

Version
as at 6 June 2024



Education (When State Schools Must Be Open) Regulations 2022 (SL 2022/302)

Education (When State Schools Must Be Open) Regulations 2022: revoked, on 6 June 2024, by regulation 12 of the Education (When State Schools Must Be Open and Closed) Regulations 2024 (SL 2024/53).

Cindy Kiro, Governor-General

Order in Council

At Wellington this 21st day of November 2022

Present:

Her Excellency the Governor-General 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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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Education.

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Regulations

- 1 Title**

These regulations are the Education (When State Schools Must Be Open) Regulations 2022.
- 2 Commencement**

These regulations come into force on 1 January 2023.
- 3 Interpretation**

In these regulations, unless the context otherwise requires, **Act** means the Education and Training Act 2020.
- 4 Transitional, savings, and related provisions**

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.
- 5 Length of school year**

 - (1) Primary, intermediate, and specialist schools must be open for—
 - (a) 386 half-days in 2023; and
 - (b) 384 half-days in 2024.
 - (2) Secondary and composite schools must be open for—
 - (a) 380 half-days in 2023; and
 - (b) 380 half-days in 2024.
 - (3) Except as provided in the Act, a board must ensure that each school it administers is open for instruction on the number of half-days specified for the school.

- (4) If, because of a strike or lockout, a school is not open for instruction on any half-day, the school is to be treated as having been open for instruction on that half-day.

Compare: 2020 No 38 Schedule 21 cl 1

6 Terms

- (1) Schools must,—
- (a) for the 2023 school year, observe the relevant term dates specified in Schedule 2:
 - (b) for the 2024 school year, observe the relevant term dates specified in Schedule 3.
- (2) A board must ensure that each school it administers is open for instruction for 1 half-day that finishes at or before noon and 1 half-day that starts at or after noon on every day during the term dates specified—
- (a) for the 2023 school year in Schedule 2:
 - (b) for the 2024 school year in Schedule 3.
- (3) However, a board may vary the time at which any 1 or more half-days take place (for example, by starting a second half-day before noon) if the board—
- (a) has adequately consulted parents, staff, the local community, and any other person who the board considers may be affected about the proposed variation and it is generally acceptable; and
 - (b) is satisfied that the adoption of the proposal would not result in the students of the school spending less time in school than other students in comparable schools and other local schools; and
 - (c) has taken all reasonable steps to notify students and parents in writing of the board's final decision on the proposed variation.
- (4) A board may also vary the time at which any 1 or more half-days take place without satisfying the requirements in subclause (3)(a) if—
- (a) the variation is made for operational reasons; and
 - (b) the variation applies for no more than 2 days; and
 - (c) the board has not made a variation under this subclause during the previous 6 weeks.
- (5) A student enrolled at a State school must comply with section 36 of the Act even if the school's board varies the time of any 1 or more half-days.
- (6) On any day, a school is not open for instruction at all if it is open for less than 1 half-day.
- (7) To avoid doubt, if a school opens on any day for only 1 half-day, that half-day may be counted towards the number of half-days fixed under regulation 5(1) and (2).

Compare: 2020 No 38 Schedule 21 cl 2

7 Holidays

- (1) A board must ensure that each school it administers is closed on—
- (a) Saturdays, Sundays, New Year's Day, 2 January, Waitangi Day, Good Friday, Easter Monday, Easter Tuesday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, Labour Day, Christmas Day, and Boxing Day; and
 - (b) the day observed as anniversary day in the locality in which the school is situated; and
 - (c) if 1 January falls on a Friday, the following Monday; and
 - (d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and
 - (e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.
- (2) If a school experiences a bereavement in respect of a student or staff member or experiences some other traumatic event, the board may, subject to regulation 5, close the school for an appropriate period of time.

Compare: 2020 No 38 Schedule 21 cl 3

8 Exceptions in particular cases

A board may open a school it administers for fewer half-days in any year than required by regulation 5(3) in the following cases:

- (a) construction at the school means the school is unable to open on some days during term and as a result the school is unable to meet its half-day requirements by 20 December in 2023 or 2024;
- (b) the school is rendered uninhabitable on short notice;
- (c) to accommodate any teacher-only days agreed with the Minister;
- (d) to accommodate any public holiday in addition to those specified in regulation 7(1) that may be introduced in 2023 or 2024.

