Education Report: Gazette Notice to Specify Former Charter Schools and New State Schools for Transition Staffing

To: Hon Chris Hipkins, Minister of Education

Date: 18 October 2018
Priority: High

Security Level: In Confidence
METIS No: 1159629

Draft: Rachel Voller

Key Contact: Katrina Casey
Ben O'Meara

Messaging seen by Communications team: No

Purpose of Report

This paper seeks your agreement to name partnership schools | kura hourua (charter schools) and the state schools established to replace them in a Gazette notice in order to trigger the staff transition arrangements in the Education Amendment Act 2018.

Summary

1. The Education Amendment Act 2018 (the Act) provides transitional arrangements to help smooth the transition of staff from a charter school to the state school established to replace it.

2. The Act gives employees of specified charter schools a preferential right to employment in an equivalent position in a specified state school established to replace the charter school.

3. The transitional provision is triggered by you, as Minister of Education, specifying the charter school and the state school established to replace it in a Gazette notice.

4. We recommend that you specify all charter schools and the state schools established to replace them in the Gazette notice.
Recommended Actions

The Ministry of Education recommends you:

a. **note** that the Education Amendment Act 2018 provides transitional arrangements to help smooth the transition of staff from a charter school to the state school established to replace it  

   Noted

b. **agree** to specify the following schools in a *Gazette* notice:

   i. South Auckland Middle School (690) replaced by South Auckland Middle School (876)
      
      Agree / Disagree

   ii. Middle School West Auckland (713) replaced by Middle School West Auckland (877)
      
      Agree / Disagree

   iii. Vanguard Military School (694) replaced by Vanguard Military School (854)
       
       Agree / Disagree

   iv. Te Kura Hou rua o Whangarei Terenga Paraoa (692) replaced by Te Kāpehu Whetū (Tuakana) (870)
       
       Agree / Disagree

   v. Te Kāpehu Whetū – Teina (715) replaced by Te Kāpehu Whetū (Teina) (869)
      
      Agree / Disagree

   vi. Pacific Advance Secondary School (714) replaced by Pacific Advance Secondary School (874)
       
       Agree / Disagree

   vii. Te Kura Māori o Waatea (716) replaced by Waatea School (980)
        
        Agree / Disagree

   viii. Te Aratika Academy (750) replaced by Te Aratika Academy (873)
        
        Agree / Disagree

   ix. Te Kōpuku High (751) replaced by Te Kōpuku High (872)
       
       Agree / Disagree

   x. Te Rangihakahaka Centre for Science and Technology (831) replaced by Te Rangihakahaka Centre for Science and Technology (871)
       
       Agree / Disagree

   xi. Tūranga Tangata Rite (841) replaced by Tūranga Tangata Rite (881)
       
       Agree / Disagree
The Rise Up Academy (693) replaced by Rise UP Academy (879)

Agree / Disagree

c. sign the Gazette notice in Annex 1.

Proactive Release

d. agree that this Education Report is proactively released as part of the next publication.

Agree / Disagree

Katrina Casey
Deputy Secretary
Sector Enablement and Support

Hon Chris Hipkins
Minister of Education

18/10/18
26/10/18
Transitioning Staff

1. The Education Amendment Act 2018 (the Amendment Act) gives employees of a specified charter school a preferential right of employment in an equivalent position in a state school established to replace it. The Act provides a definition of 'equivalent position' for the purposes of this transition arrangement.

2. The transitional arrangements apply to an employee employed by a sponsor of a charter school that is replaced by a state school and who applies in writing for an equivalent position in the state school.

3. The employee must be offered the equivalent position unless:
   a. another employee who the clause applies to is appointed to the position; or
   b. the employee's appointment would contravene the restrictions on appointment of teachers or the restrictions on continued employment of teachers set out in the Education Act 1989 (sections 349 and 350).

4. If an employee is appointed to an equivalent position they are not entitled to any redundancy their employment agreement with the sponsor might provide for.

5. In order to trigger the staff transition provision in the Act you, as Minister of Education, need to name the charter school and the state school which will replace it in a Gazette notice.

6. Schools usually start recruitment for the following year at the end of Term 3. At the beginning of October we wrote to the Establishment Boards of Trustees of the new state schools to suggest that they start their recruitment processes using the law as it currently stood. We anticipate that most schools will have started some form of recruitment process. However they may not have completed the process for all staff.

7. For this reason, we recommend that you name all charter schools and the state schools which will replace them in the Gazette notice. Naming all schools will ensure no school or staff inadvertently miss out on benefiting from the staff transition provisions. Schools who have completed all recruitment, will not be impacted by being unnecessarily named in the Gazette notice.

8. We recommend that you name the following schools in the Gazette notice:

<table>
<thead>
<tr>
<th>Charter school (school number)</th>
<th>State school (school number) established to replace it</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Auckland Middle School (890)</td>
<td>South Auckland Middle School (876)</td>
</tr>
<tr>
<td>Middle School West Auckland (713)</td>
<td>Middle School West Auckland (877)</td>
</tr>
<tr>
<td>Vanguard Military School (694)</td>
<td>Vanguard Military School (854)</td>
</tr>
<tr>
<td>Te Kura Hourua o Whangarei Terenga Paroa (692)</td>
<td>Te Kāpehu Whetū (Tuakana) (870)</td>
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<tr>
<td>Te Kāpehu Whetū – Teina (715)</td>
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<td>The Rise Up Academy (693)</td>
<td>Rise UP Academy (879)</td>
</tr>
</tbody>
</table>
9. Annex 1 contains a draft of the *Gazette* notice specifying each partnership school and the state school established to replace it. If you agree with our recommendation to name all partnership schools and the state schools established to replace them we recommend that you sign the *Gazette* notice.

Proactive Release

10. It is intended that this Education Report is proactively released as per your expectation that information be released as soon as possible. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Annexes

Annex 1: *Gazette* notice specifying partnership schools kura hourua and state schools replacing them to trigger staff transition provision in the Education Amendment Act
Annex 1: Gazette notice specifying partnership schools kura hourua and state schools replacing them to trigger staff transition provision in the Education Amendment Act
NOTICE FOR NEW ZEALAND GAZETTE

Notice specifying schools to which the transitional arrangements for employees of partnership schools kura hourua apply

Pursuant to clause 14, Part 6, Schedule 1 of the Education Act 1989, I hereby specify the following partnership schools kura hourua and their replacement state schools to which clause 13, setting out the transitional arrangements for employees of partnership schools kura hourua, applies:

<table>
<thead>
<tr>
<th>Former Partnership School Kura Hourua</th>
<th>Replacement State School</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Auckland Middle School (690)</td>
<td>South Auckland Middle School (876)</td>
</tr>
<tr>
<td>Middle School West Auckland (713)</td>
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This notice takes effect on the day of publication in the New Zealand Gazette.

Dated at Wellington this 28th day of October 2018.

Hon Chris Hipkins
Minister of Education