

Education and Training Amendment Bill (No 2)

Government Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

~~text deleted~~

Hon Erica Stanford

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The Parliament of New Zealand enacts as follows:

- | | | |
|----------|---|---|
| 1 | Title | |
| | This Act is the Education and Training Amendment Act (No 2) 2025 . | |
| 2 | Commencement | |
| | This Act comes into force on the day after Royal assent. | 5 |
| 3 | Principal Act | |
| | This Act amends the Education and Training Act 2020. | |

Part 1		
Amendments to principal Act		
<i>Amendments to Part 1 (preliminary provisions)</i>		
		10
4	Section 3 amended (Outline of Act)	
	Repeal section 3(2)(b).	
5	Section 5 repealed (Minister may issue statement of national education and learning priorities)	
	Repeal section 5.	15
6	Section 9 amended (Te Tiriti o Waitangi)	
(1)	Repeal section 9(1)(b).	
(2)	Replace section 9(1)(d) with:	

- (d) ~~section 127(2)(e), which provides that, in meeting its paramount objective in governing a school, a board must ensure that the school gives effect to Te Tiriti o Waitangi, including by—~~
- ~~(i) achieving equitable outcomes for Māori students; and~~
 - ~~(ii) working to ensure that its plans, policies, and teaching and learning programmes reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and~~
 - ~~(iii) taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori; and~~
- (2) Repeal section 9(1)(d). 10
- (3) After section 9(2)(b), insert:
- (ba) section 127(2)(e), which provides that, when meeting its paramount objective in governing a school, the board must ensure that it—
- (i) seeks to achieve equitable outcomes for Māori students; and
 - (ii) takes all reasonable steps to provide for students to be taught, and to learn, in te reo Māori on request of their parents or immediate caregivers; and
 - (iii) takes reasonable steps to ensure that the policies and practices for the school reflect New Zealand’s cultural diversity;
- 7 **Section 10 amended (Interpretation)** 20
- In section 10(1), insert in its appropriate alphabetical order:
- academic freedom** has the meaning given in section 267(4)
- Amendments to Part 3 (primary and secondary education)*
- 8 **Section 127 replaced (Objectives of boards in governing schools)** 25
- Replace section 127 with:
- 127 Paramount objective of boards in governing schools**
- (1) A board’s paramount objective in governing a school is to ensure that every student at the school is able to attain their highest possible standard in educational achievement.
- (2) To meet the paramount objective, the board must meet the following supporting objectives: 30
- (a) to give effect to its obligation to take all reasonable steps to ensure that the school’s students attend the school when it is open;
 - (b) to ensure that the school uses good quality assessment and aromatawai information to monitor and evaluate students’ progress and achievement, including any assessment or aromatawai specified in a foundation curriculum policy statement: 35

- (c) to ensure that the school—
- (i) is a physically and emotionally safe place for all students and staff; and
 - (ii) gives effect to relevant student rights set out in this Act, the New Zealand Bill of Rights Act 1990, and the Human Rights Act 1993; and
 - (iii) takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school:
- (d) to ensure that the school is inclusive of, and caters for, students with differing needs: 10
- (e) ~~to ensure that the school gives effect to Te Tiriti o Waitangi, including by—~~
- ~~(i) achieving equitable outcomes for Māori students; and~~
 - ~~(ii) working to ensure that its plans, policies, and teaching and learning programmes reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and~~ 15
 - ~~(iii) taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori:~~
- (e) to ensure that it—
- (i) seeks to achieve equitable outcomes for Māori students; and 20
 - (ii) takes all reasonable steps to provide for students to be taught, and to learn, in te reo Māori on request of their parents or immediate caregivers; and
 - (iii) takes reasonable steps to ensure that the policies and practices for the school reflect New Zealand’s cultural diversity: 25
- (f) to give effect to its obligations in relation to—
- (i) any foundation curriculum statements, national curriculum statements, and national performance measures; and
 - (ii) teaching and learning programmes; and
 - (iii) monitoring and reporting students’ progress: 30
- (g) to perform its functions and exercise its powers in a way that is financially responsible:
- (h) if the school is a member of a community of learning that has a community of learning agreement under clause 2 of Schedule 5, to comply with its obligations under the agreement: 35
- (i) to comply with all of its other obligations under this or any other legislation.
- (3) In this section,—

paramount objective means the highest-priority objective

supporting objective means an objective that is essential and supports the paramount objective.

