



Education Amendment Act 2013

Public Act 2013 No 34
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Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Education Amendment Act 2013.

2 Commencement

- (1) Sections 28 and 41 come into force on 1 January 2014.
- (2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Education Act 1989 (the **principal Act**).

Part 1

Amendments to principal Act

Right to free primary and secondary education

4 Section 2 amended (Interpretation)

- (1) In section 2(1), insert in their appropriate alphabetical order:
 - “**partnership school contract** means a contract for the operation of a partnership school kura hourua entered into under section 158D and, in relation to a sponsor, means the partnership school contract to which the sponsor is a party
 - “**partnership school kura hourua** means a school in respect of which—
 - “(a) the Minister has approved a sponsor under section 158B; and
 - “(b) a partnership school contract is in force
 - “**primary partnership school kura hourua** means a partnership school kura hourua designated as a primary partnership school kura hourua by notice under section 158B
 - “**sponsor** means a body approved by the Minister under section 158B to operate a partnership school kura hourua”.
- (2) In section 2(1), replace the definition of **principal** with:

“**principal** means the chief executive of a State school; and, in relation to a school, a person enrolled at the school, or the enrolment of a person at a school, means the principal of the school”.

- (3) In section 2(1), replace the definition of **registered school** with:

“**registered school** means a school that is a State school, a partnership school kura hourua, or a school registered under section 35A”.

5 Section 3 amended (Right to free primary and secondary education)

In section 3, after “State school”, insert “or partnership school kura hourua”.

6 Section 7A amended (Certain domestic students may be required to pay fees for tuition from correspondence schools)

Replace section 7A(1)(ab) with:

“(ab) domestic student enrolled at a school registered under section 35A; or”.

Expulsion and exclusion of students and attendance at school

7 Section 16 amended (Secretary’s powers when excluded student younger than 16)

- (1) After section 16(1)(b), insert:

“(ba) arrange for and, if necessary, direct the sponsor of a partnership school kura hourua to enrol the student at the partnership school kura hourua; or”.

- (2) After section 16(2), insert:

“(2A) The Secretary may not give a direction under subsection (1)(ba) unless—

“(a) the student’s parents agree to the direction; and

“(b) the Secretary has made all reasonable attempts to consult the student, the sponsor, and any other person or organisation that, in the opinion of the Secretary, may

be interested in, or be able to advise on or help with, the student's education or welfare."

(3) After section 16(4), insert:

"(5) A sponsor must comply with a direction under subsection (1)(ba), and the direction overrides any enrolment process the partnership school kura hourua may have in place."

8 Section 17D amended (Re-enrolment of excluded or expelled student)

(1) Replace section 17D(2) with:

"(2) Subject to sections 16(1)(b) and 158R(1)(b), the board of a State school may refuse to enrol a student who is for the time being excluded or expelled (whether under section 15 or 17) from another State school or a partnership school kura hourua."

(2) In section 17D(3)(a), after "expelled", insert "from a State school".

(3) After section 17D(3), insert:

"(3A) The Secretary may, in the case of a student who has turned 16, direct the sponsor of a partnership school kura hourua to enrol the student at the school if—

"(a) the student has been expelled from a State school under section 17; and

"(b) the student's parents agree to the enrolment; and

"(c) the Secretary has made all reasonable attempts to consult the student, the sponsor, and any other person or organisation that, in the opinion of the Secretary, may be interested in, or be able to advise on or help with, the student's education or welfare."

(4) After section 17D(4), insert:

"(5) A sponsor must comply with a direction under subsection (3A), and the direction overrides any enrolment process the partnership school kura hourua may have in place."

9 Section 25 amended (Students required to enrol must attend school)

(1) In section 25(2), after "board", insert "and every sponsor of a partnership school kura hourua".

- (2) After section 25(4), insert:
- “(5) Nothing in subsections (1) to (3) applies to an affected student.
- “(6) An affected student must attend school for the whole of the time period (or periods) each day during which the student’s timetable is running.
- “(7) A board or a sponsor that is running a multiple timetable arrangement must take all reasonable steps to ensure that an affected student attends the school for the whole of the time period (or periods) each day during which the student’s timetable is running.
- “(8) In this section,—
- “**affected student** means a student who is required to attend school in accordance with a multiple timetable arrangement
- “**multiple timetable arrangement** means an arrangement under which more than 1 timetable is run on the same day (whether consecutively or concurrently).”

10 Section 31 amended (Ensuring attendance of students)

- (1) After section 31(1), insert:
- “(1A) A sponsor of a partnership school kura hourua may appoint any person to be an attendance officer for the school.”
- (2) In section 31(2), after “boards”, insert “or sponsors, or a board and a sponsor jointly”.
- (3) After section 31(3), insert:
- “(3A) Every sponsor must, by any means the sponsor thinks appropriate, take all reasonable steps to ensure the attendance of students enrolled at its school.”
- (4) In section 31(7),—
- (a) after “officer,”, insert “a sponsor,”; and
- (b) after “board”, insert “, a sponsor,”.
- (5) After section 31(8), insert:
- “(8A) A certificate signed on behalf of a sponsor showing that a person named in it is appointed for any purpose under this section is sufficient evidence of the matters specified in the certificate; and the authenticity or authority of any signature on behalf of a sponsor may not in any proceedings under this Part of this Act be inquired into or disputed.”

- (6) After section 31(9), insert:
“(10) This section applies to an affected student (within the meaning of section 25(8)) only in relation to the time period (or periods) each day during which his or her timetable is running.”

Secondary-tertiary programmes

11 Section 31B amended (Provider group for secondary-tertiary programme)

After section 31B(1)(a)(i), insert:

- “(ia) a sponsor of a partnership school kura hourua, other than a partnership school kura hourua that is only a primary partnership school kura hourua.”.

12 Section 31F amended (Recognition as lead provider of secondary-tertiary programme)

After section 31F(a), insert:

- “(ab) a sponsor of a partnership school kura hourua, other than a partnership school kura hourua that is only a primary partnership school kura hourua.”.

13 Section 31G amended (Lead provider to co-ordinate secondary-tertiary programme)

After section 31G(2)(a), insert:

- “(ab) a sponsor of a partnership school kura hourua, other than a partnership school kura hourua that is only a primary partnership school kura hourua.”.

14 Section 31I amended (Entry into secondary-tertiary programme)

After section 31I(1)(b), insert:

- “(ba) a partnership school kura hourua, other than a partnership school kura hourua that is only a primary partnership school kura hourua.”.

