

Building Effective Schooling Networks

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Your school is involved in a review of schooling provision

The Ministry of Education is reviewing schooling provision in your area. This will involve your school's Board of Trustees and your school community.

The *Building Effective Schooling Networks* handbook has been designed in collaboration with teacher unions and the New Zealand Schools Trustees Association (NZSTA). It is intended to support communities, Boards of Trustees, principals and school staff during a review of education.

The Minister of Education (the Minister) is committed to delivering high quality education to all students and to ensuring that this quality can be sustained for the next 10 to 15 years.

The review process encourages parents, school staff and people in the community with an interest in schooling to work together to ensure that effective schooling is provided in the area.

Before making any decisions about changes to schooling, the Minister will consider a range of information including feedback from your school and your community.

The information in this handbook is designed to:

- set out the rationale for the process taking place
- outline the processes for conducting the review
- explain the roles and responsibilities of key people
- highlight some of the issues around reviews of schooling provision.

Taking stock of our schooling

A review evaluates how to make the best use of resources within the network of schools, while also focusing on strengthening education across the country. The Ministry of Education (the Ministry) identifies areas where there is significant surplus or inappropriate classrooms e.g. defective buildings for the number of school-age students in a local area, and the Minister can then initiate a review of schooling provision in these areas.

The process of reviewing a network begins by identifying the existing cluster of schools and asking questions:

- Does the existing type of schooling provision reflect the needs of the community?
- Are there too many schools?
- How do schools in the local network relate to, or interconnect with, one another?
- Are they dependent on each other?

Why do we need to make changes to our schools?

A mismatch at the local level

Changes to schools and local schooling networks need to reflect the changes that take place within communities. Demographic changes in a community often lead to requests for new models of schooling, different types of provision, such as Māori medium education, or may mean that the number of schools no longer meets the needs of a growing, or declining, population. Changes in industry and employment, and a shift from rural to urban centres are the types of social change that are also reflected in the need to make changes to schools. As well as demographic change, the infrastructure within a community may change. Where the quality of roads or availability of public transport have improved over time, ease of access to larger schools may mean that having a number of smaller schools that are a relatively short distance apart is no longer necessary or viable.

A common scenario is that the roll of a school falls due to population decline, or perhaps there is community discontent with aspects of the local schools. This has a snowball effect as the school finds it hard to recruit staff, finances are limited and Boards of Trustees find it difficult to provide the best opportunities for education delivery. For secondary schools, a falling roll can mean it is difficult to provide a reasonable range of subject options. In these cases, it is best to address the problem in a proactive way, before the situation gathers momentum and the school gets into further difficulties. If addressed quickly, a community has time to think about possible options before those options become limited.

Sometimes a plan to reorganise a network of schools can start a process that sees communities and schools rediscovering what they want for the education of their young people. This can provide a basis for further development of quality education in new schools that may be created as a result of a review.

The information that the Ministry gathers during a review process forms the basis for discussion within the schools' communities. These discussions in turn contribute to recommendations for reorganising education provision. The review involves both regular state schools, kura and designated character state schools. The review might also consider the provision of early childhood education centres.

Integrated schools may be included in information sharing about changes to state schooling provision in the area if this is the wish of the schools' proprietors. Reviews cannot result in changes to integrated schools unless they are supported by the proprietor, because of their legislation.

The timeline for the review of schooling provision

There are five broad stages to a review. These stages will vary in the time they take to be completed as each community is unique. In brief, these stages are described below.

Stage 1: Engagement and initiation

The Ministry recommends to the Minister (Education Report 1) that a review of schooling provision be initiated. If the Minister agrees, the review is announced, including the options that the community will be consulted on. In cases where the review is particularly broad or complex, there may be a preliminary engagement with the community to develop a vision for education in the area. In most cases, the Ministry will develop options.

Stage 2: Consultation

The community is consulted on a set of options for schooling in the area. The Ministry reports to the Minister (Education Report 2) on the views of the community, as well as other relevant information, such as costs and demographic forecasts, and makes recommendations for future schooling provision.

Stage 3: Consideration

The Minister considers the Ministry’s report and makes a preliminary decision. If part of the Minister’s decision involves the closure of schools, Boards of Trustees then have a further 28 days to provide reasons to the Minister why their school should not close. Often this 28-day consultation is offered to all Boards involved, including those proposed for merger. The Ministry reports to the Minister (Education Report 3).

Stage 4: Decision

The Minister makes a final decision on the review.

Stage 5: Implementation

The Minister’s decision is implemented.



Stage 1: The review of schooling provision is initiated

Who else is involved at this stage? (see *Appendix one*)

Facilitators

- Facilitators support boards of trustees in their consultation process and in managing consultation with other groups in the community.

Once the Ministry has identified that a review of schooling is needed within a local network, it seeks agreement from the Minister to begin consultation on a range of options. In instances where the review is limited in scope, the Ministry will formulate what the most appropriate options are.

Where the scope of the review is likely to be broader or more complex, the Ministry will first seek agreement from the Minister to engage the community in consultation about what its own vision for its community is ([Engagement Report](#)). Through engagement in this initial consultation, the Ministry will develop a number of options on which it will further consult.

Once options have been developed (either through a consultation process or by the Ministry), the Minister will receive a report from the Ministry recommending that a review of schooling be initiated and what options are recommended to be consulted on ([Initiation Report: Education Report 1](#)). If the Minister agrees to the need for a review, it is announced and the schools that will be involved are identified. At this stage:

- Boards of Trustees, unions and school sector associations are informed
- a facilitator is engaged.

Impact on Boards of Trustees

Board members will have their own needs for reassurance, but also will need to give reassurance to others in their school communities and will need skills to manage all the issues to be dealt with during a review. Board members will also need to consider whether they, and school staff, need access to workshops about managing change, or perhaps counselling about the changes.

Boards of Trustees, as the elected representatives of the community, are responsible for commenting on proposals. Boards should consult with parents and school staff about reorganisation options. Boards need to arrange for parents to be sent information throughout the review. This may be through newsletters, pamphlets or whichever means is suitable to reach their community. They must ensure parents are given the opportunity to get all the information they need, have their questions answered about processes and timelines, and give their views to the Board.

