



Education Report: *Education (School Trustee Elections) Regulations 2000* – policy approvals Cabinet paper

To:	Hon Chris Hipkins, Minister of Education		
Date:	23 April 2020	Priority:	Medium
Security Level:	In Confidence	METIS No:	1213205
Drafter:	Francesca Schiau	DDI:	463 0989
Key Contact:	Ben O'Meara	DDI:	463 8704
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of report

This paper:

- provides a summary of the feedback received during the targeted consultation on the proposed changes to the *Education (School Trustee Elections) Regulations 2000* (the Regulations);
- attaches a draft Cabinet paper *Education (School Trustee Elections) Regulations 2000: Policy Approvals*; and
- seeks your agreement to undertake departmental consultation, so that you can take the paper to SWC on 27 May.

Summary

1. Feedback from the targeted consultation with peak bodies was broadly supportive of the proposals.
2. The New Zealand School Trustees Association Regional Chairs (NZSTA Regional Chairs) disagreed with the removal of the requirement for returning officers to publish election-related notices in local newspapers. They felt that publishing notices in newspapers provides certainty around the process they need to follow. However, the Secondary Principals' Association of New Zealand (SPANZ) commented that the proposal aligns with twenty-first century practices and reduces unnecessary costs for schools associated with advertising in local papers.
3. Nothing in the proposed change to remove newspaper advertising as a requirement will prevent schools using their local newspaper where they still feel that this is the best means of communicating with their community. The proposed change will require schools to assess which means of notification are most appropriate and best meet the needs of their communities.

Recommended Actions

The Ministry of Education recommends that you:

- a. **note** that we have completed targeted consultation on changes to the Education (School Trustee Elections) Regulations 2000

Noted

- b. **note** that the regulations should ideally be promulgated by the end of July so that the new requirements can be applied to this year's mid-term elections which commence on 15 September (providing schools using the long election timetable with a month and a half to prepare)

Noted

- c. **agree** that, following incorporation of any feedback you have on the draft Cabinet paper, we can undertake departmental consultation on the paper

☒ **Agree** ☐ **Disagree**

- d. **agree** to lodge the Cabinet paper on 21 May in order for it to be considered at the Cabinet Social Wellbeing Committee on Wednesday, 27 May

☒ **Agree** ☐ **Disagree**

Proactive Release Recommendation

- e. **agree** that this Education Report will be proactively released once Cabinet decisions have been made.

☒ **Agree** ☐ **Disagree**



Dr Andrea Schöllmann
Deputy Secretary
Education System Policy

23/04/2020



Hon Chris Hipkins
Minister of Education

1 / 5 / 2020

Background

1. On 4 March 2020, SWC agreed to targeted consultation on the proposed changes to the Education (School Trustee Elections) Regulations 2000 (the Regulations) [SWC-20-MIN-0008 and CAB-20-MIN-0074]. We have now completed the targeted consultation.
2. The proposed changes to the Regulations are intended to make the board elections framework more workable in time for the mid-term elections in December this year. We therefore need to work quickly to draft and promulgate the Regulations by the end of July to give schools about two months to familiarise themselves with the new election requirements before they have to start their election processes.
3. These changes are part of the first phase of a two-phased review of the board elections framework.¹ Phase one is focused primarily on removing some of the timing issues associated with relying on the postal system. The second phase will be a more fundamental review and will include examining whether the current paper-based voting system is still the best system for board elections, or whether other approaches (e.g. online voting or hui-based systems) might be more appropriate. The second phase is intended to be completed in time for the next triennial elections, in 2022.

Feedback received during targeted consultation

4. Targeted consultation on the proposed changes to the Regulations took place with education sector stakeholders from 11 March to 3 April 2020.
5. We consulted NZSTA, SPANZ, NZEI Te Riu Roa, the Post Primary Teachers' Association, the New Zealand Principals' Federation, Special Schools Principals' Association, New Zealand Pasifika Principals Association, Ngā Kura a iwi o Aotearoa, Te Runanga Nui o ngā Kura Kaupapa Māori, New Zealand Association of Intermediate and Middle Schools, New Zealand Area Schools Association, the Association of Proprietors of Integrated Schools, the School Business Managers' Association and the Disabled People's Organisations.
6. We were also invited to discuss the changes with the NZSTA Regional Chairs. Their feedback is discussed below. Additionally, we received feedback from SPANZ and NZEI Te Riu Roa.
7. NZEI Te Riu Roa noted that the direction of the proposed changes seemed sensible.
8. SPANZ supported all of the proposed changes, including the proposal to replace the current requirements for returning officers to publish election-related notices in local newspapers with the requirement for returning officers to notify the school community and other affected parties in the wider local community in a manner that best meets the needs of these communities. SPANZ considered that the proposal aligns with twenty-first century practices and reduces unnecessary costs for schools associated with paid advertising in local papers. SPANZ also commented that publication in newspapers is costly and largely ineffective in today's world.
9. The NZSTA Regional Chairs disagreed with the removal of the requirement for returning officers to publish election-related notices in local newspapers. They felt that publishing notices in newspapers provides certainty around the process they need to follow.

¹ Phase one also includes changes being progressed through the Education and Training Bill relating to casual board vacancy notification requirements, removing an unnecessary regulation making power and enabling the Minister to direct the Secretary to appoint a commissioner to govern a school in situations where a board election has been declared invalid.

10. We consider that nothing in this new requirement will prevent schools from using their local newspaper where they still feel this is the best means of communicating with their community. The proposed change will require schools to assess which means of notification are most appropriate and best meet the needs of their communities. Where their community relies on communication through newspapers, schools can continue to publish election notices in newspapers. However, where their community does not regularly read their local newspapers, schools will no longer be required to publish ineffective and expensive notices in a newspaper.

Next Steps

11. The proposed timeline for the remainder of phase one of the review is set out below:

Action	Date
Departmental and Ministerial consultation on Cabinet paper seeking approval to consult on proposed changes	Completed by 15 May
Lodging of Cabinet paper	21 May
SWC	27 May
LEG	July
Executive Council	July
Election process commences for schools using the long election timetable	15 September (i.e. at least 83 days before election day)
Election process commences for schools using the short election timetable	5 October (i.e. at least 63 days before election day)
Mid-term board elections	7 December

Annexes

- Annex 1: Draft Cabinet paper seeking policy approvals for the Education (School Trustee Elections) Regulations 2000