Compare: 2020 No 38 Schedule 21 cl 4

9 Multiple timetable arrangements

A board may run a multiple timetable arrangement for a period that the board specifies for a school it administers to accommodate the education of students enrolled at another school that does not have adequate facilities available for those students if the board—

- (a) has adequately consulted its staff, the parents of its students, and the local community about the proposed multiple timetable arrangement; and
- (b) considers that the multiple timetable arrangement is appropriate in the circumstances; and

- (c) has taken all reasonable steps to notify every affected student and a parent of the student in writing of the multiple timetable arrangement and the time periods each day for which the affected student's timetable runs.

Compare: 2020 No 38 Schedule 21 cl 5

**Schedule 1
Transitional, savings, and related provisions**

r 4

**Part 1
Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions in these regulations as made.

Schedule 2

2023: school terms and holidays

r 6(1)(a)

Term	Start date	End date	Holidays
1 (10 weeks)	Between Monday 30 January (at the earliest); and Tuesday 7 February (at the latest)	Thursday 6 April (86 to 96 half-days)	Public holiday: Monday 6 February (Waitangi Day) School holiday: Friday 7 April to Sunday 23 May (includes Good Friday, Easter Monday, and Easter Tuesday)
2 (10 weeks)	Monday 24 April	Friday 30 June (96 half-days)	Public holidays: Tuesday 25 April (ANZAC Day), Monday 5 June (Sovereign's Birthday) School holiday: Saturday 1 July to Sunday 16 July (includes Matariki)
3 (10 weeks)	Monday 17 July	Friday 22 September (100 half-days)	School holiday: Saturday 23 September to Sunday 8 October
4 (10 weeks)	Monday 9 October	No later than Wednesday 20 December (up to 104 half-days)*	Public holiday: 23 October (Labour Day) School holiday: 5 or 6 weeks (from school's closing date until opening date of school the following year)

*For primary, intermediate, and special schools: or a day in December that ensures that the school has been open for instruction for a minimum of 386 half-days in 2023. For secondary and composite schools: or a day in December that ensures that the school has been open for instruction for 380 half-days in 2023.

Schedule 3

2024: school terms and holidays

r 6(1)(b)

Term	Start date	End date	Holidays
1 (10 weeks)	Between Monday 29 January (at the earliest); and Wednesday 7 February (at the latest)	Friday 12 April (90 to 102 half-days)	Holidays during term: Tuesday 6 February (Waitangi Day), 29 March (Good Friday), 1 April (Easter Monday), and 2 April (Easter Tuesday) School holiday: Saturday 13 April to Sunday 28 April (includes ANZAC Day)
2 (10 weeks)	Monday 29 April	Friday 5 July (96 half-days)	Public holidays: Monday 3 June (Sovereign's Birthday), Friday 28 June (Matariki) School holiday: Saturday 6 July to Sunday 21 July
3 (10 weeks)	Monday 22 July	Friday 27 September (100 half-days)	School holiday: Saturday 28 September to Sunday 13 October
4 (10 weeks)	Monday 14 October	No later than Friday 20 December (up to 98 half-days)*	Public holiday: Monday 28 October (Labour Day) School holiday: 5 or 6 weeks (from school's closing date until opening date of school the following year)

*For primary, intermediate, and special schools: or a day in December that ensures that the school has been open for instruction for a minimum of 384 half-days in 2024. For secondary and composite schools: or a day in December that ensures that the school has been open for instruction for 380 half-days in 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 come into force on 1 January 2023. They specify when schools must be open in 2023 and 2024.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 24 November 2022.

Notes

1 *General*

This is a consolidation of the Education (When State Schools Must Be Open) Regulations 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Education (When State Schools Must Be Open and Closed) Regulations 2024 (SL 2024/53): regulation 12