Board matters once a review is announced

When a review of education provision is announced, the Boards of Trustees of primary schools involved must:

- seek Ministry approval before making any permanent appointments
- only undertake health and safety property projects from their Five-Year Agreement (5YA) funding
- monitor the Board expenditure carefully.

The first bullet point in the list above is triggered for secondary schools when the decision to merge or close them is gazetted.

Support for staff

Boards should consider what they need to support them. Boards and principals should set in place appropriate support for all staff throughout the review and transition period. This support might involve change workshops, counselling or an employee assistance programme.

The role of principals

Principals will be integrally involved in the reorganisation process. Their expertise and knowledge of students, their families and whānau, and of the school community will be invaluable. It is important that principals maintain a professional stance at all times and expect the same from their staff, no matter how stressful the review process might personally be. Principals have a responsibility to keep school staff focused on student learning throughout the course of the review and afterwards during the transition phase as changes are put into effect.

Principals may be asked by their Boards to oversee the information that goes out to parents and students, such as newsletters or pamphlets. They will also need to be available to answer questions and deal with the day-to-day queries and concerns that arise from both parents and staff. Boards must monitor the principal's workload and arrange support during the process if this is required.

The importance of local knowledge

Boards of Trustees have the local knowledge to provide the Ministry with key background information about the provision of education in the district.

For the review to bring about the best schooling options for the future, it is important that the Board of Trustees' members are involved. These processes are not easy and often community feelings are high. The best outcomes will be achieved when Boards of Trustees and principals openly consider the issues – not just for their own schools, but for education in their wider community.

How is a review of education provision funded?

Boards of Trustees may face additional costs during the discussion and consultation phases of a review. Where Boards can demonstrate that their funds cannot meet these costs, the Ministry can provide some financial support.

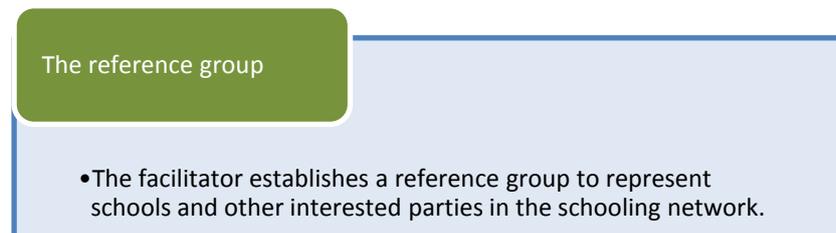
After the Minister's final decisions are made, there are implementation costs such as:

- communications costs
- staff and Board counselling/support costs
- costs of any additional Board meetings.

These costs are either met from individual school funds or from an advance on Education Development Initiative (EDI) funding (with the agreement of the Ministry and the reference group). EDI funding is explained further below, and also in the Glossary section of this handbook.

Stage 2: Consultation on the Minister's options

Who else is involved at this stage of the process? (see *Appendix one*)



The Minister's options are presented to the Boards of Trustees and principals. During this stage:

- the Ministry consults with the schools' Boards of Trustees
- the Boards of Trustees consult with their own communities on the options
- the facilitator consults with other community groups
- the facilitator gathers the community feedback and develops a consultation report on the responses from the schools and community
- a reference group is appointed, which peer reviews the report
- the report is then provided to the Ministry of Education
- the Ministry prepares a report for the Minister (Consultation Report: Education Report 2); this report summarises the responses from the consultation and the school communities' preferences.

The importance of consultation

A review of education provision identifies issues that are being experienced in the community by different groups, including the Ministry. The review provides some options for changes to schooling that will provide a foundation for strengthening education in the area and gives everyone involved the opportunity to provide feedback on the options before the Minister of Education makes a final decision.

The Ministry has developed a specific process to be followed in reviews of schooling. This may be adapted in some circumstances. Essentially, the Minister will be consulting with school Boards of Trustees who in turn will consult with parents, whānau, principals, school staff and groups with an interest in local schooling.

Schools' Boards of Trustees consider their community's reactions to suggestions for change when making their views known to the Ministry. Typically, there are at least two phases of the consultation when Boards of Trustees and communities are asked to be involved.

How consultation is defined

The purpose of consultation is to encourage those people who will be affected by a decision to participate in the decision-making process. The Ministry must listen to the views of schools and communities, and must convey those views to the Minister. The Ministry is also obliged to recommend to the Minister the options it thinks are best for education both in the short term and for the future. The final decision, however, rests with the Minister.

The timeframes for consultation must be established at the beginning of the process, and the Ministry must give the community sufficient opportunity to express its views. The Ministry is not, however, required to reconcile different points of view, agree to any particular view or even agree with the most commonly held view¹.



1 A definition of what constitutes community consultation has been tested through New Zealand case law. The Court considers that the consulting organisation must: give sufficiently precise information on what is being proposed; give the participants enough time to respond and raise issues; keep an open mind and consider carefully the suggestions, rather than decide what to do before consultation occurs; and provide feedback to consultees whenever possible.

See: [http://www.victoria.ac.nz/law/centres/nzcpl/publications/regulations-review-committee-digest/chapter-12 Part C: What Constitutes Consultation?](http://www.victoria.ac.nz/law/centres/nzcpl/publications/regulations-review-committee-digest/chapter-12%20Part%20C%20What%20Constitutes%20Consultation?)

Stage 3: Consideration by the Minister, who makes a final decision

The Minister considers the Ministry's Consultation Report (Education Report 2) and makes a preliminary decision. At this stage:

- the preliminary decision is announced to the Boards of Trustees
- the facilitator meets with the Boards of Trustees to ensure they are provided with support
- Boards of Trustees have 28 days in which to respond to the preliminary decision; they may consult with their communities if they choose
- the facilitator prepares a report including feedback from the consultation
- the reference group peer reviews the report and it is forwarded to the Ministry of Education
- the Ministry develops a report to the Minister (Consideration Report: Education Report 3).

