



# Overview of changes for school boards

2-page resource



A range of changes to the Education Act 1989 take effect, starting from 19 May 2017. These resources include further changes to the Education Act in 2018 and 2019.

## Why was it changed?

The Education Act, like any legislation, was in need of review due to the changing educational environment, we operate in. Previously, the roles and responsibilities of boards of trustees were spread throughout the Act. The changes explicitly define the board as the governing body of the school and bring most of the governance powers and functions of boards together in one place.

## What do I need to know?

The following are some key elements boards need to know about.

**Governance:** The previous section of the Act dealing with the powers and functions of boards (section 75, now repealed) did not use the words 'governance' and 'governing'. These words have now been introduced.

Schedule 6(4) of the Act outlines that 'the Board is the governing body of the school and is responsible for the governance of the school, including setting the policies by which the school is to be controlled and managed'.

This statement and many other aspects of the board's roles and responsibilities are now found in one place in schedule 6. The aim is for boards to better understand their primary focus of student achievement, and how that focus links in to their work.

**Board's objective in governing school:** Previously, section 75 (now repealed) stated that boards must perform their function and exercise their powers so as to ensure that 'every student is able to attain his or her highest level of educational achievement'.

This requirement for the board to focus on student achievement has been moved to schedule 6(5)(1) and expanded in schedule 6(5)(2). There is now an explicit link between student achievement and the board's responsibilities to ensure their school 'is a physically and

*emotionally safe place for all students and staff and is inclusive of and caters for students with differing needs*".

Clause (5) also refers to the board complying with new areas around education priorities, curriculum statements and measures of performance.

**National Education and Learning Priorities:** The Minister will issue statements of National Education and Learning Priorities (NELP) for the early and compulsory education sectors, which will remain in effect for up to five years and are designed to:

- Focus on helping each child and young person to attain educational achievement to the best of their potential
- Promote development in each child and young person of the following abilities and attributes:
  - Resilience, determination, confidence, and creative and critical thinking
  - Good social skills and the ability to form good relationships
  - Participation in community life and fulfilment of civic and social responsibilities
  - Preparedness for work
- Instill in each child and young person an appreciation of the importance of the following:
  - The diversity of society: cultural knowledge, identity and the different official languages
  - The Treaty of Waitangi and te reo Māori

Boards need to be fully aware of these priorities and ensure they are embedded in their school's planning and teaching programmes.

## Where do I get advice?

NZSTA will continue to update and advise you through factsheets, newsletters, and our website.

You can call **0800 782 435**, or email [actupdates@nzsta.org.nz](mailto:actupdates@nzsta.org.nz)

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**Other new provisions:** These include matters concerning the publishing of annual reports on websites, the banning of seclusion for students, requirements in policies and guidelines around the use of physical restraint for students, establishing schools, designated character schools and kura, combining of boards, alternative constitutions, communities of learning kāhui ako, state integrated schools, communities of online learning, enrolment schemes, new levels of intervention, working with agencies and use of off-site locations.

### Update May 2019

Most, but not all, changes for boards of trustees and school operations have now been implemented across a series of dates from 19 May 2017.

*This update includes the most recent changes in the Education Act 2019, which became law on 14 May 2019.*

Communities of online learning (COOL): Provisions for communities of online learning that were due to take effect from 1 January 2020 have now been repealed.

**Planning and reporting:** Changes brought in by the Education (Update) Amendment Act 2017, and supported by [schedule 6\(7\) - \(12\)](#) and new regulations, are designed to make planning requirements less complex and detailed for boards, and more focused on linking long term strategic planning to targeted goals around lifting student achievement. The changes also intend for parents and whānau to receive more useful information on the school's aims and progress towards achieving them.

Prior to the most recent law change, the new framework was to be brought in year by year over a 3 year timeframe, commencing from 1 January 2020. The Education Amendment Act 2019 means the board's key planning and reporting documents: charter, annual plan and analysis of variance, now stay in place during the years of 2020, 2021 and 2022. The new requirements do not now fully come into effect until 2023. Consultation on the new regulations due to commence in 2019 has now also been postponed.

NZSTA will continue to support boards to develop good quality charter and strategically focused planning documents by providing online and face to face learning and development opportunities for trustees. This will ensure boards are well prepared for when these changes come in to effect.

**Introduction of cohort entry:** From 3 July 2017 schools have been able to adopt and introduce a cohort entry policy allowing children to start school at the beginning of the school

term closest to their fifth birthday. Before introducing such a policy, boards of trustees *'must take all reasonable steps to discover and consider the views of the following persons about the policy and whether it is generally acceptable'*: parents of students at the school, employees of the board at the school, early childhood services in the local community, and parents of prospective students of the school.

The Education Amendment Act 2019 means that from 1 January 2020 schools with a cohort entry policy cannot accept a child for enrolment before their 5th birthday. From the same time, there will be two, not one, entry points per term (beginning and mid term of each term).

Refer to [Education Act update](#) for more information.