*Multiple timetable arrangements***15 New section 65DA inserted (Multiple timetable arrangements)**

After section 65D, insert:

“65DA Multiple timetable arrangements

- “(1) The Minister may authorise a board to run a multiple timetable arrangement for a specified period at a specified school if—
- “(a) the Minister is satisfied that the board has adequately consulted parents, staff, and the local community about the proposed multiple timetable arrangement; and
 - “(b) the Minister considers that the proposed multiple timetable arrangement is appropriate in the circumstances.
- “(2) An authorisation under subsection (1) must be given either unconditionally or subject to any conditions that the Minister considers appropriate.
- “(3) A board must take all reasonable steps to notify every affected student and his or her parents in writing of—
- “(a) a multiple timetable arrangement authorised under subsection (1); and
 - “(b) the time periods for each day during which the affected student’s timetable will run.
- “(4) In this section, **affected student** and **multiple timetable arrangement** have the meanings given by section 25(8).”

*Functions and powers of boards***16 Section 75 replaced (Boards to control management of schools)**

Replace section 75 with:

“75 Functions and powers of boards

- “(1) A school’s board must perform its functions and exercise its powers in such a way as to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement.
- “(2) Except to the extent that any enactment or the general law of New Zealand provides otherwise, a school’s board has complete discretion to control the management of the school as it thinks fit.”

*Enrolment records***17 Section 77A amended (Enrolment records)**

After section 77A(4), insert:

- “(5) In this section, **principal**, in relation to a partnership school kura hourua, means the person to whom the sponsor of the school has assigned the role of managing enrolment records.
- “(6) In subsection (5), **partnership school kura hourua** and **sponsor** have the meanings given by section 2(1).”

*Annual financial statements of boards***18 Section 87C amended (Annual financial statements of boards)**

Replace section 87(2) and (3) with:

- “(2) The Minister must make available (including, without limitation, by electronic means) to a member of Parliament on request from that member of Parliament any statement provided to the Secretary under subsection (1).
- “(3) The statement must be made available not later than 1 month after the request was received by the Minister.”

*School boards***19 Section 98 replaced (Boards of newly established schools)**

Replace section 98 with:

“98 Boards of newly established schools

- “(1) Despite section 94, the trustees of the board of a newly established State school are,—
- “(a) at the option of the Minister,—
- “(i) 5 people appointed by the Minister; or
- “(ii) 5 people elected by the parents of students (other than adult students) likely to be enrolled at the school in the year it opens or the next year; and
- “(b) the principal or principal designate (if any); and
- “(c) not more than 4 people co-opted by the board.
- “(2) Subsection (1) continues to apply to the membership of the board until the trustees go out of office under subsection (3).
- “(3) A trustee appointed, elected, or co-opted under subsection (1) goes out of office—

- “(a) at the close of the day before the date on which the trustees who have been elected under section 101 take office under section 102; or
 - “(b) at the close of the day before the date on which the trustees who have been elected, appointed, or co-opted in accordance with a notice issued under section 105A take office.
- “(4) Subject to section 103, any trustee appointed, elected, or co-opted under subsection (1) is eligible to be appointed, elected, or co-opted as a trustee.”

20 Section 101 amended (Elections of trustees)

- (1) In section 101(7), replace “subsection (8)” with “subsections (8) and (8A)”.
- (2) After section 101(8), insert:
 - “(8A) If the Minister approves an alternative constitution for a newly established school under section 105A, subsection (7) does not apply and the first elections (if any) for, and the first meeting of, the board of such a school must be held in accordance with a notice under section 105A.”

21 Section 105A amended (Minister may approve alternative constitution in certain cases)

Replace section 105A(1) with:

- “(1) The Minister may from time to time, by notice in the *Gazette*, approve an alternative constitution under this section for the board of a State school, or a combined board of State schools.
- “(1A) The Minister may not approve an alternative constitution for a board unless the Minister has reasonable cause to believe that an alternative constitution is in the best interests of the school or schools governed by the board.
- “(1B) Subject to subsections (1A) and (1C), the Minister may not approve an alternative constitution unless—
 - “(a) 1 of the following applies:
 - “(i) the Chief Review Officer, in a written report, recommends that the Minister consider devising an alternative constitution; or

- “(ii) 20% or more of the parents of children enrolled at the school or schools have requested an alternative constitution; or
 - “(iii) the board has requested an alternative constitution; and
 - “(b) the Minister has consulted such persons or organisations as the Minister considers appropriate.
- “(1C) Subsection (1B) does not apply if—
- “(a) the alternative constitution is the successor constitution for a board that was appointed or elected under section 98(1); or
 - “(b) the alternative constitution is approved for a combined board before the date specified in a notice under section 110(1); or
 - “(c) the alternative constitution is for the board of a continuing school and the Minister has given notice under section 156A(4)(b).”

22 Section 110 amended (Boards may combine)

Repeal section 110(1)(ba).

Teacher registration

23 Section 120 amended (Interpretation)

- (1) In section 120, definition of **employer**, after paragraph (a), insert:
 - “(ab) the sponsor of a partnership school kura hourua.”
- (2) In section 120, definition of **professional leader**, paragraph (a), after “school”, insert “other than a partnership school kura hourua”.
- (3) In section 120, definition of **professional leader**, after paragraph (a), insert:
 - “(ab) in the case of a partnership school kura hourua, the person to whom the sponsor has assigned the role of supervising teaching practice.”
- (4) In section 120, insert in their appropriate alphabetical order:
 - “**partnership school kura hourua** has the meaning given by section 2(1)

“**sponsor** has the meaning given by section 2(1)”.

24 Section 120A amended (Restrictions on appointment of teachers)

In section 120A(2), after “employer”, insert “, other than a sponsor,”.

25 Section 120B amended (Restrictions on continued employment of teachers)

(1) In section 120B(2), after “employer”, insert “, other than a sponsor,”.

(2) In section 120B(3), after “No employer”, insert “, other than a sponsor,”.

26 Section 137 amended (Offences)

(1) In section 137(1)(fb), delete “and the board of a State school, the managers of a school registered under section 35A, or the person or body who appoints staff at an early childhood education and care service,”.

(2) In section 137(1)(h), after “an employer”, insert “other than a sponsor”.

Corporal punishment

27 Section 139A amended (No corporal punishment in early childhood services or registered schools)

(1) After section 139A(1)(b), insert:

“(ba) is employed by the sponsor of a partnership school kura hourua at or in respect of the school; or”.

(2) After section 139A(2)(b), insert:

“(ba) on behalf of a sponsor of a partnership school kura hourua any student enrolled at or attending the school; or”.

