

Governance Framework March 2018

Introduction, with Key Legislative Requirements, to Board Governance Framework

The Board of Trustees of Mokoia Intermediate is focused on the ongoing improvement of student progress and achievement within an environment that provides inclusive education.

Refer to the *New Zealand Curriculum, New Zealand Disability Strategy and United Nations Convention on the Rights of Persons with Disabilities*. To ensure effective school performance, the board is committed to maintaining a strong and effective governance framework that incorporates legislative requirements and good practice.

Governance and Management

The following are the board's agreed governance and management definitions, which form the basis of its working relationships, policy and processes.

Governance	
<p>The ongoing improvement of student progress and achievement is the board's focus.</p> <p>The board acts in a stewardship role and is entrusted to work on behalf of all stakeholders. It is accountable for the school's performance, emphasises strategic leadership, sets the vision for the school and ensures compliance with legal and policy requirements.</p> <p>Board policies are at a governance level and outline clear delegations to the principal. The board and principal form the leadership, with the role of each documented and understood. The principal reports to the board as a whole with committees used sparingly and only when a need is identified in order to contribute to board work.</p> <p>The board is proactive rather than reactive in its operations and decision making and does not involve itself in the administrative details of the day-to-day running of the school.</p>	<p>The board delegates all authority and accountability for the day-to-day operational organisation of the school to the principal who must ensure compliance with both the board's policy framework and the law of New Zealand (for detail, see operational policies).</p>

Education Act 1989

In developing the above definitions for Mokoia Intermediate, the board is mindful of the sections of the **Education Act 1989** set out below.

The *Education Act 1989* was amended on 19 May 2017, clarifying the governance role of the board of trustees and a focus on student achievement. The powers and functions of boards are now set out in Schedule 6 of the Act, with the principal's role as chief executive specified in section 76.

Schedule 6 Boards of Trustees

4 Board is governing body of school

- (1) A board is the governing body of its school.
- (2) A board is responsible for the governance of the school, including setting the policies by which the school is to be controlled and managed.
- (3) Under section 76, the school's principal is the board's chief executive in relation to the school's control and management.

5 Board's objectives in governing school

- (1) A board's primary objective in governing the school is to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement.
- (2) To meet the primary objective, the board must—
 - (a) ensure that the school—
 - (i) is a physically and emotionally safe place for all students and staff; and
 - (ii) is inclusive of and caters for students with differing needs; and
 - (b) have particular regard to any statement of National Education and Learning Priorities issued under section 1A; and
 - (c) comply with its obligations under sections 60A (in relation to curriculum statements and national performance measures), 61 (in relation to teaching and learning programmes), and 62 (in relation to monitoring of student performance); and
 - (d) if the school is a member of a community of learning that has a community of learning agreement under section 72, comply with its obligations under that agreement as a member of that community; and
 - (e) comply with all of its other obligations under this or any other Act.

6 Staff

Subject to Parts 8A and 31, a board may, in accordance with the State Sector Act 1988, appoint, suspend, or dismiss school staff.

13 Board has complete discretion

A board has complete discretion to perform its functions and exercise its powers as it thinks fit, subject to this and any other enactment and the general law of New Zealand.

16 Cultural diversity, Treaty of Waitangi, tikanga Māori, and te reo Māori

- (1) A board must take all reasonable steps to ensure that the policies and practices for its school reflect New Zealand's cultural diversity and the unique position of the Māori culture.
- (2) In performing its functions and exercising its powers, a board must take all reasonable steps to act in a manner that is consistent with the principles of the Treaty of Waitangi.
- (3) Without limiting subclauses (1) and (2), a board must take all reasonable steps to provide instruction in tikanga Māori (Māori culture) and te reo Māori (the Māori language) for full-time students whose parents ask for it.

17 Delegations

- (1) A board may delegate any of the functions or powers of the board or the trustees, either generally or specifically, to any of the following persons by resolution and written notice to the person or persons:
 - (a) a trustee or trustees:
 - (b) the principal or any other employee or employees, or office holder or holders of the board:
 - (c) a committee consisting of at least 2 persons at least 1 of whom is a trustee:
 - (d) any other person or persons approved by the Minister:
 - (e) any class of persons that comprises any of the persons listed in paragraphs (a) to (d).
- (2) Subclause (1) does not apply to any functions or powers specified in this Act as not being capable of delegation.
- (3) The board must not delegate the general power of delegation.
- (4) A delegate to whom any function or power is delegated may, —
 - (a) unless the delegation provides otherwise, perform the function or exercise the power in the same manner, subject to the same restrictions, and with the same effect as if the delegate were the board or the trustees; and
 - (b) delegate the function or power only—
 - (i) with the prior written consent of the board; and
 - (ii) subject to the same restrictions, and with the same effect, as if the subdelegate were the delegate.
- (5) A delegate who purports to perform a function or exercise a power under a delegation—
 - (a) is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of that delegation; and
 - (b) must produce evidence of his or her authority to do so if reasonably requested to do so.

- (6) No delegation in accordance with this Act—
- (a) affects or prevents the performance of any function or the exercise of any power by the board or the trustees; or
 - (b) affects the responsibility of the board for the actions of any delegate acting under the delegation; or
 - (c) is affected by any change in the membership of the board or of any committee or class of persons.
- (7) A delegation may be revoked at will by—
- (a) resolution of the board and written notice to the delegate; or
 - (b) any other method provided for in the delegation.
- (8) A delegation under subclause (4)(b) may be revoked at will by written notice of the delegate to the subdelegate.
- (9) The board may, by resolution, appoint committees—
- (a) to advise it on any matters relating to the board's functions and powers that are referred to the committee by the board; or
 - (b) to perform or exercise any of the board's functions and powers that are delegated to the committee.
- (10) A person must not be appointed as a member of a committee unless, before appointment, he or she discloses to the board the details of any financial interest that would disqualify the person from being a trustee under section 103A.
- (11) This clause applies to each member of a committee who is not a trustee with any necessary modifications

18 Bylaws

A board may make bylaws that the board thinks necessary or desirable for the control and management of the school.

Part 7 Control and Management of State Schools

76 Role of principal

- (1) A school's principal is the board's chief executive in relation to the school's control and management.
- (2) Except to the extent that any enactment or the general law of New Zealand provides otherwise, the principal –
- (a) shall comply with the board's general policy directions; and
 - (b) subject to paragraph (a), has complete discretion to manage as the principal thinks fit the school's day-to-day administration.