8A Section 133 repealed (Board’s policies and practices must reflect cultural diversity) 5

Repeal section 133.

9 New sections 137A to 137D and cross-heading inserted

After section 137, insert:

Attendance management

137A Attendance management plan 10

- (1) A board must have an attendance management plan for its school.
- (2) The attendance management plan must—
 - (a) set out a strategy and a process for the school to identify and respond to student absences, for the purpose of returning students to attendance (as required under section 36); and
 - (b) comply with any regulations made under section 638 relating to the content of attendance management plans.

137B Preparing attendance management plan

In preparing an attendance management plan, a board must have regard to any guidelines on the management of school attendance issued by the Secretary. 20

137C Review of attendance management plan

- (1) A board must review its attendance management plan in accordance with regulations made under section 638.
- (2) Following the review, the board must—
 - (a) readopt the plan; or
 - (b) adopt a new or amended plan.

137D Attendance management plan to be on Internet site

A board must ensure that its attendance management plan is available to the public on an Internet site maintained by or on behalf of the board.

10 Section 212O amended (Duties of sponsors) 30

- (1) Replace section 212O(f) with:
 - (f) ensure that the school’s chief executive and staff develop and deliver a curriculum for teaching, learning, and assessment that meets tuition

standards at least equivalent to those at State schools of the same year levels; and

- (2) Repeal section 212O(g).

Amendments to Part 4 (tertiary education and vocational education and training)

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11 Section 281 amended (Duties of councils)

After section 281(1)(f), insert:

- (g) if the institution is a university, to protect and promote—
- (i) academic freedom, in accordance with section 267; and
 - (ii) freedom of expression, in accordance with the university's statement adopted under **section 281A**.

10

12 New sections 281A and 281B inserted

After section 281, insert:

281A Requirement for university council to adopt statement on freedom of expression

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- (1) The council of a university must develop and adopt a statement that sets out the university's approach to freedom of expression.

- (2) The statement must be consistent with the following:

- (a) universities should recognise that freedom of expression is critical to maintaining academic freedom:
- (b) universities should actively foster an environment where ideas can be challenged, controversial issues can be discussed, and diverse opinions can be expressed:
- (c) universities' policies and procedures relating to freedom of expression should be clear, consistently applied, and focused on fostering genuine debate rather than restricting it:
- (d) universities, as institutions, should not take public positions on matters that do not directly concern their role or functions:
- (e) universities should not limit the freedom of expression of staff or students, except where the exercise of free expression is likely to be unlawful or to disrupt the ordinary activities of the university:
- (f) universities should provide a platform for invited speakers of diverse viewpoints, and should not deny the use of university premises by an invited speaker because of that speaker's ideas or opinions.

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- (3) In **subsection (2)(f)**, **invited speaker** means a speaker invited by staff or any student association or student club of the university.

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281B Requirement for university council to establish complaints procedure relating to academic freedom and freedom of expression

- (1) The council of a university must establish and maintain a complaints procedure relating to academic freedom and freedom of expression.
- (2) *See also section 306(4)(h)*, which requires the nature and number of complaints relating to academic freedom and freedom of expression to be included in the council’s annual report.

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13 Section 306 amended (Annual report)

After section 306(4)(g), insert:

- (h) in the case of an institution that is a university,—
- (i) a report on how the council of the university has complied with its duties to protect and promote academic freedom and freedom of expression set out in **section 281(1)(g)**; and
- (ii) a report on the number and nature of complaints made under the complaints procedure established under **section 281B** for the year to which the annual report relates; and
- (iii) a report on any other matters prescribed by regulations made under **section 651B**.

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*Amendments to Part 4A (wānanga)***14 Section 398A amended (Outline of Part 4A)**

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- (1) In section 398A(1), replace “4” with “5”.
- (2) After section 398A(4), insert:
- (4A) Subpart 4 concerns the conversion of category A wānanga or category C wānanga to category B wānanga.

