



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Kura Kaupapa Maori</p> <p>3. New sections inserted</p> <p> 155A. Te Aho Matua</p> <p> 155B. Te kaitiaki o Te Aho Matua</p> <p> 155C. Application of section 155</p>	<p>155D. Provisions applying to Kura Kaupapa Maori established before commencement of Education (Te Aho Matua) Amendment Act 1999</p> <p>155E. Acknowledgment of adoption of Te Aho Matua</p> <p>155F. Protection of term 'Kura Kaupapa Maori'</p> <p>4. Restrictions on mergers in certain cases</p>
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1999, No. 79

An Act to amend the Education Act 1989 by acknowledging the role of Te Aho Matua in Kura Kaupapa Maori
 [16 July 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Education (Te Aho Matua) Amendment Act 1999, and is part of the Education Act 1989 (“the principal Act”).

(2) This Act comes into force on the day after the date on which it receives the Royal assent.

2. Kura Kaupapa Maori—The principal Act is amended by repealing section 155, and substituting the following section:

“155. (1) When establishing a state school the Minister may, by notice in the *Gazette*, designate the school under this section.

“(2) The Minister has absolute discretion to refuse to establish a school under this section.

“(3) The Minister may not establish a school under this section unless satisfied that—

“(a) The parents of at least 21 people who would, if the school were established, be entitled to free

enrolment there, want there to be established a school—

“(i) In which te reo Maori (the Maori language) is the principal language of instruction; and

“(ii) In which the charter of the school requires the school to operate in accordance with Te Aho Matua (as defined in section 155A); and

“(iii) That has the special characteristics (if any) set out in its charter that will give the school a particular character (in this section called ‘special characteristics’); and

“(b) If a school of that type is established, students enrolled at the school will get an education of a kind not available at any other state school that children of the parents concerned can conveniently attend.

“(4) A notice under subsection (1) must—

“(a) Specify the name of the school, which must at all times begin with the words ‘Te Kura Kaupapa Maori o’; and

“(b) State that the school will operate in accordance with Te Aho Matua; and

“(c) Summarise any special characteristics of the school; and

“(d) Specify the constitution of the Board of the school.

“(5) After consultation with the Board, the Minister may from time to time, by notice in the *Gazette*, amend the name of the school (but not so as to omit the words ‘Te Kura Kaupapa Maori o’), its special characteristics, or the constitution of the Board.

“(6) Unless specifically provided otherwise, this Act and the Education Act 1964 apply to every school established under this section as if it were not so established.

“(7) The Board of a school established under this section must ensure that—

“(a) Te reo Maori is the principal language of instruction at the school; and

“(b) The school operates in accordance with Te Aho Matua.

“(8) The Board may refuse to enrol any person whose parents do not accept that the school operates in accordance with Te Aho Matua.

“(9) A school established under this section may have an enrolment scheme, but—

“(a) The Secretary must from time to time, by written notice to the Board, fix a maximum roll for the school; and

“(b) The Board must ensure that the number of students enrolled at the school is not more than the maximum roll.”

3. New sections inserted—The principal Act is amended by inserting, after section 155, the following sections:

“155A. **Te Aho Matua**—(1) Te Aho Matua is a statement that sets out an approach to teaching and learning that applies to schools designated under section 155.

“(2) The official version of Te Aho Matua is the statement (including any Gazetted amendments) in te reo Maori that is—

“(a) Prepared by te kaitiaki o Te Aho Matua (as defined in section 155B); and

“(b) Published in the *Gazette* under the authority of the Minister.

“(3) The Minister may from time to time authorise the reprinting of all, or the amendment of any part, of Te Aho Matua in the *Gazette*, but only if asked to do so by te kaitiaki o Te Aho Matua.

“(4) When all, or an amendment to any part, of Te Aho Matua is published in the *Gazette*, the Minister must ensure that an explanation in English of Te Aho Matua, or of the amendment (as the case may be), is published in the same *Gazette*.

“(5) The explanation must be one that te kaitiaki o Te Aho Matua has approved as being an accurate interpretation of the meaning of the Maori text.

“155B. **Te kaitiaki o Te Aho Matua**—Te kaitiaki o Te Aho Matua is the body commonly known as Te Runanga Nui o Nga Kura Kaupapa Maori o Aotearoa, being the most suitable to be responsible for determining the content of Te Aho Matua, and for ensuring that it is not changed to the detriment of Maori.

“155C. **Application of section 155**—After the commencement of the Education (Te Aho Matua) Amendment Act 1999, the Minister may establish a school as a Kura Kaupapa Maori only in accordance with section 155 as substituted by that Act.

“155D. **Provisions applying to Kura Kaupapa Maori established before commencement of Education (Te Aho Matua) Amendment Act 1999**—(1) In this section and section 155E,—

“ ‘Existing Kura’ means a Kura Kaupapa Maori established under section 155 before the commencement of the Education (Te Aho Matua) Amendment Act 1999:

“ ‘New section 155’ means section 155 as substituted by the Education (Te Aho Matua) Amendment Act 1999.

“(2) After the commencement of this section, existing Kura remain established as Kura Kaupapa Maori even if they would not be entitled to be established under new section 155.

“(3) Subsections (6), (7) (a), and (9) of new section 155 apply to all existing Kura.

“(4) In relation to an existing Kura other than one acknowledged under section 155E, the Minister may from time to time, after consultation with the Board of the Kura, by notice in the *Gazette*, amend—

“(a) The aims, purposes, and objectives of the Kura; or

“(b) The constitution of the Board.

“(5) In relation to an existing Kura other than one acknowledged under section 155E, the Board of the Kura may refuse to enrol any person whose parents do not accept that the school operates in accordance with the school’s aims, purposes, and objectives.

“155E. Acknowledgment of adoption of Te Aho Matua—(1) The Minister may from time to time, after consultation with the Board of an existing Kura, by notice in the *Gazette*, acknowledge that the Kura operates in accordance with Te Aho Matua, and must, in the notice,—

“(a) Replace the aims, purposes, and objectives of the Kura by a statement that the school will operate in accordance with Te Aho Matua (as referred to in new section 155 (4) (b)); and

“(b) Summarise any special characteristics of the school (as referred to in new section 155 (4) (c)).

“(2) On publication of a notice under subsection (1), the Kura becomes subject to all the relevant provisions of new section 155.

“155F. Protection of term ‘Kura Kaupapa Maori’—(1) No registered school may use the term ‘Kura Kaupapa Maori’ in its name unless the school is established under section 155.

“(2) Subsection (1) does not apply to a registered school that, immediately before the commencement of this section, is not established under section 155 but uses the term ‘Kura Kaupapa Maori’ in its name.”

4. Restrictions on mergers in certain cases—The principal Act is amended by repealing section 156B, and substituting the following section:

“156B. (1) A Kura Kaupapa Maori established after the commencement of the Education (Te Aho Matua) Amendment Act 1999 may not merge or be merged with another Kura Kaupapa Maori or other school unless the schools involved in the merger—

“(a) Operate in accordance with Te Aho Matua; and

“(b) Use te reo Maori as the principal language of instruction.

“(2) Any other Kura Kaupapa Maori may merge with another school only if both schools use te reo Maori as the principal language of instruction and have the same aims, purposes, and objectives.

“(3) A designated character school may not merge or be merged with another designated character or other school unless the schools involved in the merger have the same aims, purposes, and objectives, being the aims, purposes, and objectives that constitute the way in which the character of each school is different from the character of ordinary state schools.”

This Act is administered in the Ministry of Education.