Surrender and retention of property and searches

28 New sections 139AAA to 139AAI inserted

After section 139A, insert:

“139AAA Surrender and retention of property

- “(1) This section applies if a teacher or an authorised staff member has reasonable grounds to believe that a student has hidden or in clear view on or about the student’s person, or in any bag or other container under the student’s control, an item that is likely to—
- “(a) endanger the safety of any person; or
 - “(b) detrimentally affect the learning environment.
- “(2) If this section applies, the teacher or authorised staff member may require the student to produce and surrender the item.
- “(3) If the item is stored on a computer or other electronic device, the teacher or authorised staff member may require the student—
- “(a) to reveal the item:
 - “(b) to surrender the computer or other electronic device on which the item is stored.
- “(4) A teacher or an authorised staff member may do either or both of the following to an item surrendered under this section:
- “(a) retain the item for a reasonable period:
 - “(b) dispose of the item (if appropriate).
- “(5) A teacher or an authorised staff member may retain a computer or other electronic device surrendered under subsection (3)(b) for a reasonable period.
- “(6) If an item or a computer or other electronic device is retained under this section, it must be stored in an appropriate manner.
- “(7) At the end of any period of retention, any computer or other electronic device, or any item that is not disposed of under subsection (4)(b), must be—
- “(a) returned to the student; or
 - “(b) passed to another person or agency, as appropriate.
- “(8) A teacher or an authorised staff member who exercises a power under this section must comply with any rules made under section 139AAH.
- “(9) In this section and sections 139AAB to 139AAI, unless the context otherwise requires,—

“**authorised staff member** means an employee of a board who is authorised by that board,—

“(a) when used in this section, to exercise powers under this section; and

“(b) when used in section 139AAB, to exercise powers under that section

“**item** includes information stored in electronic form

“**student** includes a person under the supervision of a teacher, whether or not the person is enrolled at the school at which the teacher is employed

“**teacher** means a person employed at a State school in a teaching position (within the meaning of section 120).

“(10) An authorisation referred to in the definition of authorised staff member in subsection (9) must be in writing and may be subject to conditions.

“**139AAB Searches of clothing and bags or other containers**

“(1) This section applies if—

“(a) a teacher or an authorised staff member has reasonable grounds to believe that a student has on or about the student’s person, or in any bag or other container under the student’s control, a harmful item; and

“(b) the teacher or authorised staff member has required the student to produce and surrender the harmful item under section 139AAA and the student has refused to produce and surrender it.

“(2) If this section applies, the teacher or authorised staff member may do any of the following:

“(a) require the student to remove any outer clothing, except where the student has no other clothing, or only under-clothing, under that outer clothing:

“(b) require the student to remove any head covering, gloves, footwear, or socks:

“(c) require the student to surrender the bag or other container.

“(3) The teacher or authorised staff member may search any clothing or footwear removed, and any bag or other container surrendered, under subsection (2).

- “(4) If, during a search under this section, the teacher or authorised staff member finds a harmful item or an item that is likely to detrimentally affect the learning environment, the item may be seized by the teacher or authorised staff member and section 139AAA(4) to (7) apply with any necessary modifications.
- “(5) A teacher or an authorised staff member who exercises a power under this section must comply with any rules made under section 139AAH.
- “(6) In this section, section 139AAD, and section 139AAF,—
- “**harmful item** means an item that a teacher or an authorised staff member has reasonable grounds to believe poses an immediate threat to the physical or emotional safety of any person
- “**outer clothing** includes, without limitation, any coat, jacket, jumper, or cardigan
- “**socks** does not include tights or stockings.

“**139AAC Restrictions on searches under section 139AAB**

- “(1) A teacher or an authorised staff member who carries out a search under section 139AAB must carry out the search with decency and sensitivity and in a manner that affords the student the greatest degree of privacy and dignity consistent with the purpose of the search.
- “(2) Unless impracticable, a search under section 139AAB must be carried out—
- “(a) by a teacher or an authorised staff member who is of the same sex as the student; and
- “(b) in the presence of the student and another teacher or authorised staff member who is of the same sex as the student.
- “(3) Unless impracticable, a search under section 139AAB must not be carried out in the view of any person other than the person carrying out the search, the student, and another teacher or authorised staff member.
- “(4) A teacher or an authorised staff member who carries out a search under section 139AAB must—

- “(a) return any clothing or footwear removed and any bag or other container surrendered as soon as the search is completed; and
- “(b) keep a written record of any items seized under section 139AAB(4).

“139AAD Limitations on sections 139AAA and 139AAB

- “(1) Nothing in section 139AAA or 139AAB permits a teacher or staff member—
 - “(a) to search any student; or
 - “(b) to use physical force against a student; or
 - “(c) to require a student to provide a bodily sample (but a teacher or staff member may encourage a student to participate in a voluntary drug treatment programme that involves testing of bodily samples).
- “(2) Nothing in section 139AAA or 139AAB permits a teacher or an authorised staff member to have a dog with him or her for the purpose of exercising a power under that section.
- “(3) The powers set out in sections 139AAA and 139AAB may not be exercised in relation to 2 or more students together unless the teacher or authorised staff member has reasonable grounds to believe that each student has an item specified in section 139AAA(1) or a harmful item on or about his or her person, or in any bag or other container under his or her control.
- “(4) Nothing in subsection (1) limits or affects sections 15 and 17 of this Act or sections 41, 48, and 59 of the Crimes Act 1961.
- “(5) In this section,—
 - “**rub-down search** means a search in which the person conducting the search—
 - “(a) runs or pats his or her hand over the body of the person being searched, whether outside or inside the clothing of the person being searched:
 - “(b) inserts his or her hand inside any pocket or pouch in the clothing of the person being searched
 - “**search**, in relation to a student, includes—
 - “(a) a strip search; and
 - “(b) a rub-down search

“**strip search** means a search where the person conducting the search requires the person being searched to—

- “(a) remove any of the latter person’s clothing other than outer clothing, head covering, gloves, footwear, or socks; or
- “(b) raise, lower, or open all or any part of the latter person’s clothing.

“**139AAE Prohibitions on searches by contractors**

- “(1) A contractor may not—
 - “(a) exercise any power in section 139AAA or 139AAB; or
 - “(b) search a student.
- “(2) However, a contractor may bring a dog that is trained for the purpose of searching to a school and use the dog for the purpose of searching school property (including lockers, desks, or other receptacles provided to students for storage purposes).
- “(3) In this section, **contractor** has the meaning given by section 78CA(2).

“**139AAF Refusal to reveal, produce, or surrender item**

- “(1) If a student refuses to reveal, produce, or surrender an item or computer or other electronic device under section 139AAA(2) or (3), a teacher or an authorised staff member may take any disciplinary steps, or steps to manage the student’s behaviour, that the teacher or authorised staff member considers reasonable.
- “(2) If a student refuses to remove any outer clothing, head covering, gloves, footwear, or socks or to surrender a bag or other container under section 139AAB(2), a teacher or an authorised staff member may take any disciplinary steps, or steps to manage the student’s behaviour, that the teacher or authorised staff member considers reasonable.

“**139AAG Power to search storage containers not affected**

Nothing in section 139AAA or 139AAB limits or affects any power to search any locker, desk, or other receptacle provided to students for storage purposes.