Amendments to Part 5 (performance, funding, and support)

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15AAA Section 475 amended (Composition of Teaching Council)

- (1) In section 475(1)(a), replace “6” with “7”.
- (2) In section 475(1)(b), replace “7” with “6”.
- (3) Repeal section 475(1)(b)(iv).
- (4) Replace section 475(2) with:
- (2) Each of the elected members must be a registered teacher holding a current practising certificate.

30

15AAB Section 477 amended (Disqualification from office)

Repeal section 477(2).

15 Section 479 amended (Functions and powers of Teaching Council)

- (1) After section 479(1)(j), insert:
- (ja) to review, at any time, the standards for ongoing practice or criteria for the issue of practising certificates established under paragraph (j), and, after consulting the Minister,—
 - (i) vary, delete, or replace 1 or more of the standards or criteria; or
 - (ii) add 1 or more standards or criteria; or
 - (iii) delete all the standards or criteria and substitute new standards or criteria:
- (2) In section 479(1)(pa), after “relating to”, insert “mandatory reports to the Teaching Council,”.
- (3) After section 479(6), insert:
- (7) When performing its functions under subsection (1)(g), (h), or (i), the Teaching Council must—
- (a) consult the Secretary; and
 - (b) have regard to any advice given by the Secretary.

16 Section 483 amended (Reports)

Replace section 483(2) with:

- (2) The Teaching Council must present to the House of Representatives an annual report on its operations.
- (3) The annual report must include (without limitation)—
- (a) the audited financial statements of the Teaching Council; and
 - (b) a report on how the Teaching Council has complied with the requirement under section 482(5) to have regard to any relevant statement of Government policy.

17 Section 497 amended (Powers of Complaints Assessment Committee)

- (1) After section 497(2)(c), insert:
- (d) refer the matter back to the Teaching Council.
- (2) In section 497(3)(b), after “authority”, insert “for a specified period”.
- (3) In section 497(3)(e), after “certificate”, insert “or authority”.

18 Section 500 amended (Powers of Disciplinary Tribunal)

In section 500(1)(j), after “certificate”, insert “or authority”.

19 Section 508 amended (Powers of Competence Authority after finding required level of competence not attained)

- (1) In section 508(a)(i), after “authority”, insert “for a specified period”.

- (2) Replace section 508(b) with:
- (b) order that the teacher’s registration, practising certificate, or authority be cancelled.
- 20 Section 523 amended (Board or sponsor must reimburse the Crown for expenditure relating to international students)** 5
- In section 523(1), replace “must” with “may”.
- Amendments to Part 6 (administration of education system)*
- 21 Section 589 amended (Strikes in schools to be notified)**
- In section 589(1), replace “3 days” with “not less than 7 days”.
- 22 Section 617 amended (Minister must issue eligibility criteria relating to appointment of principals)** 10
- (1) In the heading to section 617, replace “**must**” with “**may**”.
- (2) In section 617(1), replace “must issue” with “may issue”.
- 23 Section 638 amended (Regulations relating to how schools must be run)**
- After section 638(2)(f), insert: 15
- (g) provide for matters relating to attendance management plans under **sections 137A to 137D**, including (without limitation)—
- (i) specifying thresholds (applying to schools other than distance schools), based on the number of days a student is absent within a school term, to trigger a school’s actions and responses to a student’s absence: 20
- (ia) specifying thresholds applying to distance schools to trigger a distance school’s actions and responses to a student’s absence:
- (ii) prescribing required content of attendance management plans, including (without limitation) requiring information about how the school intends to— 25
- (A) identify issues that make attendance challenging for a student:
- (B) respond to student absences at the specified thresholds and to underlying causes of student absence: 30
- (iii) specifying the period in which a board must review its attendance management plan and readopt the plan or adopt a new or amended plan.
- 24 New section 651B inserted (Regulations relating to annual reporting requirements for university council)** 35
- After section 651A, insert:

- 651B Regulations relating to annual reporting requirements for university council**
- (1) The Governor-General may, by Order in Council, make regulations prescribing information relating to academic freedom and freedom of expression that must be included in the annual report of the council of a university, for the purpose of measuring performance and establishing benchmarks. 5
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).
- 25 Schedule 1 amended**
- In Schedule 1,— 10
- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
- (b) make all necessary consequential amendments.
- 26 Schedule 3 amended**
- (1) In Schedule 3, replace clause 7(b) with: 15
- (b) the Teaching Council is satisfied that the person is not the subject of any of the following: 15
- (i) a mandatory report under any of sections 489 to 493:
- (ii) a complaint made under section 495(2) or section 506(2):
- (iii) a matter referred to the Complaints Assessment Committee under section 496(2): 20
- (iv) a matter referred to the Disciplinary Tribunal under section 497(5).
- (2) In Schedule 3, after clause 8(3)(c), insert: 25
- (d) a cancellation of a person’s registration under clause 6(1)(a) or (b); or
- (e) a voluntary deregistration under clause 7; or
- (f) a conviction of a teacher in the circumstances described in **subclause (5)**; or
- (g) an agreement between a teacher and the Teaching Council (due to a report or complaint that is about or involves the teacher’s possible serious misconduct) that the teacher will not teach until the agreement is ended. 30
- (3) In Schedule 3, replace clause 8(4) with:
- (4) If the register is annotated following an agreement not to teach in accordance with **subclause (3)(g)** or an interim suspension, the annotation must be removed or corrected as soon as practicable after the agreement is ended or the matter is concluded (as specified in section 499(6)). 35
- (5) For the purposes of **subclause (3)(f)**, the circumstances are that the teacher—

(a)	has been convicted of a specified offence as defined in section 23(1) of the Children’s Act 2014; and	
(b)	has not been granted an exemption under section 35 of that Act in respect of that conviction.	
(4)	In Schedule 3, after clause 21(3)(c), insert:	5
(d)	a cancellation of a person’s limited authority to teach under clause 17(1)(a) or (b); or	
(e)	a conviction of a holder of a limited authority to teach in the circumstances described in subclause (5) ; or	
(f)	an agreement between a holder of a limited authority to teach and the Teaching Council (due to a report or complaint that is about or involves the person’s possible serious misconduct) that the person will not teach until the agreement is ended.	10
(5)	In Schedule 3, replace clause 21(4) with:	
(4)	If the list is annotated following an agreement not to teach in accordance with subclause (3)(f) or an interim suspension, the annotation must be removed or corrected as soon as practicable after the agreement is ended or the matter is concluded (as specified in section 499(6)).	15
(5)	For the purposes of subclause (3)(e) , the circumstances are that the person—	
(a)	has been convicted of a specified offence as defined in section 23(1) of the Children’s Act 2014; and	20
(b)	has not been granted an exemption under section 35 of that Act in respect of that conviction.	
27	Schedule 5 amended	
(1)	In the Schedule 5 heading, replace “127(2)(d)” with “ 127(2)(h) ”.	25
(2)	In Schedule 5, repeal clause 3(2).	
28	Schedule 7 amended	
	In Schedule 7, repeal clause 7.	
29	Schedule 24 amended	
(1)	In Schedule 24, clause 1, insert in its appropriate alphabetical order:	30
	researcher means any individual employed or engaged by a tertiary education organisation who carries out research or research-led teaching	
(2)	In Schedule 24, replace clause 2 with:	
2	Purpose	
	The purpose of this schedule is to authorise the use of national student numbers by specified users for specific purposes in order to facilitate the accurate use and transfer, by specified users, of information relating to—	35

- (a) individual students:
- (b) the research performance of researchers and the associated funding of tertiary education organisations.
- (3) In Schedule 24, after clause 3(1)(b), insert:
- (c) a researcher. 5
- (4) In Schedule 24, clause 4(1)(c)(iii), replace “providers” with “providers, researchers,”.

Part 2

Amendments to other legislation

Amendment to Education (School Planning and Reporting) Regulations 2023 10

29A Principal regulations

Section 29B amends the Education (School Planning and Reporting) Regulations 2023.

