



# Education (When State Schools Must Be Open and Closed) Regulations 2024

Cindy Kiro, Governor-General

## Order in Council

At Wellington this 7th day of May 2024

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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*Revocation*

12      Revocation 7

**Schedule 1** 8**Transitional, savings, and related provisions****Regulations****1 Title**

These regulations are the Education (When State Schools Must Be Open and Closed) Regulations 2024.

**2 Commencement**

These regulations come into force on 6 June 2024.

*Preliminary provisions***3 Application**

- (1) The powers conferred on the Minister by regulations 6 to 10 may be exercised in respect of all schools, schools of a particular classification or description, or specified schools.
- (2) Regulations 6 to 10 have effect as if specialist schools and special services were State schools.

Compare: 1989 No 80 s 65F

**4 Interpretation**

In these regulations, unless the context otherwise requires, **Act** means the Education and Training Act 2020.

**5 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

*When schools must be open and closed for instruction***6 Length of school year**

- (1) The Minister may, by notice before 1 July in any year, specify the number of half-days on which schools must be open during the next year.
- (2) For the purposes of subclause (1), different numbers may be fixed for schools of different classes or descriptions.
- (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 under subclause (1).

- (4) If, because of a lawful strike or lockout (within the meaning of Part 8 of the Employment Relations Act 2000), a school is not open for instruction on any half-day, the school is, for the purposes of subclause (3), treated as having been open for instruction on that half-day.
- (5) If the Minister fails to specify the number of half-days on which schools must be open in any year, the number specified for the previous year applies for that year.
- (6) A notice under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1989 No 80 s 65A

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**Legislation Act 2019 requirements for secondary legislation made under this regulation**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Regulations.*

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## 7 Terms

- (1) The Minister may, by notice before 1 July in any year, specify (by reference to specific dates, specified days, the number of half-days determined under regulation 6, or any 2 or more of those means)—
- the terms that schools must observe during the next year; or
  - a means for ascertaining or determining those terms.
- (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 terms specified, ascertained, or determined under subclause (1).
- (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—
- 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
  - 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
  - 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—
- 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 by the Minister under regulation 6(1).
  - (8) If the Minister fails to specify terms, or a means of ascertaining or determining them, in any year, the terms specified for the previous year apply for that year.
  - (9) A notice under subclause (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1989 No 80 s 65B

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**Legislation Act 2019 requirements for secondary legislation made under this regulation**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Regulations.*

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## 8 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) However, the Minister may, by notice, specify the circumstances in which boards may open the schools they administer or any of them on Saturdays or Sundays, and, if the Minister does so, the schools may open.
- (3) The Minister may, by notice before 1 July in any year, specify days during the next year (in addition to those specified in subclause (1)) on which boards may

close the schools they administer or any of them, and, if the Minister does so, schools may be closed accordingly.

- (4) If the Minister fails to specify days on which schools may be closed for any year, the days on which the schools may be closed are the days specified for the previous year.
- (5) The Minister may, by notice, specify the circumstances in which boards may close the schools they administer or any of them, and, if the Minister does so, subject to regulation 6, the schools may be closed accordingly.
- (6) A notice under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1989 No 80 s 65C

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**Legislation Act 2019 requirements for secondary legislation made under this regulation**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Regulations.*

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## 9 Exceptions in particular cases

- (1) The Minister may, by notice, authorise a board to open a school it administers for fewer half-days in any year than required by regulation 6(3) and, if the Minister does so, the school may be closed accordingly.
- (2) The Minister may, by notice, authorise a board to open and close a school it administers in accordance with terms and holidays (specified by the Minister) that differ from those otherwise required by the Act to be observed, and, subject to any terms and conditions specified by the Minister when giving the authority, the school may be open and closed accordingly.
- (3) A notice under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1989 No 80 s 65D

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**Legislation Act 2019 requirements for secondary legislation made under this regulation**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Regulations.*

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## 10 Multiple timetable arrangements

- (1) The Minister may, by notice, authorise a board to run a multiple timetable arrangement for a period that the board specifies for a school it administers if the Minister—

- (a) is satisfied that the board 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 proposed 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.
- (2) An authorisation under subclause (1) may be given unconditionally or subject to any conditions the Minister thinks fit.
- (3) A notice under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1989 No 80 s 65DA

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**Legislation Act 2019 requirements for secondary legislation made under this regulation**

<b>Publication</b>	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
<b>Disallowance</b>	It may be disallowed by the House of Representatives	LA19 ss 115, 116

*This note is not part of the Regulations.*

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## 11 Delegation of powers to Secretary

- (1) The Minister may, by notice, delegate their powers under regulations 6 to 10 to the Secretary in relation to any individual school and, if the Minister does so,—
- (a) the Secretary must exercise the powers in respect of individual schools only; and
- (b) the delegation does not limit or affect the exercise of the powers by the Minister.
- (2) A notice under this regulation is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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**Legislation Act 2019 requirements for secondary legislation made under this regulation**

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<b>Presentation</b>	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
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*This note is not part of the Regulations.*

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*Revocation***12 Revocation**

The Education (When State Schools Must Be Open) Regulations 2022 (SL 2022/302) are revoked.

## Schedule 1

### Transitional, savings, and related provisions

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### Part 1

#### Provisions relating to these regulations as made

#### 1 2024 school terms and holidays

The 2024 school terms and holidays are as set out in the following table:

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.

#### 2 Application of regulations to 2024 school year

Despite clause 1, the Minister may exercise any of their powers under these regulations in respect of the 2024 school year in relation to any schools of a particular classification or description, or any specified school.

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 6 June 2024, authorise the Minister of Education, by notice, to—

- specify term dates and the number of half-days on which schools must be open and provide for exceptions in particular cases:
- allow a board to vary the time at which any 1 or more half-days take place, subject to any specified preconditions or requirements:
- allow a board to run multiple timetable arrangements unconditionally or subject to any specified preconditions or requirements:
- delegate their powers under *regulations 6 to 10* to the Secretary for Education in relation to any individual school.

*Regulation 12* revokes the Education (When State Schools Must Be Open) Regulations 2022.

*Part 1 of Schedule 1* preserves the 2024 school terms and holidays that were set out in Schedule 3 of the Education (When State Schools Must Be Open) Regulations 2022 and provides that the Minister may exercise their powers under these regulations in respect of the 2024 school year in relation to any schools of a particular classification or description, or any specified school.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 9 May 2024.

These regulations are administered by the Ministry of Education.