“139AAH Rules about surrender and retention of property and searches

- “(1) The Secretary must make rules (which must be consistent with this Act) regulating the practice and procedure to be followed by boards, principals, teachers, and authorised staff members under sections 139AAA to 139AAF, including, without limitation, rules—
- “(a) providing for the keeping of written records relating to the use of the powers under section 139AAA; and
 - “(b) prescribing requirements relating to the keeping of written records under section 139AAB; and
 - “(c) prescribing the procedure for authorising staff members to exercise powers or carry out functions under sections 139AAA to 139AAI; and
 - “(d) specifying the circumstances in which items may be disposed of under section 139AAA(4)(b); and
 - “(e) setting out requirements for the storage of items and computers and other electronic devices under section 139AAA(6); and
 - “(f) making provision for the return of items and computers and other electronic devices under section 139AAA(7)(a).
- “(2) Rules made under this section are a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

“139AAI Guidelines about surrender and retention of property and searches

- “(1) The Secretary must issue guidelines for the exercise of powers and carrying out of functions under sections 139AAA to 139AAH.
- “(2) Boards, principals, teachers, and authorised staff members must have regard to guidelines issued under subsection (1).”

Secretary may require information for proper administration of Act

29 Section 144A amended (Secretary may require information for proper administration of Act)

- (1) After section 144A(1)(a), insert:
“(ab) the sponsor of any partnership school kura hourua; or”.
- (2) In section 144A(1), after “the board,”, insert “sponsor,” in each place.

Merging schools

30 Section 156A replaced (Minister may merge schools)

Replace section 156A with:

“156A Minister may merge schools

- “(1) Subject to sections 156B and 157, the Minister may, by notice in the *Gazette*, merge 1 or more State schools (**merging schools**) that are not integrated schools with another State school (the **continuing school**) that is not an integrated school, if the Minister is satisfied that—
 - “(a) each board of a school concerned has made reasonable efforts to consult the parents of students (other than adult students) enrolled full-time at the school about the proposed merger; and
 - “(b) the consultation that has taken place has been adequate in all the circumstances; and
 - “(c) the creation of a single school by the proposed merger is appropriate in the circumstances.
- “(2) A notice under subsection (1) takes effect on a day (not earlier than the end of the term after the term during which the notice is published) specified in the notice, and has effect as follows:
 - “(a) the merging schools are part of the continuing school:
 - “(b) if the continuing school and each merging school are not already administered by a single board,—
 - “(i) the board of each merging school is dissolved; and
 - “(ii) all rights, assets, liabilities, and debts of each merging school are vested in the board of the continuing school:

- “(c) the continuing school is a school of the class specified in the notice and provides education for the student class levels specified in the notice.
- “(3) A notice under subsection (1) does not affect the name of the continuing school.
- “(4) Before a notice under subsection (1) takes effect, the Minister must give notice in the *Gazette* of whether—
 - “(a) during the period between a date specified in the notice and the date on which new trustees take office following an election (the **interim period**), the board of the continuing school is to be—
 - “(i) the board of the continuing school plus co-opted trustees representing each merging school (a **continuing board**); or
 - “(ii) a board appointed by the Minister (an **appointed board**); or
 - “(b) the board of the continuing school is to have an alternative constitution approved under section 105A.

“156AB Election or appointment of boards of continuing schools

- “(1) If the notice under section 156A(4) provides that the board of the continuing school is to be a continuing board,—
 - “(a) the board of the continuing school must, within 28 days after the date of that notice, co-opt at least 1 trustee in respect of each of the merging schools so that each merging school is represented on the continuing board; and
 - “(b) each of those co-opted trustees holds office until the end of the interim period (unless replaced earlier); and
 - “(c) section 94C (which limits the co-option and appointment of trustees) does not apply to trustees co-opted for an interim period.
- “(2) If the notice under section 156A(4) provides that the board of the continuing school is to be an appointed board,—
 - “(a) the notice must specify the constitution of the appointed board during the interim period, including how many trustees (if any) the board may co-opt; and

- “(b) the Minister is not bound by section 94 in determining the constitution of the appointed board.
- “(3) When a board is appointed by the Minister,—
 - “(a) the trustees of the continuing school go out of office at the close of the day before the start of the interim period; and
 - “(b) the trustees of the appointed board take office on the date of the start of the interim period.
- “(4) A continuing board or an appointed board may make decisions and exercise powers during the interim period both for the purposes of the continuing school before the merger and for the purpose of providing and preparing for the continuing school after the merger has taken effect.
- “(5) Unless the board of the continuing school was (immediately before the merger took effect) a combined board established under section 110, an appointed board or a continuing board that replaces it must hold elections for a new board on a day that is not later than 3 months after the date the merger takes effect.
- “(6) If an appointed board or a continuing board is required by subsection (5) to hold elections for a new board, all its elected, appointed, and co-opted trustees holding office immediately before the election day go out of office on the close of the day before the date on which the newly elected trustees are to take office.
- “(7) If the merger takes effect after 31 October in the year before an election year and before 31 December in that election year, a board that is required to hold an election under subsection (5) does not have to hold the election until the next election year.

“156AC Alternative constitutions for continuing schools

- “(1) If a notice under section 156A(4) provides that the board of the continuing school is to have an alternative constitution approved under section 105A, the notice must specify the date on which the alternative constitution is to take effect.
- “(2) The date in subsection (1) must be before the date that the notice under section 156A(1) takes effect.

- “(3) The trustees of the continuing school go out of office at the close of the day before the date specified under subsection (1).
- “(4) A board established under section 105A may make decisions and exercise powers both for the purposes of the continuing school before the merger and for the purpose of providing and preparing for the continuing school after the merger has taken effect.”

Partnership schools kura hourua

31 New Part 12A inserted

After section 158, insert:

“Part 12A

“Partnership schools kura hourua

“158A Interpretation

In this Part, unless the context otherwise requires,—

“**body** means a body corporate, corporation sole, or limited partnership

“**composite partnership school kura hourua** means a partnership school kura hourua designated as a composite partnership school kura hourua by notice under section 158B

“**partnership school contract** has the meaning given by section 2(1)

“**primary partnership school kura hourua** has the meaning given by section 2(1)

“**secondary partnership school kura hourua** means a partnership school kura hourua designated as a secondary partnership school kura hourua by notice under section 158B

“**sponsor** has the meaning given by section 2(1).

*“Approval and operation of partnership schools
kura hourua*

“158B Minister may approve sponsors

- “(1) The Minister may by notice in the *Gazette* approve a body to be a sponsor of a partnership school kura hourua.
- “(2) The Minister has absolute discretion to refuse to approve a body to be a sponsor under subsection (1).

- “(3) A notice under subsection (1) must include—
- “(a) the name of the sponsor; and
 - “(b) the place where the school is to be located; and
 - “(c) the name of the school; and
 - “(d) whether the school is to be a primary, secondary, or composite partnership school kura hourua; and
 - “(e) the class levels for which education may be given at the school; and
 - “(f) any religious, philosophical, or other distinguishing characteristic of the school; and
 - “(g) whether all or any (and if so, which) class levels of the school are to be single-sex.
- “(4) A notice under subsection (1) may provide for different class levels to be phased in over a specified period or specified periods.