Stage 4: The Minister's final decision

Who else is involved at this stage of the process? (see Appendix one)

The Minister considers the Ministry's Consideration Report and makes the final decision. After this stage:

- a **change manager** is appointed
- a **residual agent** is appointed
- a **project manager** is appointed
- the process of appointing the **Establishment Board** begins
- other planning for implementation begins
- in the case of a new school or a merged school, the Ministry appoints a **governance facilitator**.



The governance facilitator

- Where a new Board of Trustees is appointed (an establishment Board in the case of a new school) a governance facilitator will be appointed to support the Board. The role of the governance facilitator is to ensure that the Board completes the tasks it needs to undertake for the new school to open. The governance facilitator is paid by the Ministry.

The change manager

- The change manager works with the Boards of Trustees, the project manager, the residual agent and the Ministry to implement the Minister's decision. The change manager provides support on operational matters associated with the closure or merger of a school. In particular they support the Board to fulfill the employer responsibilities in accordance with the relevant collective agreements for all staff in the school. The change manager is paid by the Ministry.

The residual agent

- A residual agent is required for a school that is closing or merging. The residual agent is appointed by the Board to help with its financial management prior to closure or merger, and to wind up the school's affairs, ensuring the correct distribution of assets as stated in the memorandum of agreement. Payment for the residual agent is the responsibility of the Board.

The project manager

- The project manager will manage the change programme once the Minister's final decisions are made. Unless the review has been a small one, an overall project manager will be appointed early in the process to assist the reorganisation. This role is central to the effective management of the implementation programme.

Once appointments have been made, the Ministry's national office will provide the necessary information to all parties, and define the separate roles and responsibilities of each. The appointees will report through the Ministry's local office. Planning for the implementation will begin and may involve:

- surveying parents to see where they are planning to enrol their children
- development of new enrolment schemes or changes to existing scheme boundaries
- changes to property
- new transport arrangements
- planning future education provision
- possible EDI and Joint Schools Initiative Funding (JSIF) projects.

Schools that are closing or merging have a clear interest in the implementation process. However, so too do those schools that have not changed as a result of the review. It is important to realise that one of the goals of a review of education provision is to increase cooperation between the schools that remain to maximise educational benefit. The non-affected schools need to be involved in the implementation reference group with those aspects that relate to the future provision of education in the cluster, i.e. planning future provision, and EDI and JSIF projects.

What might the network look like after the review?

Change does not necessarily mean fewer educational institutions; although, where reviews of education provision are happening because of declining school-age populations, it usually will. It could mean more or different educational facilities to provide for present and future schooling.

New schools may be established

A new school may be created as a result of a review. In this case, the Minister will appoint an Establishment Board to prepare for the opening of the school and to govern the new school during its early months.

There is no legislation that stipulates a maximum timeframe that an Establishment Board can govern for. For this reason, the local office of the Ministry will maintain close contact with the Establishment Board and agree upon a suitable time within which progress to an elected Board can be recommended to the Minister. The recommended usual maximum timeframe for an Establishment Board term of office is up to six months after the new school opens.

Schools may be closed

A review might result in the closure of a school. If the closure is announced in a Board election year, elections will still have to take place as required by law. It may be, however, that because of the uncertainty created by the review, there will be reduced interest regardless of whether the closure announcement is made before or after the date set for the election. If there are fewer than three nominations for the positions of parent representatives, the Secretary for Education may dissolve the Board and appoint a commissioner to act in its place.

Schools may merge

Two or more schools may merge to become one school, known as the **continuing school**. The other schools are known as the **merging schools**. The continuing school will have all the rights, assets, liabilities and debts of each merging school from the date of the merger. The Board(s) of the merging schools govern its own school until the date the merger takes effect, and are dissolved at the close of the day before the date of the merger.

If the Minister has agreed to the elected Board of the continuing school overseeing the merger process, then each of the merging schools has a representative co-opted onto the Board of the continuing school. This must happen within 28 days after notice of the merger is published. If the Minister agrees to an appointed Board being the Board of the continuing school then this Board will include members from each school community. This appointed Board takes over the governance of the continuing school once it is appointed and the school's elected Board goes out of office on that date. In this situation it is the appointed Board that oversees the merger process as well as governing the continuing school. Within

three months of the date of the merger being implemented, elections for a new Board must take place.

Other possible changes

Other changes that might result from a review of schooling may, for example, involve schools changing year levels or the establishment of bilingual units. State schools can be established to provide for particular needs of a community. The most common are schools that provide immersion education in te reo Māori.

Establishment Board of Trustees

If a new school is established, an Establishment Board of Trustees (EBOT) will be appointed. If a merged school is the result of the review, then a continuing Board of Trustees or an Appointed Board is responsible for the implementation tasks. The Boards in each case are supported by a governance facilitator to ensure that the Board completes its tasks. This might be an education or a governance expert. The Boards will:

- develop a vision for the school
- consult with the community about the vision
- develop policies for the new/merged school
- advertise for and appoint a principal
- advertise for and appoint other staff members
- keep the community up to date with developments
- prepare enrolment information/forms for new enrollees.

Stage 5: Implementation of the Minister's decisions

The Ministry works with the Boards and the community to implement the Minister's decisions. In this stage:

- the necessary actions are taken to put in place appropriate governance for schools during the transition time
- the budget for the implementation is set and an implementation plan is rolled out.

Who else is involved at this stage of the process? (see *Appendix one*)

The implementation reference group

- The implementation reference group is formed to guide the process of implementation across the cluster.
- The implementation reference group may have some of the same members as the earlier reference group, but the group needs to be formed to suit the new purpose.

Financial benefits for schools following a review

If a reorganisation results in schools being merged or closed, and there are fewer schools overall, there will be an injection of money to be used for the benefit of students at the schools they will attend following the changes.

The Education Development Initiative (EDI) policy has been developed to ensure that when schools close or merge, additional resourcing, paid for from the savings created by the reorganisation, is available for projects to strengthen students' education. Some of the funding is also used to implement the decisions of the review. Most of the money, however, is intended for re-investment in the ongoing education of the students whose schools are closed or merged. It is not to be used to address school transport or property issues.