29B Regulation 5 amended (Timing: preparation of first and subsequent strategic plans) 15

In regulation 5(1)(b) and (2)(b), replace “1 January 2026” with “1 January 2027”.

Consequential amendments to secondary legislation

30 Consequential amendments to secondary legislation

Amend the secondary legislation specified in **Schedule 2** as set out in that schedule. 20

Schedule 1
New Part 7 inserted into Schedule 1

s 25

Part 7		
Provisions relating to Education and Training Amendment Act (No 2) 2025		5
126 Interpretation		
	In this Part,—	
	amendment Act means the Education and Training Amendment Act (No 2) 2025	10
	commencement date means the date on which the amendment Act comes into force.	
<i>Attendance management plans</i>		
127 Requirement to have attendance management plan		
(1)	A board (other than the board of a distance school) is not required to have an attendance management plan under section 137A for its school until the first day after 25 January 2026 on which the school is open for instruction.	15
(2)	The board of a distance school is not required to have an attendance management plan until 20 July 2026.	
<i>Statement on freedom of expression</i>		20
128 Requirement to adopt statement on freedom of expression		
	The council of a university is not required to adopt a statement on freedom of expression under section 281A for the university until 6 months after the commencement date.	
<i>National student numbers</i>		25
129 Validation of national student numbers assigned to or used in relation to researchers		
(1)	This clause applies to a national student number assigned to, or used in relation to, a researcher before the commencement date.	
(2)	The assignment or use of the national student number is valid and declared to be, and to always have been, lawful.	30
(3)	In this clause, researcher means an individual who is, or was, employed or engaged by a tertiary education organisation and carries out, or carried out, research or research-led teaching.	

*Teaching Council membership***130** **End of teacher educator's term of office**

- (1) This clause applies to the member of the Teaching Council holding office under section 475(1)(b)(iv) immediately before the commencement date.
- (2) The member's term of office ends on the commencement date. 5

131 **Initial appointment of additional member under section 475(1)(a)**

- (1) This clause applies to the first appointment by the Minister of the additional member of the Teaching Council under section 475(1)(a) (as amended by the amendment Act).
- (2) The Minister need not comply with section 476(3) when appointing the member. 10

Schedule 2

Consequential amendments to secondary legislation

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Education (Early Childhood Services) Regulations 2008 (SR 2008/204)

Revoke regulation 47(1)(aa). 5

Education (School Planning and Reporting) Regulations 2023 (SL 2023/155)

In regulation 7(1)(b), delete “primary”.

Revoke regulation 7(1)(d)(i).

In regulation 7(1)(d)(ii), delete “other”.

Replace regulation 7(1)(f) with: 10

(f) ~~the board’s strategies for giving effect to Te Tiriti o Waitangi, including strategies for—~~

(i) ~~achieving equitable outcomes for Māori students; and~~

(ii) ~~working to ensure that its plans, policies, and teaching and learning programmes reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and~~ 15

(iii) ~~taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori;~~

Replace regulation 7(1)(f) with:

(f) the board’s strategies for— 20

(i) seeking to achieve equitable outcomes for Māori students; and

(ii) taking all reasonable steps to provide for students to be taught, and to learn, in te reo Māori on request of their parents or immediate caregivers; and

(iii) taking reasonable steps to ensure that the policies and practices for the school reflect New Zealand’s cultural diversity; 25

Revoke regulation 9(1)(g).

Revoke regulation 9(2)(a).

In regulation (9)(2)(b), delete “instead”.

Revoke regulation 10(1)(b). 30

Teaching Council of Aotearoa New Zealand Election Rules 2018 (LI 2018/234)

In rule 3, definition of **elected member**, revoke paragraph (d).

In rule 3, revoke the definition of **teacher educator**.

Revoke rule 8(1)(d) and (3)(b).

Revoke rule 9(6)(b). 35

Education and Training Amendment Bill (No 2)

Legislative history

7 April 2025	Introduction (Bill 140–1)
14 May 2025	First reading and referral to Education and Workforce Committee
11 September 2025	Reported from Education and Workforce Committee (Bill 140–2)
15 October 2025	Second reading
4 November 2025	Committee of the whole House (Bill 140–3)