“158C Minister must appoint advisory group

- “(1) The Minister must appoint an advisory group, consisting of 1 or more members, for the purpose of advising the Minister in relation to—
- “(a) the approval of sponsors under section 158B; and
 - “(b) the educational performance of partnership schools kura hourua.
- “(2) The members of the advisory group must be appointed by the Minister, on terms and conditions to be determined by the Minister, by written notice to each member.
- “(3) The Minister may define and vary the terms of reference of the advisory group as the Minister thinks fit.
- “(4) The advisory group must comply with any terms of reference determined by the Minister under subsection (3).
- “(5) The advisory group may determine its own procedure.
- “(6) Every member of an advisory group appointed under subsection (1) is entitled—
- “(a) to receive remuneration not within paragraph (b) for services as a member of the advisory group at a rate and of a kind determined by the Minister in accordance with the fees framework; and

- “(b) in accordance with the fees framework, to be reimbursed for actual and reasonable travelling and other expenses incurred in carrying out his or her duties as a member of the advisory group.
- “(7) For the purposes of subsection (6), **fees framework** means the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies in which the Crown has an interest.

“158D Partnership school contracts

- “(1) The Minister may from time to time, in the name and on behalf of the Crown, enter into a contract with a sponsor for the operation, by that sponsor, of a partnership school kura hourua.
- “(2) A partnership school contract must be for a fixed term.
- “(3) A partnership school contract must provide for—
 - “(a) objectives and performance standards for the sponsor in relation to the operation of the school; and
 - “(b) reporting requirements of the sponsor in relation to—
 - “(i) the objectives and performance standards of the sponsor under the contract; and
 - “(ii) any relevant national standards published under section 60A(1)(ba); and
 - “(c) the maximum roll of the school; and
 - “(d) the number or percentage of teaching positions (within the meaning of section 120) that must be filled by registered teachers or holders of limited authority to teach; and
 - “(e) the curriculum to be taught at the school; and
 - “(f) the qualifications to be offered by the school (if it is a secondary or composite partnership school kura hourua); and
 - “(g) a procedure for the independent review of complaints against the school; and
 - “(h) powers of intervention in the school by the Minister and the Secretary; and
 - “(i) the termination of the contract for breach of contract; and
 - “(j) the obligations of the sponsor, in the event of the termination or expiry of the contract, to co-operate with

the Minister and to comply with any instructions issued by the Minister in order to ensure the orderly and efficient transfer of the operation of the school.

- “(4) A partnership school contract may contain other provisions, as agreed between the Minister and the sponsor, that are not inconsistent with—
- “(a) this Act; or
 - “(b) any regulations made under this Act.

“158E Complaints

- “(1) A person who refers a complaint about a sponsor to the Ombudsman may refer a complaint to a reviewer in respect of the same matter.
- “(2) Subsection (1) applies—
- “(a) irrespective of whether or not the Ombudsman’s investigation is complete at the time of the referral to the reviewer; and
 - “(b) if that investigation is complete at the time of the referral to the reviewer, irrespective of the outcome of that investigation.
- “(3) A person who refers a complaint to a reviewer about a matter that is within the jurisdiction of the Ombudsman may refer a complaint to the Ombudsman in respect of the same matter.
- “(4) Subsection (3) applies—
- “(a) irrespective of whether or not the reviewer’s investigation is complete at the time of the referral to the Ombudsman; and
 - “(b) if that investigation is complete at the time of the referral to the Ombudsman, irrespective of the outcome of that investigation.
- “(5) Subsection (3) is subject to section 17 of the Ombudsmen Act 1975.
- “(6) In this section,—
- “**Ombudsman** means an Ombudsman appointed under the Ombudsmen Act 1975
 - “**reviewer** means the person or body responsible under a partnership school contract for the independent review of complaints against a partnership school kura hourua.

“158F Prohibitions on operation of partnership schools kura hourua

- “(1) A body that is not approved to be a sponsor under section 158B may not operate or purport to operate a partnership school kura hourua.
- “(2) A sponsor may not operate a partnership school kura hourua unless there is in place a partnership school contract between the Minister and the sponsor.

“158G Sponsor’s duties

A sponsor of a partnership school kura hourua must—

- “(a) provide a safe physical and emotional environment for students; and
- “(b) ensure that the school delivers a curriculum that is in line with any foundation curriculum policy statements published under section 60A(1)(aa); and
- “(c) assign the functions of the principal under the sections specified in section 158U(1) to an appropriately qualified person or to appropriately qualified persons; and
- “(d) assign the role of supervising teaching practice to an appropriately qualified person; and
- “(e) at intervals specified in the partnership school contract, inform parents of—
- “(i) the progress of their children at the school; and
- “(ii) any barriers to progress.

“158H Sponsor to control management of partnership school kura hourua

- “(1) A sponsor of a partnership school kura hourua must perform the sponsor’s functions and exercise the sponsor’s powers in such a way as to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement.
- “(2) A sponsor of a partnership school kura hourua has complete discretion to control the management of the school as the sponsor thinks fit.
- “(3) Subsection (2) is subject to any enactment, the general law of New Zealand, and the partnership school contract.

“158I School rules

- “(1) A sponsor of a partnership school kura hourua may make any rules the sponsor thinks necessary or desirable for the control and management of the school.
- “(2) Subsection (1) is subject to any enactment, the general law of New Zealand, and the partnership school contract.

“158J Sponsor’s power to delegate

- “(1) A sponsor may delegate any of the functions or powers of the sponsor under this Act, either generally or specifically, to any person or group of persons.
- “(2) A delegation under this section must be in writing.
- “(3) The sponsor must not delegate the general power of delegation.
- “(4) The sponsor must not delegate the functions of the sponsor in sections 13 to 18 (as applied by section 158U, with the exception of sections 16 and 17D) and any rules made under section 18AA (as applied by section 158V) to the person to whom the sponsor has assigned the functions of the principal in those sections and rules.
- “(5) A delegate to whom any functions or powers of a sponsor are delegated may,—
 - “(a) unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the sponsor; and
 - “(b) delegate the function or power only—
 - “(i) with the prior written consent of the sponsor; and
 - “(ii) subject to the same restrictions and with the same effect as if the subdelegate were the delegate.
- “(6) A delegate who purports to perform a function or exercise a power under a delegation—
 - “(a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
 - “(b) must produce evidence of his or her authority to do so, if reasonably requested to do so.
- “(7) No delegation in accordance with this Act—

- “(a) affects or prevents the performance of any function or the exercise of any power by the sponsor; or
 - “(b) affects the responsibility of the sponsor for the actions of any delegate acting under the delegation; or
 - “(c) is affected by any change in the constitution of the sponsor.
- “(8) A delegation may be revoked at will by written notice to the delegate.
- “(9) A delegation under subsection (5)(b) may be revoked at will by written notice of the delegate to the subdelegate.

