

Education and Training Act 2020

[The Education and Training Act 2020](#) came into effect on 1 August 2020. It incorporates and replaces the Education Acts 1964 and 1989, and implements changes from the Education Work Programme.

The Act repeals and replaces all major existing education and training legislation. It is intended to be simpler, more user-friendly and less prescriptive than the previous legislative framework.

What is the Education and Training Act?

The Act is the biggest rewrite of education legislation in decades. Much of its content gives effect to the Government's plans to transform the education system, following the Kōrero Mātauranga | Education Conversation and the Tomorrow's Schools Taskforce report.

Information for boards of trustees, principals, and teachers

The Act implements a [range of changes](#) and includes the following:

School Board objectives. Section 127 of the Act sets out the board's primary objectives including to ensure that every student at the school is able to attain their highest possible standard in education. The new objectives take effect from August 2020, except for the new objective for school boards to give effect to Te Tiriti o Waitangi. The Tiriti provision commences on 1 January 2021, so that boards have time to understand and prepare for the changes they need to make to their school to give effect to the [new objective](#).

Right to attend and transitional plans to allow reduced hours of attendance. Sections 33 and 34 of the Act explicitly state the right of all enrolled students, including those with learning support needs and disabilities, to attend school for all the hours the school is open. Some students and their parents and whānau have found that schools only allow them to attend part time.

Physical restraint framework. The physical restraint framework is updated in the Act (sections 99 to 101) to make it clear that teachers and authorised staff members must not physically restrain unless it is necessary to prevent imminent harm to the health, safety or wellbeing of a child or young person, or to another person, and they reasonably believe there is no other option available in the circumstances.

New eligibility criteria for principal appointments. The Act requires (in section 617) that the Minister of Education (or delegated authority) set minimum eligibility criteria for appointment as a school principal, in State and State-integrated schools. The new criteria will assist in ensuring consistency in the skills, competencies, knowledge and expertise of principals. School boards will still be responsible for appointing principals.

Renewing practising certificates. Clause 10, Schedule 3 of the Act enables the Teaching Council to renew practising certificates for teachers without satisfactory recent teaching experience, if they agree to a refresh process approved by the Teaching Council.

New complaint and disputes resolution panels. The Act enables the establishment of new local complaint and dispute panels to hear serious disputes where these cannot be resolved at the school level. Panels will be accessible, free, flexible, and membership will reflect local school communities. The provisions can be located in sections 216 to 236 of the Act.

Religious instruction to become opt-in. The Act (section 58) provides that if the board of a State primary or intermediate school chooses to close their school for religious instruction to take place, then the principal must have written permission from students' parents that they may attend and ensure that the other, pre-existing, conditions are met.

New powers for the Secretary of Education. The Secretary for Education has new powers to act when a state of emergency or transition period is declared, or an epidemic notice is in place. These powers can be found in sections 653 to 658.

School enrolment schemes. Under the Act, the Ministry of Education will take over the development of, and consultation on, enrolment schemes. The Ministry will be required to consult schools' boards when developing a proposed enrolment scheme and must take all reasonable steps to consult the relevant school community and affected parties in the wider local community on the proposed enrolment scheme.

School rules consultation. Boards must consult their students (where appropriate), staff and school community when making school rules (section 126 of the new Act). This will help to ensure that a school's rules are appropriate for, and supported by, their community.

Board Code of Conduct. Section 166 of the Act provides that the Minister of Education can issue a mandatory national code of conduct for Board members at State and State-integrated schools. The Code of Conduct will set minimum standards of behaviour and bring boards into line with other education sector governing bodies.

Find more information about the Education and Training Act 2020 on the Ministry of Education site [here](#).

Source: Ministry of Education website, Sept 2020