Joint School Initiative Funding (JSIF) is available for when two or more schools remain operational following the process of a schooling review. The JSIF is available for joint school initiatives to enhance education provision across a number of schools and for Early Childhood Education Services in the wider community.

JSIF benefits all schools in the reorganised network of schools regardless of whether all schools were ultimately changed during the review process. The funds are paid to the nominated school responsible for establishing the shared initiative. A memorandum of agreement is developed with the Ministry identifying how the funds will be spent.

The importance of timelines

The implementation reference group will establish and publish timeframes as soon as possible after the Minister's final decisions are made. Timeframes help Boards to direct and coordinate the critical path through the reorganisation period and take away uncertainty. Following a carefully planned timeframe also helps to ensure that all due processes are followed. Separate timeframes may be needed for the project as a whole and for each school.

Timeframes should be realistic, taking account of the time needed for each task without dragging the process out over an extended period.

The role of the Board as employer

Throughout the review process, Boards must ensure that they consult and report back to school staff. Boards must take account of the employment agreements of all teaching (New Zealand Education Institute (NZEI) and Post Primary Teachers' Association (PPTA)) and non-teaching staff (NZEI, and Service and Food Workers Union (SFWU)), where applicable. Boards of Trustees should also take advice from the New Zealand School Trustees Association (NZSTA) about this and consult with the project manager, the change manager and the unions regarding employment issues.

The period of reorganisation is a difficult time for all staff who face uncertainties about their positions and the people they will be working with. Staff should have access to available information as early as possible.

All appointment decisions will be made in time for the reorganised schools to begin, fully staffed, on the implementation date. This is usually at the beginning of a school year, in

January. The Ministry works with NZSTA, Boards of Trustees and unions to clarify legislative requirements and to ensure that processes for appointing staff are clear.

Appointing a principal

The appointment of a principal for a new, or newly merged school is critical to the success of the reorganisation. The principal will have a significant influence on the community's perception of the new or merged school, and on its ultimate success as an education provider. Boards of Trustees are encouraged to seek assistance from NZSTA for making this appointment.

Boards are often keen to have their newly recruited principal (principal designate) involved in the redevelopment of the school before they take up the position. There are a number of decisions that may need to be made in relation to this, particularly in relation to who bears the financial cost of principal release time. The Ministry can provide information on this depending on the particular situation.

Staffing matters

Staffing following a reorganisation is based on a school's provisional roll for the coming year.

Governance when schools merge

When two or more schools merge, one of the schools is designated as being the **continuing school**. There are two types of Boards that might be put in place for the continuing school:

- The Board of the continuing school may take the lead in implementing the merger. In this case, the Board is known as the **Continuing Board**. The Continuing Board works cooperatively with the Boards of Trustees of the other schools involved in the merger when making decisions through the transition and implementation stages. This cooperative process assists in drawing members of the various communities together, to work in the interests of the newly merged school.

At the point when the Minister announces the merger in the New Zealand Gazette, the Continuing Board has 28 days in which to co-opt at least one member of each of the merging Boards to its Board.

Elections for the merged school must be held within three months of the date of merger.

- The Minister may decide to appoint a Board for the continuing school. The benefit of an **Appointed Board** is that the Board of the newly merged school is separate from the Boards of the merging schools. It is expected, however, that the Appointed Board would have representation from each of the merging schools' Boards or communities on it. An Appointed Board can be of any size, and the Minister can appoint the Board Chair.

Whichever governance model is considered to be appropriate, the role of that Board is to implement the merger decision and govern the continuing school through the transition process. A governance facilitator will support the Board during this time.

Property entitlements

The Board of Trustees of the merged school receives funding to modernise the existing buildings and facilities on the merged site to bring them up to Ministry of Education's design standards and area entitlement in the School Property Guide (SPG). The funding is based on:

- the square metres at the site of the new/merging school, and
- the medium roll growth projection in three years time.

The school's budget may include:

- Five Year Agreement (5YA) funding
- New teaching spaces (to meet roll growth) funding
- SPG deficiency funding to address any space deficiency.
- Furniture and equipment funding
- Rationalisation funding (If the area at the school is greater than the projected roll entitlement, an additional budget may be provided to rationalise the surplus property if practical)

Accessing property funding

The Board of the continuing school will need to produce a new 10 Year Property Plan (10YPP) demonstrating the school's property needs, including any new classrooms and any modernisation required to cater for the new roll and curriculum.

Funding for modernisation will come through the 5YA process. Specific project budgets for SPG deficiencies and teaching spaces, when approved by the Ministry, will be provided to the Board and paid out when the Board undertakes the project in accordance with the project management requirements. The Ministry will take on the project management role in large building projects.

Further information on matters relating to property at schools can be accessed at:

www.minedu.govt.nz/NZEducation/EducationPolicies/Schools/PropertyToolBox

Managing assets and resources

All Boards of Trustees are required to have asset registers. The location of assets must be documented and known at all times during the reorganisation so that they can be accessed efficiently when they are needed. Boards must:

- ensure that assets are secure
- ensure that there is a system for acknowledging receipt of assets
- be aware that goods might have to be stored during the transition between schools.

The liabilities and assets of a merging school are vested in the continuing school. The school property, however, remains Government property.

When schools close, all its assets and liabilities revert to the Crown. A memorandum of agreement is developed by the Board of a closing school and it is usual that the Minister gives authority for the distribution of its assets to other schools.

Any debt/liability on closure is normally subtracted from the EDI grant, and any surplus is added to the EDI grant. A residual agent manages a closing school's finances until they are completed.

Community contribution to school assets

Where communities have contributed towards school assets, for example a swimming pool or tennis court (i.e. assets that cannot be relocated to another school site), there are procedures that enable the community equity in the asset to be assessed and returned to the community.

Reimbursement is related to the estimated market value of the asset at the time of the closure and the community share of that ownership. The money is paid to an appropriate community group (this must be an incorporated society) to be used however it determines.