“158K Annual financial statements of partnership schools kura hourua

- “(1) On a date specified in the partnership school contract, a sponsor of a partnership school kura hourua must give to the Secretary annual financial statements relating to the school for the year ending on a date specified in the contract.
- “(2) The financial statements must be prepared in accordance with the partnership school contract.
- “(3) The financial statements must have been audited by a chartered accountant.

“158L Partnership school kura hourua may participate in school risk management scheme

- “(1) A sponsor may, with the consent of the Secretary, participate in a school risk management scheme established under section 78D(2).
- “(2) Sections 78D to 78G, any regulations made under section 78F, and any legal instrument by which a school risk management scheme is established apply to any sponsor that participates in the scheme as if it were a participating school board.

“158M Intervention in partnership school kura hourua by Secretary

- “(1) This section applies if the Secretary has reasonable grounds to believe—
- “(a) that—

- “(i) there exists in respect of a partnership school kura hourua an emergency affecting the education or welfare of its students; or
 - “(ii) there is an imminent threat of such an emergency; and
 - “(b) that the sponsor of the school is unwilling or unable to immediately deal with that emergency or, as the case requires, that threat to the satisfaction of the Secretary.
- “(2) If this section applies, the Secretary may take over the management of the school from the sponsor for any period that the Secretary considers necessary in order to deal with the emergency or threatened emergency, and for that purpose the Secretary—
 - “(a) has and may exercise and perform, in respect of the school, all of the powers and functions that would otherwise be exercisable or performed by the sponsor:
 - “(b) has all other powers necessary or desirable.
- “(3) If the Secretary takes over the management of a school under this section, the Secretary must immediately give written notice to the sponsor of that action, and of the reasons for that action.
- “(4) This section applies despite anything in any partnership school contract, and nothing in this section limits or affects—
 - “(a) any other right or remedy available to the Secretary or the Crown, whether under any partnership school contract or otherwise; or
 - “(b) any liability of the sponsor under the partnership school contract or otherwise.
- “(5) Neither the Secretary, nor the Crown, nor any other person acting by or under the authority of the Secretary is under any civil or criminal liability for anything the Secretary or any such person may do or fail to do in the course of the exercise or performance or intended exercise or performance of any powers or functions under this section, unless it is shown that the Secretary or that other person acted, or failed to act, in bad faith.

“Enrolment in partnership schools kura hourua

“158N Enrolment in partnership schools kura hourua

- “(1) If a partnership school kura hourua receives more applications than there are places at the school, the order of priority in which applicants are to be offered places at the school is as follows:
- “(a) first priority must be given to any applicant who is the sibling of a current student of the school:
 - “(b) second priority must be given to any student who is the sibling of a former student of the school:
 - “(c) third priority must be given to all other applicants.
- “(2) If there are more applicants in any of the priority groups than there are places available, selection within the priority group must be by ballot.
- “(3) If 2 or more siblings apply for places at the school at the same time, the applications of those siblings must be dealt with as a single application for the purposes of the ballot.
- “(4) In this section, **sibling** has the meaning given by section 11F(3).

“158O Equal rights to primary and secondary education in partnership schools kura hourua

- “(1) People who have special educational needs (whether because of disability or otherwise) have the same rights to enrol and receive education at partnership schools kura hourua as people who do not.
- “(2) Nothing in subsection (1) affects or limits—
- “(a) those provisions of Part 2 and this Part that relate to the suspension, expulsion, and exclusion of students from partnership schools kura hourua; and
 - “(b) section 158N (enrolment in partnership schools kura hourua).

“158P Special education in partnership schools kura hourua

Despite sections 5 and 6 (as applied by section 158U), if the Secretary and the person’s parents agree,—

- “(a) a person with special educational needs who is under 21 and who turns 14 in any year may, in any later year, be or

- continue to be enrolled at a primary partnership school kura hourua, or in a class below form 3 at a composite partnership school kura hourua; and
- “(b) a person under 21 with special educational needs may be or continue to be enrolled at a secondary partnership school kura hourua, or in a class above form 2 at a composite partnership school kura hourua, who, in the opinion of the Secretary,—
- “(i) has not completed the work of form 2; and
- “(ii) has not completed work equivalent to the work of form 2; and
- “(c) a person under 21 with special educational needs may be or continue to be enrolled at a secondary partnership school kura hourua, or in a class above form 2 at a composite partnership school kura hourua, on or after 1 January after the person’s 19th birthday.

“Multiple timetable arrangements

“158Q Multiple timetable arrangements in partnership schools kura hourua

- “(1) A sponsor may run a multiple timetable arrangement at a partnership school kura hourua for a specified period if the sponsor is satisfied that the arrangement is appropriate in the circumstances.
- “(2) A sponsor must take all reasonable steps to notify every affected student and his or her parents in writing of—
- “(a) the multiple timetable arrangement; and
- “(b) the time periods for each day during which the affected student’s timetable will run.
- “(3) In this section, **affected student** and **multiple timetable arrangement** have the meanings given by section 25(8).

“Exclusions

“158R Secretary’s powers when student younger than 16 is excluded from partnership school kura hourua

- “(1) If the Secretary is satisfied that the sponsor of a partnership school kura hourua has excluded a student who is younger than 16 from the school under section 15(1)(c) (as applied by sec-

tion 158U), and that no person to whom the sponsor has assigned the functions of the principal under section 15(5) (as so applied) has arranged for the student to attend another school, the Secretary must,—

- “(a) if satisfied that it is appropriate for the student to return to the school from which the student has been excluded, lift the exclusion; or
 - “(b) arrange for and, if necessary, direct the board of a State school (that is not an integrated school) to enrol the student at the State school; or
 - “(c) arrange for and, if necessary, direct a sponsor of another partnership school kura hourua to enrol the student at the other school; or
 - “(d) direct a parent of the student to enrol the student at a correspondence school.
- “(2) The Secretary may not give a direction under subsection (1)(b), or lift an exclusion under subsection (1)(a), unless the Secretary has also made all reasonable attempts to consult the student, the student’s parents, the board, and any other person or organisation that, in the opinion of the Secretary, may be interested in, or be able to advise on or help with, the student’s education or welfare.
- “(3) The Secretary may not give a direction under subsection (1)(c) unless—
- “(a) the student’s parents agree; and
 - “(b) the Secretary has made all reasonable attempts to consult the student, the sponsor, and any other person or organisation that, in the opinion of the Secretary, may be interested in, or be able to advise on or help with, the student’s education or welfare.
- “(4) If the sponsor of the school from which the student has been excluded is also the sponsor of another school, the Secretary (in exercising the power conferred by subsection (1)(c)) may direct the sponsor to enrol the student at that other school.
- “(5) A board must comply with a direction under subsection (1)(b), and the direction overrides the provisions of any enrolment scheme the school may have in place.

