



THE EDUCATION (UPDATE) AMENDMENT BILL 2016

6 OCTOBER 2016

CLARIFYING BOARDS OF TRUSTEES' ROLES AND RESPONSIBILITIES – SUMMARY OF THE PROPOSAL

The Bill proposes amending the Education Act 1989 (the Act) to state that the school board of trustees (the board) is the governing body of the school, and to set out a number of roles and responsibilities for boards.

The roles and responsibilities of boards have never been set out in one place in the Act. Many are not explicit. This creates uncertainty about what boards can and cannot do, and means there is often a weak link between what government wishes to see and what boards do.

This proposal would improve school governance by providing clarity on what boards must do to carry out their primary role and focus boards on what matters for raising student achievement

The Bill will also make it clear, for the first time in legislation, that a board is the governing body of the school and outline its specific roles and responsibilities. In addition it sets out all the key legal requirements for boards in one place (the new Schedule 2).

Along with stating that the board is the governing body of the school, the roles and responsibilities proposed cover the following areas:

- ensuring students reach their highest possible educational standard (existing)
- ensuring a safe physical and emotional environment for staff and students
- ensuring an inclusive school
- having regard to the statement of National Education and Learning Priorities
- complying with obligations relating to curriculum statements, national measures, teaching and learning programmes, and monitoring of student performance
- being the employer of staff (existing)
- complying with obligations regarding cultural diversity, the Treaty of Waitangi, tikanga Māori, and te reo Māori.

This proposal is not intended to put more requirements on boards or result in more work. The proposed roles and responsibilities mainly cover work boards already undertake or expectations that government and the school community has of them. The list of roles includes governance responsibilities that are closely linked to student achievement – for example, a safe physical and emotional environment is necessary for students to achieve their highest possible educational standard.

The changes would provide a statutory basis for boards to understand what they should prioritise when undertaking their work.

Setting out the roles and responsibilities of boards of trustees in the Act would mean that trustees, especially new trustees elected through the triennial election cycle, will not have to search through multiple documents or translate guidance to understand what it is they should focus their time on.

EDUCATION COUNCIL VIEWS

We agree the expectations and roles and responsibilities of boards of trustees needs clarifying

The current roles and responsibilities of boards of trustees are scattered over different sections of the Education Act (1989) and the National Education Guidelines (NEGs). Some wording in the Act creates ambiguity of governance and management of schools (the distinction between the roles of boards and principals). We support setting out all the roles and responsibilities of boards of trustees clearly in one place so trustees can access them easily and to minimise any risk of misinterpretation.

We support the proposed list of roles and responsibilities which are closely linked to student achievement

Research shows a positive association between effective school governance and student achievement. The Ministry of Education background papers on this proposal point out that well performing boards focus on student learning and achievement, exercise scrutiny and make data-informed decisions, maintain positive relationships and clear roles, use time efficiently and engage with the school and community. Good governance can help to equalise opportunity for students.

We suggest one of the roles encompasses the concept of being a “good employer”

The Bill proposes setting out a list of schooling-specific governance roles in one place. Two of these roles relates to staff:

- being the employer of staff (existing requirement)
- ensuring a safe physical and emotional environment for staff and students

We support these roles but would like to see an additional reference to being a “good employer”. This could include the responsibilities of ensuring teachers and principals have access to quality professional development and learning opportunities, as well as a quality appraisal processes.