

Schedule 6

State integrated schools

ss 10(1), (9)(a), 161(2)(b), 162(5), 163(6),
199(9), 211(2), 212

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*Conditional integration***1 Preservation of special character of State integrated schools**

- (1) A State integrated school on integration continues to have the right to reflect, through its teaching and conduct, the education with a special character provided by it.
- (2) Integration must not jeopardise the special character of a State integrated school.
- (3) Subject to the integration agreement, the proprietor of a State integrated school—
 - (a) continues to have the responsibility of supervising the maintenance and preservation of the education with a special character provided by the school;
 - (b) continues to have the right to determine what is necessary to preserve and safeguard the special character of the education provided by the school and described in the integration agreement.
- (4) If, in the proprietor's opinion, the special character of the school as defined and described in the integration agreement has been or is likely to be jeopardised, or the education with a special character provided by the school as defined and described in the integration agreement is no longer preserved and safeguarded, the proprietor may invoke the powers conferred on the proprietor by this schedule.

Compare: 1989 No 80 s 416

*Procedure for establishing, disestablishing, merging, and closing State integrated schools***2 Application to negotiate integration**

- (1) If the Minister accepts an application to negotiate integration, the applicant and the Minister may enter into negotiations for an integration agreement under clause 5.
- (2) If the Minister declines the application, the applicant may make a fresh application.
- (3) Without limiting the factors that the Minister may consider, the Minister must, in considering an application, consider the nature, character, and capacity of the existing network of schools.
- (4) The Minister may, in the Minister's absolute discretion,—
 - (a) accept applications to enter into negotiations for integration under this schedule; and

- (b) after giving any notice to the public that the Minister thinks fit, decide not to consider applications from particular areas.

Compare: 1989 No 80 s 418

3 Applications relating to proposed schools

If a person who proposes to establish a school with the intention that it become a State integrated school makes an application under clause 2, this schedule applies to the application and to any subsequent negotiations and agreements before integration as if—

- (a) the applicant were a proprietor; and
- (b) the school were a private school.

Compare: 1989 No 80 s 419

4 Negotiation of integration agreements

- (1) The Minister and an applicant may begin negotiations for an integration agreement under clause 5 after the Minister has accepted an application under clause 2.
- (2) During the negotiations, the Minister may consult any interested persons or groups that the Minister thinks fit.

Compare: 1989 No 80 s 420

5 Integration agreements

- (1) The Minister may approve the establishment of a private school as a State integrated school.
- (2) The Minister must signify their approval by entering into an integration agreement with the proprietor.
- (3) No proprietor is competent to execute an integration agreement unless the proprietor is constituted as a body corporate.
- (4) It is a condition of every integration agreement that no person employed at the school and paid for their services in whole or in part out of money appropriated by Parliament may be—
 - (a) paid by the proprietor or the proprietor's agents any remuneration additional to that provided for by this Act; or
 - (b) granted or permitted any condition of service more favourable than that permitted in the case of a person employed in a State school.
- (5) The Minister's power to enter into integration agreements may not be delegated.

Compare: 1989 No 80 s 421

6 Other matters that may be included in integration agreements

- (1) Without restricting the provisions that may be included in an integration agreement, an integration agreement may include provisions for 1 or more of the following matters:
 - (a) specifying the land and buildings that constitute the school to which the integration agreement refers:
 - (b) specifying any part of the land or buildings owned or leased by the proprietor and used by the school before integration that do not constitute part of the school:
 - (c) describing the education with a special character for which the school is or was originally established:
 - (d) prescribing the religious or philosophical instruction and observances that are to form part of the school programme after integration:
 - (e) providing for the determination of the maximum number of students who may be enrolled at the school:
 - (f) permitting limitation of the number of children not given preference of enrolment under clause 26 who are required to be enrolled if places are available:
 - (g) any other particular matter that is relevant to the education with a special character for which the school was originally established:
 - (h) any other matter that is not contrary to this schedule.
- (2) Despite anything in subclause (1)(e), when determining the basis of the limitation under subclause (1)(f), regard must be had only to the necessity of preserving and safeguarding the education with a special character that the school provides.

Compare: 1989 No 80 s 422

7 Integration agreements: machinery matters

- (1) Any proprietor may enter into integration agreements for the integration of more than 1 school.
- (2) There must be a separate integration agreement for each school that is to become a State integrated school.
- (3) If the Minister and the proprietor agree, the terms of an integration agreement may be varied by a supplementary agreement.
- (4) Despite clause 5(5), the Minister's power to enter into a supplementary agreement may be delegated under clause 5 of Schedule 6 of the Public Service Act 2020.
- (5) An integration agreement is, for all purposes, a binding agreement between the proprietor and the Crown.