“(6) A sponsor must comply with a direction under subsection (1)(c), and the direction overrides the provisions of any enrolment scheme the school may have in place.

“158S Re-enrolment by partnership school kura hourua of student excluded or expelled

“(1) The sponsor of a partnership school kura hourua from which a student has ever been excluded or expelled (whether under section 15 or 17 as applied by section 158U) may refuse to enrol the student at the school (unless, in the case of an exclusion, the Secretary has lifted the exclusion under section 158R(1)(a)).

“(2) Subject to sections 16(1)(ba) and 158R(1)(c), the sponsor of a partnership school kura hourua may refuse to enrol a student who is for the time being excluded or expelled (whether under section 15 or 17 as applied by section 158U) from a State school or another partnership school kura hourua.

“(3) The Secretary may, in the case of a student who has turned 16, direct the sponsor of another partnership school kura hourua to enrol the student at the school if—

“(a) the student has been expelled from a partnership school kura hourua under section 17 (as so applied); and

“(b) the student’s parents agree to the enrolment; and

“(c) the Secretary has made all reasonable attempts to consult the student, the sponsor, and any other person or organisation that, in the opinion of the Secretary, may be interested in, or be able to advise on or help with, the student’s education or welfare.

“(4) The Secretary may, in the case of a student who has turned 16, direct the board of a State school to enrol the student at the school if—

“(a) the student has been expelled from a partnership school kura hourua under section 17 (as so applied); and

“(b) the Secretary has made all reasonable attempts to consult the student, the student’s parents, the board, and any other person or organisation that, in the opinion of the Secretary, may be interested in, or be able to advise on or help with, the student’s education or welfare.

*“Courses and visits***“158T Courses and visits outside partnership school kura hourua premises**

A sponsor of a partnership school kura hourua may authorise any students to do any of the following outside the school premises:

- “(a) undertake courses of education; or
- “(b) obtain work experience; or
- “(c) make visits.

*“Application of Act to partnership schools kura hourua***“158U Application of this Act to partnership schools kura hourua**

- “(1) Sections 4 to 6, 13 to 15, 17 to 17C, 18 to 19, 25A (except subsection (1B)), 25AA, 25B, 27, 33, 78C to 78CD, and 139AAA to 139AAI (except section 139AAE(1)(a)) apply to partnership schools kura hourua with any necessary modifications.
- “(2) In their application to partnership schools kura hourua under subsection (1), sections 4 to 6, 13 to 15, 17 to 17C, 18 to 19, 25A (except subsection (1B)), 25AA, 25B, 27, 33, 78C to 78CD, and 139AAA to 139AAI (except section 139AAE(1)(a)) must be read as if—
 - “(a) any references to a State school were references to a partnership school kura hourua; and
 - “(b) any references to a board or a board of a State school were references to a sponsor; and
 - “(c) any references to a principal were references to the person or persons to whom a sponsor has assigned the function or functions of the principal under the section in question; and
 - “(d) any references to a primary school were references to a primary partnership school kura hourua; and
 - “(e) any references to a secondary school were references to a secondary partnership school kura hourua; and
 - “(f) any references to a composite school were references to a composite partnership school kura hourua.

- “(3) In its application to partnership schools kura hourua under subsection (1), section 17B must also be read as if the reference to a meeting of the board were a reference to a meeting with the sponsor.
- “(4) In its application to partnership schools kura hourua under subsection (1), section 25AA must also be read as if references to the health curriculum were references to the health curriculum delivered by a partnership school kura hourua.
- “(5) In their application to partnership schools kura hourua under subsection (1), sections 139AAA to 139AAI must also be read as if the definition of **teacher** in section 139AAA(9) were replaced with the following definition:
- “**teacher** means—
- “(a) a person holding a teaching position (within the meaning of section 120) at a partnership school kura hourua; or
- “(b) a person to whom the sponsor of the partnership school kura hourua has assigned any of the functions of the principal.

“**158V Application of Education (Stand-Down, Suspension, Exclusion, and Expulsion) Rules 1999 to partnership schools kura hourua**

- “(1) The Education (Stand-Down, Suspension, Exclusion, and Expulsion) Rules 1999 (except rule 3) apply to partnership schools kura hourua with any necessary modifications.
- “(2) In their application to partnership schools kura hourua under subsection (1), the Education (Stand-Down, Suspension, Exclusion, and Expulsion) Rules 1999 must be read as if—
- “(a) any references to a State school were references to a partnership school kura hourua; and
- “(b) any references to a board or a board of a State school were references to a sponsor; and
- “(c) any references to a principal were references to the person to whom a sponsor has assigned the function or functions of the principal under the rules.

“Application of other Acts to partnership schools kura hourua

“158W Application of New Zealand Bill of Rights Act 1990 to partnership schools kura hourua

Section 3(b) of the New Zealand Bill of Rights Act 1990 applies to the following persons when performing functions under this Act or in relation to a partnership school contract:

- “(a) a sponsor of a partnership school kura hourua:
- “(b) a person employed by a sponsor of a partnership school kura hourua in a position at the school:
- “(c) a person who works at a partnership school kura hourua under contract.

“158X Application of Privacy Act 1993 to partnership schools kura hourua

When performing functions under this Act or a partnership school contract, a sponsor of a partnership school kura hourua is to be treated as a public sector agency for the purposes of sections 35 and 36 of the Privacy Act 1993.

“158Y Official Information Act 1982 not to apply to partnership schools kura hourua

The Official Information Act 1982 does not apply to a sponsor of a partnership school kura hourua when the sponsor is performing functions under this Act or a partnership school contract.”

New Zealand Qualifications Authority

32 Section 246 amended (Interpretation)

In section 246, definition of **relevant school**, after paragraph (b), insert:

- “(ba) a partnership school kura hourua (as that term is defined in section 2(1)), other than a partnership school kura hourua that is only a primary partnership school kura hourua (as that term is defined in section 2(1)); or”.

33 Section 246A amended (Functions of Authority)

In section 246A(1)(f), replace “secondary schools” with “relevant schools”.