Where the asset can be removed, for example an adventure playground, it is transferred to another school.



Glossary

APIS

Association of Proprietors of Integrated Schools

Area/composite schools

These are schools that are combinations of primary, intermediate and/or secondary year levels.

Boards of Trustees

All schools must operate under the provisions of the Education Act 1989. Boards of Trustees govern all state and integrated schools in New Zealand. The Boards are usually made up of elected members from the school community, the school principal and a staff representative. Secondary school Boards also have a student representative.

Change manager

The change manager assists Boards of Trustees during the process of closing or merging schools.

Cluster

A group of schools which are involved in working together.

Consultation

The purpose of consultation is to encourage participation by people affected by a decision. It provides the potential to improve the quality of the decision-making process.

Continuing Board

When schools are merged, one school Board is designated as the Board of the Continuing school and this Board works with the Trustees of the merging school Board(s) to implement the changes resulting from the review. The Minister may also decide to appoint a Board to the role of the Board of the continuing school. In this case the appointed Board would include representation from all schools involved in the merger.

Continuing site

When schools are merged, one school site usually remains in operation; the other(s) is (are) usually disposed of. The continuing site is not always connected to the same school as the continuing Board.

Educational Development Initiative (EDI)

The EDI policy provides a pool of one-off funding that is generated if a school is closed or merged with another school.

Education Report 1 (Engagement Report)

The report that the review facilitator prepares after information has been gathered from schools about their reactions to possible models for the future. This report is presented to the Minister as an appendix to the one developed by the Ministry.

Education Report 2 (Consultation Report)

The second report that the review facilitator prepares on behalf of the Ministry to record and reflect on further consultation undertaken. This report is also presented to the Minister as an appendix to the one developed by the Ministry.

Education Report 3 (Consideration Report)

The third report results from feedback from the Boards on the preliminary decision to close the school(s). The Boards of Trustees provide the Ministry with reasons why they should be closed. The Ministry reports this to the Minister.

Enrolment scheme

An enrolment scheme is a means of preventing overcrowding, or the risk of overcrowding, in a particular school. Boards negotiate enrolment schemes with the Ministry and consult parents and other schools about the scheme.

Facilitators

The Ministry employs facilitators to support Boards of Trustees in their consultation process and to manage consultation with other groups in the community. There may be one or more facilitator involved in a review depending on its size. The facilitator gathers the feedback from the community, analyses it and reports back to the Ministry.

Implementation reference group

The implementation reference group is established after the Minister's final decisions are announced to help implement decisions across the cluster.

Integrated schools

Integrated schools are mostly schools that started as private schools and have now become part of the state system. Integrated schools teach the New Zealand Curriculum but keep their own special character. Their land and buildings are not owned by the Crown, but by proprietors (usually a church or other trust Board).

Joint School Initiative Funding (JSIF)

This is funding generated as a result of school closures/mergers that are implemented as part of a review of education provision. The funding does not belong to any one of the continuing schools but to the cluster as a whole, and it must be used for projects that strengthen educational outcomes across schools.

Kura kaupapa Māori

Kura kaupapa Māori are state schools established under s155 of the Education Act and where teaching is in the Māori language. Kura kaupapa Māori work within a particular philosophy called Te Aho Matua.

Memorandum of Agreement

This is an Agreement signed by the Ministry and school Boards that details the use of EDI cash funding.

Merging

Schools may merge as a result of a review of education provision. This occurs when two or more schools come together to form one school. The merged school is a new entity.

New Zealand Educational Institute (NZEI Te Riu Roa)

The New Zealand Educational Institute (NZEI Te Riu Roa) is the national union of teachers in the early childhood education and primary school sectors and support staff in the primary and secondary school sectors.

New Zealand School Trustees Association (NZSTA)

The New Zealand School Trustees Association is the national interest group representing school Boards of Trustees. It also has a service delivery function under contract to the Ministry to assist Boards during this process.

Post Primary Teachers Association (PPTA)

The Post Primary Teachers Association is the national union of secondary school teachers.

Project manager

In the implementation phase of a review, the role of the project manager is to pull together all the property, site, financial, legal, administrative and scheduling activity information. The project manager also has overall responsibility for coordinating all the other parties involved in the implementation of the Minister's final decision.

Reference group

The reference group is made up of a group of local people, including people from the school communities. The group is established by the Ministry to ensure that everyone's voice is heard by the Ministry and that their ideas are presented to the Minister fairly.

SPANZ

Secondary Principals' Association of New Zealand.

Section 156

Section 156 of the Education Act 1989 provides for the establishment of 'schools of designated character'. These schools are established with their own unique character or kaupapa, for example Rudolf Steiner Schools or Māori Medium schools that follow an iwi, hapu or whānau based kaupapa.

Sector groups

These are teacher support organisations and other organisations who are interested in the reorganisation of schooling in their region.

Service and Food Workers Union (SFWU)

The Service and Food Workers Union is the union representing caretakers and cleaners in schools.

Special schools

Special schools are state schools that provide education for students with special education needs. The curriculum is the same as at other state schools.

Appendix one: Description of roles involved in a review of schooling provision

Facilitators

The Ministry employs facilitators to support Boards of Trustees in their consultation process and to manage consultation with other groups in the community. There may be one or more facilitator involved in a review, depending on its size. The facilitator gathers the feedback from the community analyses it and reports back to the Ministry. They may get this information in a number of ways, such as through community meetings, questionnaires, developing a web page, attendance at community events or providing an email address for responses.

The facilitator will discuss the feedback that has been gathered about the community preferences with the reference group and with the local Ministry of Education office staff before then developing a report and presenting this to the Ministry. The Ministry then develops a report (Education Report 2) and attaches the facilitator's report to it, before it is forwarded to the Minister of Education for consideration.

The reference group

The facilitator establishes a reference group to represent schools and other interested parties in the schooling network. The number of people who belong to the reference group is decided by the Ministry and the Boards of Trustees of the schools in the network. In some community reviews, there may be one representative from each school involved, while in other community reviews, each school may have two representatives. Principals or Board of Trustees members may represent schools.

