



# Education (School Boards) Amendment Regulations 2023

Cindy Kiro, Governor-General

## Order in Council

At Wellington this 18th day of December 2023

Present:

The Right Hon Christopher Luxon presiding in Council

These regulations are made under section 638 of the Education and Training Act 2020 on the advice and with the consent of the Executive Council.

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**Regulations**

**1 Title**

These regulations are the Education (School Boards) Amendment Regulations 2023.

**2 Commencement**

These regulations come into force on 18 January 2024.

**3 Principal regulations**

These regulations amend the Education (School Boards) Regulations 2020.

**4 New Part 1 heading inserted**

After regulation 2, insert:

**Part 1**  
**Preliminary provisions**

**5 Cross-heading above regulation 4 revoked**

Revoke the cross-heading above regulation 4.

**6 New Part 2 heading inserted**

After regulation 4, insert:

**Part 2**  
**Powers of boards**

**7 Cross-heading above regulation 5 revoked**

Revoke the cross-heading above regulation 5.

**8 New Part 3 heading inserted**

After regulation 9, insert:

### **Part 3**

#### **Procedure of boards**

- 9 Cross-heading above regulation 10 revoked**  
Revoke the cross-heading above regulation 10.
- 10 New Part 4 heading inserted**  
After regulation 19, insert:

### **Part 4**

#### **Duties of boards**

- 11 Cross-heading above regulation 20 revoked**  
Revoke the cross-heading above regulation 20.
- 12 Cross-heading above regulation 21 revoked**  
Revoke the cross-heading above regulation 21.
- 13 New regulation 22 inserted (Duty to prohibit the use or access of mobile phones)**  
After regulation 21, insert:
- 22 Duty to prohibit the use or access of mobile phones**
- (1) The board of a State school (other than Te Aho o Te Kura Pounamu) must prohibit students from using or accessing mobile phones at all times while they are attending school.
  - (2) The board may do anything within its powers that it thinks is necessary or desirable to implement the prohibition.
  - (3) However, the board must ensure that the prohibition does not apply to a student to the extent that—
    - (a) the board is satisfied that the student needs to use or access a mobile phone—
      - (i) for a purpose connected with the student’s health; or
      - (ii) for the purpose of assisting the student in connection with any disability or learning support need; or
    - (b) a registered teacher determines that the student needs to use or access a mobile phone for a specific educational task or purpose; or
    - (c) the principal determines that there are special circumstances that make it necessary for the student to use or access a mobile phone (for example, the student is a teenage parent).

(4) The board must ensure that the prohibition takes effect no later than 29 April 2024.

Rachel Hayward,  
Clerk of the Executive Council.

### Explanatory note

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 18 January 2024, amend the Education (School Boards) Regulations 2020 (the **principal regulations**).

The regulations insert into the principal regulations *new regulation 22*, which imposes a duty on boards of State schools (other than Te Aho o Te Kura Pounamu) to prohibit students from using or accessing mobile phones at all times while they are attending school. The prohibition will also apply to students of the school who are undertaking courses of education, gaining work experience, or making visits outside the school premises (by virtue of section 53(2) of the Education and Training Act 2020 (the **Act**)).

*New regulation 22* provides that the prohibition must take effect no later than 29 April 2024 and that the board may do anything within its powers that it thinks is necessary or desirable to implement the prohibition (for example, the board may make bylaws under section 126 of the Act).

However, *new regulation 22* also requires the board to ensure that the prohibition does not apply to a student to the extent that the board is satisfied that the student needs to use or access a mobile phone—

- for a purpose connected with the student’s health (for example, to monitor insulin levels); or
- for the purpose of assisting the student in connection with a disability or learning support need (for example, to assist with impaired communication).

*New regulation 22* also requires the board to ensure that the prohibition does not apply to a student to the extent that—

- a registered teacher determines that the student needs to use or access a mobile phone for a specific educational task or purpose (for example, for a class assignment); or
- the principal of the school determines that there are special circumstances that make it necessary for the student to use or access a mobile phone (for example, the student is a teenage parent).

The regulations also divide the principal regulations into Parts and remove cross-headings that are no longer needed.

### Regulatory impact statement

The Ministry of Education produced a regulatory impact statement on 1 December 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.education.govt.nz/our-work/information-releases/advice-seen-by-our-ministers/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 21 December 2023.

These regulations are administered by the Ministry of Education.