vacancies arise

Section 105 - Filling casual vacancies of elected trustees.

Parent Elected Trustees

The parent elected trustees will be elected in accordance with section 96(3) of the Act. Each candidate shall be nominated and elected by the parents of students attending the school which the candidate is being nominated to represent, in respect of each school the Combined Board will administer.

The next election for the parent elected trustees will occur during the 2022 election period set by the Minister of Education, and triennially thereafter.

Staff Trustee

The staff trustee will be elected in accordance with section 97(1) of the Act. Each candidate shall be nominated and elected by the staff of staff of both schools. The highest polling candidate shall become a trustee.

The next election for the staff trustee will occur during the 2022 election period set by the Minister of Education, and triennially thereafter.

Trustees appointed by Villa Education Trust

Villa Education Trust may appoint eligible Trustees for a term of office of up to three years. The Trust may re-appoint eligible trustees for a subsequent terms of office of up to three years. The Trust may also specify a shorter term of office for appointed trustees at their discretion.

Casual vacancies for appointed trustees must be notified promptly by the Board and such vacancies will be filled by appointment in the same manner as the vacating trustee was appointed for the residue of the term of the vacating trustee.

Co-opted Trustees

The term of office for eligible co-opted trustees is for a period of up to three years. Eligible trustees may be co-opted for subsequent terms of office of up to three years. A Board resolution co-opting a trustee may specify a shorter term of office. Casual vacancies for co-

opted trustees will be filled by co-option in the same manner as the vacating trustee was co-opted for the residue of the term of the vacating trustee.

Transitional arrangements

For the purpose of section 101(8A) of the Act, the first meeting of the Board under this alternative constitution will be on 21 August 2020. The first trustees elected, appointed or co-opted under this constitution will take office on this date.

The Establishment Board will:

- a. Notify the date of the first Board meeting to Villa Education Trust, which may appoint up to three trustees prior to that date; and
- b. Leave office at the end of the day before the date of the first Board meeting set under section 101(8A) on which the new trustees take office.

In line with section 96 and 97 of the Act, the next election for parent and staff elected representatives will occur during the 2022 election period set by the Minister of Education, and triennially thereafter.

Responsibility for the different character of the school

Pursuant to section 156AA(4)(b)(ii) of the Education Act 1989, I also approve Villa Education Trust as a body that has responsibility for the different character of South Auckland Middle School and Middle School West Auckland.

The Establishment Board should now appoint a returning officer who will have the responsibility for arranging the parent and staff elections. In order for the newly elected trustees to take office on 21 August 2020 an election must be held by 14 August 2020.

I encourage you to use the resources and support available from the New Zealand School Trustees Association (<https://www.trustee-election.co.nz/> or 0800 353 284).

Finally, I would like to congratulate the Board and their advisers for the work that has been done towards this alternative constitution. I wish you and your school communities well for the future.

Yours sincerely



Chris Hipkins
Minister of Education

cc Wendy Greig Principal, South Auckland Middle School
Warren Cook, Principal, Middle School West Auckland