The reference group also includes representatives from:

- NZEI and PPTA as observers
- New Zealand School Trustees Association.

Other members could include representation from:

- iwi
- Association of Proprietors of Integrated Schools
- the early childhood sector
- tertiary education providers
- Pasifika groups
- other stakeholder organisations, including rural organisations, local authorities or local business interests.

What does a reference group do?

The reference group acts as a sounding-board for the facilitator and the Ministry, suggests the best ways of consulting with the community, and monitors the process and the work of the facilitator including peer review of the facilitator's reports.

The implementation reference group

After the Minister's decisions, an implementation reference group is formed to guide the process of implementation across the cluster. The implementation reference group may very likely have some of the same members as the earlier reference group but the group needs to be formed to suit the new purpose.

The central role of the implementation reference group at this stage is to ensure that implementation is planned across schools for the benefit of all the schools in the cluster, both during the change process and after the changes have been completed.

Governance facilitator – support for Boards

Where a new Board of Trustees is appointed (an Establishment Board in the case of a new school being established) a governance facilitator will be appointed to support the Board. The role of the governance facilitator is to ensure that the Board successfully completes the tasks it needs to undertake for the new school to open.

Where there is an Appointed Board or a Continuing Board in a merger, the Ministry will ensure that the Board is provided with support to undertake its tasks. For example, this might be through having an education or a governance expert.

Support will be provided to all schools if and when it is needed.

The change manager

The change manager works with the Boards of Trustees, the project manager, the residual agent and the Ministry to implement the Minister's decision. The change manager provides support on matters associated with the closure or merger of schools, in particular in terms of fulfilling the employer responsibilities in accordance with the relevant collective agreements for all staff in the school.

The change manager's tasks also include ensuring that support is available to staff and students to maintain teaching programmes, managing school record disposal, ascertaining enrolment patterns and working through property issues. See appendix three for more detail on this role.

The residual agent

A residual agent is required for a school that is closing or merging. The residual agent is appointed by the Board to help with its financial management prior to closure or merger and to wind up the schools' affairs, ensuring the correct distribution of assets as stated in the memorandum of agreement. Payment for the residual agent is the responsibility of the Board.

The residual agent's primary role is to prepare the Board's final set of audited accounts and to sign the 'statement of responsibility' that goes with those accounts. To do this effectively, the residual agent needs to be involved prior to the school closing.

The residual agent can also be engaged to complete other duties for the Board, for example, managing the moving of school assets, ensuring employer responsibilities are completed, etc. The Board, the Ministry and the change manager can negotiate duties they believe to be appropriate in the circumstances.

Some other people who may be involved in a reorganisation might be:

- student achievement function (SAF) advisors, who provide tailored support for schools and kura to accelerate and raise achievement
- education specialists, who may be contracted to provide expertise in specific areas such as early childhood education, Māori immersion education, Pasifika education, Special Education Advisers, or 21st Century learning.

The project manager

The project manager will manage the change programme once the Minister's final decisions are made. The appointee may be a Ministry staff member. Unless the review has been a small one, an overall project manager will be appointed early in the process to assist with the reorganisation. This role is central to the effective management of the implementation programme. The appointment of the project manager will be coordinated through the local Ministry office and is funded by the Ministry.

Project managers have responsibility for:

- planning, coordinating and overseeing the network reorganisation at the local level
- establishing what needs to be done to implement the Minister's decisions
- ensuring that timeframes are established and maintained
- acting as a link between the Ministry and the schools
- making sure each person involved in the implementation of the reorganisation is fully briefed and knows what to do
- providing support to schools
- monitoring the progress of change and ensuring that the Ministry is aware of any issues or concerns
- providing regular written reports to the Ministry and the schools undergoing change
- accessing information about likely roll figures so that continuing schools can be informed about staffing issues and entitlements.

The implementation reference group

After the Minister's decisions are made, an implementation reference group is formed to guide the process of implementation across the cluster. The implementation reference group may very likely have some of the same members as the earlier reference group but the group needs to be formed to suit the new purpose.

The central role of the implementation reference group at this stage is to ensure that implementation is planned across schools for the benefit of all the schools in the cluster, both during the change process and after the changes have been completed.

Appendix Two - Comparison between school closure and merger of state schools

This table provides information on the differences between school closure and merger processes

Description	Closure	Merger
Definition	The school closes and the Board of Trustees legally ceases to exist on a specified date.	<p>Two or more schools merge to form one school with one Board of Trustees.</p> <p>One school is designated as the continuing school. The other school(s) is/are the merging school(s). From an accounting and legal perspective it is necessary for one of the institutions to continue and the others to merge into it. The continuing school gets a new school number but has the assets and liabilities of the merging schools from the date of merger.</p> <p>The merged school may occupy one or more of the existing school sites or an alternative site.</p> <p>The school designated as the continuing school may or may not be the school currently occupying the site chosen for the merged school.</p>
Legislation	Section 154 of the Education Act 1989.	Section 156A of the Education Act 1989.
Timing	<ul style="list-style-type: none"> There is no restriction on the timing of the decision of the closure or its implementation (except that the relevant period of notice must be given to staff). The Collective Agreement for secondary school teachers presupposes that the date of closure is 27 January. 	<ul style="list-style-type: none"> The merger takes effect no earlier than one full school term after the Minister's decision has been gazetted (e.g. for a merger to be implemented in term 1, it would need to be agreed and gazetted in term 3 of the previous year). The Collective Agreement for secondary school teachers presupposes that the date of merger is 27 January.
Governance and Board of Trustees responsibilities		
Governance of merging and continuing schools during the interim period		<ul style="list-style-type: none"> The interim period is the time when the implementation of the merger takes place. This starts on a date specified by the Minister and ends on the date on which a new elected Board for the merged school takes office (see below). If the Minister decides the Continuing Board will be an appointed Board: <ul style="list-style-type: none"> The Minister will specify in the notice what the constitution of the appointed Board will be (e.g. how many appointed trustees, co-opted trustees etc). The trustees on the continuing school Board go out of office the day before the interim period starts. The trustees appointed to the appointed Board take office on the day the interim period starts and govern the continuing school during the interim period. If the Minister decides the continuing Board will be the Board of the continuing school plus trustees co-opted to represent the merging school(s): <ul style="list-style-type: none"> The continuing Board must co-opt at least 1 trustee to represent the/each merging school(s) within 28 days of the merger being gazetted.

