

House of Representatives

Supplementary Order Paper

Tuesday, 16 October 2018

Education Amendment Bill

Proposed amendment

David Seymour, in Committee, to move the following amendment:

New clause 10A

After *clause 10* (page 3, after line 13) insert:

10A New Part 12B

Before Part 13, insert:

Part 12B

Sponsor operated schools and institutions

158ZB Interpretation

In this Part, unless the context otherwise requires,—

designated character school means a school designated as a designated character school under section 156

sponsor means the board of trustees of a designated character school

158ZC Minister may approve sponsors

- (1) The Minister may by notice in the *Gazette* approve a sponsor to operate a designated character school in accordance with this Part.
- (2) The Minister has absolute discretion to refuse to approve a sponsor under **subsection (1)**.
- (3) A notice under **subsection (1)** must include the information required by section 156AA(3).

158ZD Sponsor operated school conditions

- (1) An approval under **section 158ZC** is subject to conditions provided by the Minister.
- (2) The Minister must provide conditions that deal with the following matters:
 - (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 the objectives and performance standards of the sponsor; 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 people holding a practising certificate or 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 process and criteria for removal of approval.

158ZE Sponsor's duties

A sponsor approved under **section 158ZC** 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) ensure that in the development and delivery of the curriculum, the school has regard to any statement of National Education and Learning Priorities issued by the Minister under section 1A.
- (d) assign the role of supervising teaching practice to an appropriately qualified person; and
- (e) at intervals specified in the conditions provided under **section 158ZD**, inform parents of—
 - (i) the progress of their children at the school; and
 - (ii) any barriers to progress.

158ZF Sponsor to control management

- (1) A sponsor approved under **section 158ZC** 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 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 conditions provided under **section 158ZD**.

158ZG 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 and any rules made under section 18AA 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.

158ZH Application of State Sector Act 1988 to sponsor

The State Sector Act 1988 does not apply to a sponsor performing its functions as a sponsor under this Part.

158ZI Funding

- (1) A sponsor approved under **section 158ZC** receives the same funding to operate its designated character school per child as an equivalent school funded under Parts 8 and 8A of this Act.
- (2) For the purposes of **subsection (1)** an equivalent school must be determined taking into account the number of students enrolled at the school, the year levels taught at the school, and relevant demographic indicators relating to the population served by the school.
- (3) A sponsor approved under **section 158ZC** has complete discretion to allocate the funding provided under **subsection (1)** to perform the duties of the sponsor as the sponsor sees fit.

Explanatory note

This Supplementary Order Paper inserts *new clause 10A* in the Education Amendment Bill inserting new Part 12B in the Education Act 1989 (the principal Act). *New Part 12B* permits the board of trustees of a designated character school to seek approval to operate with the greater flexibility that is offered by particular features of the Partnership School model.

New section 158ZC provides that the board of trustees of a designated character school may apply to the Minister to operate a school on the terms set out in this part. It further provides that the Minister may nominate a sponsor to operate a school on the terms set out in this Part. *New section 158ZE* outlines the sponsor's duties. *New section 158ZF* provides that a sponsor has complete discretion to control the management of the school as the sponsor thinks fit. *New section 158ZG* provides that a sponsor may delegate any of the functions or powers of the sponsor to any person or group of persons. *New section 158ZH* provides that the State Sector Act 1988 does not apply to a sponsor if it is performing its functions as a sponsor under this Part. *New section 158ZI* provides that sponsor operated schools be funded to an equivalent level as State schools, with the sponsor retaining complete discretion as to how that funding should be spent for the purposes of performing the sponsor's functions.