*Early childhood education and care centres***34 Section 319J replaced (Centres situated on property owned by the Crown)**

Replace section 319J with:

“319J Centres situated on property owned by, or leased to, the Crown

- “(1) The continued operation of an early childhood education and care centre on land owned by, or leased to, the Crown, and the occupation by an early childhood education and care centre of any building on any such land, may be governed by—
- “(a) a lease or tenancy or licence between the Crown and the service provider who operates the centre under section 45 of the Public Works Act 1981; or
 - “(b) a lease or licence between a board and the service provider under section 70B of the Education Act 1989; or
 - “(c) a lease between a third party (to whom a lease has been granted by the Crown) and the service provider; or
 - “(d) an occupancy document notified to the service provider who operates the centre by the Secretary.
- “(2) If subsection (1)(d) applies to an early childhood education and care centre, the following provisions also apply:
- “(a) the Secretary may direct the building of any capital works on that land that are intended for the centre’s use:
 - “(b) the service provider who operates the centre must—
 - “(i) pay to the Secretary the rent for the time being charged by the Secretary; and
 - “(ii) comply with standards of maintenance and capital works as determined by the Secretary:
 - “(c) the service provider who operates the centre must not, without the Secretary’s approval,—
 - “(i) carry out any capital works on the land; or
 - “(ii) grant any lease or sublease of, or grant any licence or permit in respect of, or assign any rights

in respect of, or part with possession or control of, or allow any other person to share possession, control, or use of, the land or any other property of the Crown.

- “(3) The Secretary may from time to time amend an occupancy document by written notice to the service provider who operates the early childhood education and care centre.
- “(4) In this section, **lease** includes a sublease.”

National student numbers

35 Section 342 amended (Interpretation)

- (1) In section 342, insert in its appropriate alphabetical order:
“**early childhood service** means a licensed early childhood service (as defined in section 309)”.
- (2) In section 342, definition of **education provider**, paragraph (a), delete “as defined in section 120”.

36 Section 343 amended (Assigning national student numbers)

After section 343(1), insert:

- “(1A) The Secretary may also assign a national student number to any child under the age of 6 years if the Secretary has reasonable grounds to believe that—
- “(a) the child is unlikely to attend an early childhood service; and
 - “(b) the child is likely to benefit from attending such a service.”

37 Section 344 amended (Use of national student numbers)

After section 344(2)(a), insert:

“(ab) encouraging attendance at early childhood services:”.

38 Section 345 amended (Student may use or disclose own national student number)

- (1) In the heading to section 345, replace “**Student**” with “**Person**”.
- (2) In section 345, replace “a student” with “a person”.

39 Section 346 amended (Offences)

Replace section 346(2) with:

- “(2) A person (**person A**) who is not an authorised user commits an offence, and is liable on conviction to a fine not exceeding \$15,000, who, without reasonable excuse, keeps a record of, or requires the disclosure of, the national student number of another person (**person B**) if the number is, or is capable by person A of being, linked to any information that may lead person A to the identification of person B.”

Part 2

Transitional provisions and consequential amendments

Transitional provisions

40 Transitional provision relating to Criminal Procedure Act 2011

Until the commencement date of the Criminal Procedure Act 2011 (within the meaning of section 394 of that Act), section 346(2) of the principal Act (as replaced by this Act) must be read as if the offence prescribed in that subsection were punishable on summary conviction.

41 Transitional provision relating to Legislation Act 2012

Until the commencement of section 77(2) of the Legislation Act 2012, section 139AAH(2) must be read as if it declared rules made under section 139AAH to be regulations for the purposes of the Acts and Regulations Publication Act 1989 and the Regulations (Disallowance) Act 1989.

Consequential amendments

42 Amendment to Accident Compensation Act 2001

- (1) This section amends the Accident Compensation Act 2001.
- (2) In section 6(1), definition of **place of education**, replace paragraph (a)(i) with:
- “(i) a composite school or a secondary school as defined by section 2(1) of the Education Act 1989, or a secondary school registered under section

35A of the Education Act 1989, or a secondary partnership school kura hourua or composite partnership school kura hourua (within the meaning of section 158A of the Education Act 1989); and”.

43 Amendment to Births, Deaths, Marriages, and Relationships Registration Act 1995

- (1) This section amends the Births, Deaths, Marriages, and Relationships Registration Act 1995.
- (2) In Schedule 1A, item relating to the Ministry of Education, replace “student information” with “information”.

44 Amendments to Health Act 1956

- (1) This section amends the Health Act 1956.
- (2) In section 125(1), insert in its appropriate alphabetical order: “**partnership school kura hourua** has the meaning given by section 2(1) of the Education Act 1989”.
- (3) In section 125(2), after “public school”, insert “, partnership school kura hourua,”.

45 Amendments to Immigration Act 2009

- (1) This section amends the Immigration Act 2009.
- (2) In section 4, definition of **compulsory education**, paragraph (a), after “integrated”, insert “, or at a partnership school kura hourua (within the meaning of section 2(1) of that Act)”.
- (3) In section 4, definition of **course of study**, paragraph (a)(i), after “integrated”, insert “, or by a partnership school kura hourua (within the meaning of section 2(1) of that Act)”.

46 Amendment to Income Tax Act 2007

- (1) This section amends the Income Tax Act 2007.
- (2) After section CW 55BB(1)(b)(i), insert:
 - “(ia) a partnership school kura hourua (within the meaning of section 2(1) of the Education Act 1989):”.

47 Amendment to Local Government (Rating) Act 2002

- (1) This section amends the Local Government (Rating) Act 2002.
- (2) In Schedule 1, after clause 6(b)(v), insert:
 - “(vi) a partnership school kura hourua (within the meaning of section 2(1) of the Education Act 1989), excluding any partnership school kura hourua that operates for profit.”.

48 Amendment to Official Information Act 1982

- (1) This section amends the Official Information Act 1982.
- (2) In section 2, definition of **organisation**, paragraph (a), replace “Parliamentary Service or mortality review committees” with “Parliamentary Service, mortality review committees, or sponsors (within the meaning of section 2(1) of the Education Act 1989) when performing functions under the Education Act 1989 or a partnership school contract (within the meaning of section 2(1) of the Education Act 1989)”.

49 Amendments to Ombudsmen Act 1975

- (1) This section amends the Ombudsmen Act 1975.
 - (2) After section 2(4), insert:
 - “(5) For the purposes of Part 2 of Schedule 1, a sponsor performs a standing-down, suspension, exclusion, or expulsion function if the sponsor performs a function under any of sections 14, 15, 16(1)(ba), and (5), 17 to 17C, 17D(3A), and (5), 18, 158R(1)(c), (4), and (6), and 158S(1) to (3) of the Education Act 1989 or under rules made under section 18AA of that Act.”
 - (3) In Schedule 1, Part 2, insert the following in its appropriate alphabetical order:
 - “sponsors (within the meaning of section 2(1) of the Education Act 1989) when performing a standing-down, suspension, exclusion, or expulsion function”.
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Legislative history

15 October 2012	Introduction (Bill 77-1)
18 October 2012	First reading and referral to Education and Science Committee
12 April 2013	Reported from Education and Science Committee (Bill 77-2)
14 May 2013	Second reading
29 May 2013	Committee of the whole House
30 May 2013	Reported from committee of the whole House
4 June 2013	Third reading
12 June 2013	Royal assent

This Act is administered by the Ministry of Education.