Governance and Board of Trustees responsibilities, <i>continued</i>				
Description	Closure	Board of the Merging School	Board of the Continuing school is the elected Board of that School	Board of the Continuing School is an appointed Board
Board of Trustees	The Board of Trustees of a closing school governs the school through to the date of closure.	Continues to govern its own school to the date of the merger.	Continues to govern the continuing school	Governs the continuing school. The elected Board of that school goes out of office the day before this appointed Board takes office. It is usual for the appointed Board to include representation from each school involved in the merger.
Taking office				Takes office from the date stated by the Minister (start of interim period)
Co-opting		Provides at least one member to be on the board of the continuing school if this is the elected Board of that school.	Must co-opt at least one trustee from each of the merging schools	The appointed Board can co-opt members as stated in its constitution.
Merger process		Provides input /information for the Board of the continuing school as needed.	Oversees the merger process so the merged school is ready to be open on the date the Minister has stated.	Oversees the merger and the merged school to ensure it is ready to be open on the date the Minister has stated.
Term ends	The Board of Trustees ceases to exist on the date of closure and has no rights or responsibilities beyond that date.	The Board of Trustees goes out of office on the date of the merger.	The Board of Trustees is in office until the Board of Trustee elections (must be held within 3 months of the merger date).	The appointed Board is in office until the Board of Trustees elections (must be held within 3 months of the merger date).
Implementation	<ul style="list-style-type: none"> • A residual agent is appointed to wind up the affairs of the Board of the closing school. • A change manager is usually engaged to help plan and implement the practical aspects of the closure process. 	<ul style="list-style-type: none"> • A residual agent is appointed to wind up the affairs of the Board of the merging school. • A change manager is usually engaged to help plan and implement the practical aspects of the merger process. 	<ul style="list-style-type: none"> • A residual agent is appointed to close off the affairs of the Board of the continuing school. • A change manager is usually engaged to help plan and implement the practical aspects of the merger process. 	<ul style="list-style-type: none"> • A residual agent is appointed to close off the affairs of the Board of the continuing school. • A change manager is usually engaged to help plan and implement the practical aspects of the merger process.
Notes			<p>The Board of the continuing school may create a committee containing a mix of trustees and non-trustees, and vest some authority to make decisions about the merged school in that committee.</p> <p>The Board of the continuing school may run community consultation or establish reference groups if it wishes.</p>	

Governance and Board of Trustees responsibilities, <i>continued</i>		
Description	Closure	Merger
General Board Elections	<ul style="list-style-type: none"> If a closure is proposed but not decided upon elections must proceed as per normal. If a closure has been notified in the Gazette before a scheduled Board election, elections do not need to take place. If there are fewer than 3 parent representatives nominated, a commissioner is appointed. 	<ul style="list-style-type: none"> If the merger is to take place after a Board election year, the triennial election still takes place. If there are fewer than 3 parent representatives nominated for election, a commissioner is appointed.
Board of Trustees of newly merged school		<ul style="list-style-type: none"> The continuing Board must hold elections for a new Board membership within 3 months of the day the merger took effect. The elected Board then remains in office until the next triennial Board elections.
Employer responsibilities		
The role of the Board as the Employer	<p>Teaching staff</p> <ul style="list-style-type: none"> All teaching staff are declared surplus and provisions of the relevant collective agreements apply. Teaching staff of the closing school have no automatic rights to any positions that may arise due to an increased roll in other schools to which the students move. <p>Support staff (including caretakers, cleaners ground staff)</p> <ul style="list-style-type: none"> All positions are declared surplus and provisions of the relevant collective agreements apply. The Board is required to meet any costs of redundancy entitlements. If the Board's funds are not enough to cover these costs any deficit will be deducted from the total Education Development Initiative (EDI) funding available (see below). 	<p>Teaching staff</p> <p>Teaching staff from all of the schools being merged have the right to apply for the newly defined positions in the merged school. This is a two-stage process. Initially positions are available to current permanent teachers that have equivalent experience/ qualifications in all schools. If there are no suitable applicants, positions are advertised and filled externally. Teachers unsuccessful in winning positions are declared surplus.</p> <ul style="list-style-type: none"> The principals' positions in all schools involved in the merger are disestablished. Those principals may apply for the principal's position in the merged school. The principal's position in the merged school must be advertised externally. The continuing Board appoints a new Principal for the merged school. <p>Support- staff (including caretakers, cleaners ground staff)</p> <ul style="list-style-type: none"> All support staff of schools involved in the merger have the right to apply for redefined positions and to have the staff transfer provisions of their employment agreement applied. If unsuccessful, the redundancy provisions in the appropriate collective agreements apply. The Board is required to meet any costs of redundancy entitlements. If the Board's funds are not enough to cover these costs any deficit will be deducted from the total EDI funding available.
Students		
Student enrolment	Students enrol in a different school or schools.	Students from the merging schools are transferred to the roll of the continuing school or may choose to enrol in another school they are entitled to attend.
School Transport	Normal school transport assistance policy will apply.	The Ministry may consider combining the Transport Entitlement Zones of the merging schools with that of the continuing school to best serve the new schooling arrangement. This supports the intent of the merger agreement and guarantees the transport eligibility rights for the students in the merging schools.
EDI funding	<ul style="list-style-type: none"> When schools close or merge, additional resourcing called Education Development Initiative (EDI), paid from the savings created by the reorganisation, is available for projects to strengthen students' achievement. The school where the student next enrolls is eligible to access EDI funding. The receiving school must submit a plan to their local Ministry for how the EDI funding will be used to enhance student achievement. The receiving school has 6 years in which to use this funding. In some circumstances a decision is made to retain EDI funding to a particular community/city. This means that if students leave the city to live elsewhere they do not carry EDI funding. 	<p>When schools close or merge, additional resourcing called Education Development Initiative (EDI), paid from the savings created by the reorganisation, is available for projects to strengthen students' achievement.</p> <p>The school where the student next enrolls is eligible to access EDI funding. The receiving school must submit a plan to their local Ministry for how the EDI funding will be used to enhance student achievement. The receiving school has 6 years in which to use this funding.</p> <p>In some circumstances a decision is made to retain EDI funding to a particular community/city. This means that if students leave the city to live elsewhere they do not carry EDI funding.</p>

Financial and asset management		
Description	Closure	Merger
Financial	<ul style="list-style-type: none"> At the date of closure, the assets and liabilities of the Board of the closing school revert to the Ministry of Education (including banking staffing). As long as the Board is not in deficit, the Ministry generally agrees to the assets being distributed between other state schools in the local area. This is usually detailed in the EDI memorandum of agreement. Note: assets cannot be given to individuals or organisations other than state or state-integrated schools. The EDI funding from the closure is used to support students as they transition to their new schools and for projects that raise student achievement. 	<ul style="list-style-type: none"> Assets and liabilities of the merging school(s) are passed to the continuing school (including banking staffing) at the date of the merger. If resources are not required by the continuing school, they may be distributed to state schools in the local network. An EDI memorandum of agreement is drawn up between the schools that merge and the Ministry. The EDI funding generated by the merger is to be used to support students as they transition to their new schools and for projects that raise student achievement. While there may be EDI funds that go to schools outside the merger, it would be expected that the bulk of this funding will remain with the continuing school.
Managing assets and resources	<ul style="list-style-type: none"> All assets revert to the Crown. Assets can be distributed only if the school's financial position is positive at the date of closure. An MOU is developed for the distribution of assets to other schools. A residual agent manages the finances until final audited accounts are completed. 	The assets and resources from the merging school(s) become the assets of the continuing school.
Property entitlements and Accessing property funding		<ul style="list-style-type: none"> The merged school receives funding to modernise on the merged site. The Board will need to produce a 10 property plan (10YPP)

Notes:

1. State schools of different year levels may merge and the merged school can be whatever year levels the Minister states in the Gazette notice. The details of the merger, however, must have been consulted on before the Minister agrees to the change.
2. There is no legal provision for state-integrated schools to merge. This process is achieved legally by the proprietor and the Crown agreeing to the cancellation of the Integration Agreement and closure of one school and an increase in the maximum roll (and often a change of school name and site plan update) at the other.
3. Where designated character schools (established under section 156 of the Education Act 1989) wish to merge, they must be of the same designated character. If schools of different designated character wish to merge, the process would involve a change of designated character as part of the merger.

Appendix three: The role of the change manager

The change manager works with Boards of Trustees, the residual agent and the Ministry to implement the Minister's decisions. The change manager provides support in relation to all matters associated with a school closure/merger and will meet regularly with the Board to discuss progress, identify concerns and issues, and to keep everyone informed. This will include supporting the Board in:

- identifying the roles of the Board and anyone else involved in the closure/merger
- administering the EDI memorandum of agreement
- timetabling the process
- making staffing decisions
- providing support for staff
- developing possible solutions for property issues
- asset identification (including any school monuments, time capsules, plaques, etc.)
- administering enrolments in new schools
- organising closing ceremonies.

Employment

The change manager will:

- ensure the principal and the staff have the support necessary to maintain teaching programmes and related assessment, student management and support systems until the closure or merger
- support the Board to have the employment documentation for its staff accurate and up to date (this should include details of years of service, current salaries, annual leave entitlements, and other entitlements or potential liabilities); ensure the Board is working with NZSTA and the relevant unions to achieve this
- meet with individual employees and support them to make decisions about their future options
- ensure the Resourcing Division of the Ministry is provided with evidence of the teachers' and principal's preferred staffing option(s)
- contact the school's financial service provider/residual agent to access information relevant to the employees of the school
- contact the school's payroll service provider to access all payroll information related to the employees
- complete all relevant forms pertaining to the employees of the school during the planned school closure.

Students

The change manager will support students by:

- ensuring support and intervention is available to help students to make successful transitions to new schools
- ascertaining as early as possible the likely enrolment patterns of current students so that new staffing levels for schools in the cluster can be determined
- ensuring that by the students' last day of attendance at their current school, each parent/caregiver has had the opportunity to make a well-informed decision about what school their child will attend after the merger/closure
- ensuring all students from the closed school are enrolled in other schools (Ministry staff help with this by using ENROL)
- determining the criteria for retaining student records, sorting them accordingly and making arrangements for archiving, transferring or destroying them, as appropriate (refer to the School Records Retention and Disposal Schedule).

Property and administration

The change manager will:

- contact all leasers identified in the school's financial accounts, and where appropriate renegotiate or terminate the lease/s in the name of the school concerned
- ensure that the school's asset register is up to date (take photos to identify fixed assets, including furniture and fittings as required); when the asset register is complete, share this information with the residual agent
- if the community is to take over responsibility for part of the site (e.g. the swimming pool), ensure that the appropriate documentation is developed and signed
- ensure that the school pool(s) is (are) empty and the area is secure (gate is locked with a new padlock if required)
- ensure the interior walls are stripped of students' work, posters, etc., whiteboards and blackboards are cleaned, and the school is reasonably clean and tidy
- arrange for mail to be redirected to the residual agent
- if the property is to be used for educational purposes, work with the Ministry to determine the tasks that need to be undertaken before the building is handed over
- if the property is not required for education and is being put into the disposal process, ensure that the property has been prepared for this (refer to the change manager memorandum of agreement for specific tasks)
- ensure any items not required by other schools, the local community or the Ministry are disposed of; if they are sold, the funds the sales generate should be forwarded to the residual agent.

In the case of a merger, the change manager will:

- identify any property security risks
- verify if any of the merging schools' property has been funded by the community
- ensure resources are in place at the continuing school for the start of the new year.