Compare: 1989 No 80 s 423

Schedule 6 clause 7(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

8 Effective date of integration agreement

- (1) Every integration agreement must specify an effective date.
- (2) A State integrated school's board must take office on the effective date.
- (3) If the requirements of this clause are not met, the Minister may give notice to the proprietor of a new effective date as the Minister thinks fit, and the integration agreement must be interpreted accordingly.

Compare: 1989 No 80 s 424

9 Notification of integration agreement

The Minister must give notice in the *Gazette* of an integration agreement, and the Secretary must retain a copy of every integration agreement and make it available for inspection without charge by any member of the public on an Internet site maintained by or on behalf of the Secretary.

Compare: 1989 No 80 s 425

10 Minister may require information to be provided

- (1) This clause applies if—
 - (a) a proprietor or a potential proprietor has applied to integrate a school; or
 - (b) the Minister holds reasonable concerns about the ability of a proprietor or potential proprietor to meet any obligation under an integration agreement or under this schedule; or
 - (c) a proprietor or potential proprietor has submitted a specific funding request to the Minister or the Secretary.
- (2) If this clause applies, the Minister may require the relevant proprietor or potential proprietor to provide 1 or more of the following:
 - (a) all of the information needed to assess the financial and managerial capacity of the proprietor or potential proprietor:
 - (b) any other information that the Minister considers relevant to assessing—
 - (i) an application to integrate a school; or
 - (ii) any concerns about the ability of a proprietor or potential proprietor to meet any obligation under an integration agreement or under this schedule; or
 - (iii) any funding request that a proprietor or potential proprietor has submitted.

Compare: 1989 No 80 s 426

11 Cancellation of integration agreement

- (1) An integration agreement may be cancelled—

- (a) by the Minister, in which case clause 12 applies; or
 - (b) by the proprietor, in which case clause 13 applies; or
 - (c) by agreement between the Minister and the proprietor, in which case clause 14 applies.
- (2) On the cancellation of an integration agreement,—
- (a) the school ceases to be a State integrated school; and
 - (b) the respective rights and obligations of the parties that arise owing to the integration agreement cease to have effect; and
 - (c) in the absence of an agreement to the contrary, the school is to be treated as provisionally registered as a private school.

Compare: 1989 No 80 s 427

12 Cancellation by Minister

The Minister may cancel an integration agreement under clause 11(1)(a) if—

- (a) it appears to the Minister on reasonable grounds that the proprietor or the board of the State integrated school is not sufficiently carrying out its functions and obligations under this Act or under the integration agreement; and
- (b) the Minister has consulted the proprietor, the board, and other interested persons or groups as the Minister thinks fit.

Compare: 1989 No 80 s 428

13 Cancellation by proprietor

- (1) A proprietor may give notice to the Minister of an intention to cancel an integration agreement under clause 11(1)(b) if—
- (a) it appears to the proprietor on reasonable grounds that—
 - (i) the special character of the State integrated school has been or is likely to be jeopardised; or
 - (ii) the Minister or any board is not carrying out their functions and obligations under this Act or the integration agreement; and
 - (b) the proprietor has consulted the Minister, the board, and any other interested persons or groups as the proprietor thinks fit.
- (2) The notice of intention to cancel takes effect as a cancellation of the integration agreement under clause 11(1)(b) on the date that is 4 months after the date of the notice.

Compare: 1989 No 80 s 429

14 Cancellation by agreement between parties

The Minister and the proprietor may cancel an integration agreement under clause 11(1)(c) by mutual agreement, after consultation with other interested persons or groups as they think fit.

Compare: 1989 No 80 s 430

15 Mergers

- (1) A State integrated school may merge with another State integrated school (together, the **merging schools**) if—
 - (a) each school has the same proprietor; and
 - (b) each school has the same or a similar special character; and
 - (c) the proprietor has consulted the Minister; and
 - (d) the Minister determines that the schools may merge.
- (2) Before determining whether the State integrated schools may merge, the Minister must—
 - (a) be satisfied that—
 - (i) the proprietor has made reasonable efforts to consult its adult students or the parents of its full-time students (other than adult students) about the proposed merger; and
 - (ii) the consultation that has taken place for each school is adequate in the circumstances; and
 - (iii) the creation of a single school by the proposed merger (the **continuing school**) is appropriate in the circumstances; and
 - (b) consult the boards of all the other schools whose rolls might, in the Minister's opinion, be affected by the proposed merger.
- (3) If the Minister determines that the State integrated schools may merge, the proprietor must apply under clause 2 to negotiate an integration agreement for the school that is to be created by the merger.
- (4) If an integration agreement is negotiated, the Minister must give notice of the merger in the *Gazette*.
- (5) The notice takes effect on a day specified in the notice and has effect as follows:
 - (a) the merging schools are part of the continuing school:
 - (b) if the continuing school and each merging school are not already administered by a single board,—
 - (i) the board of each merging school is dissolved; and
 - (ii) all rights, assets, liabilities, and debts of each merging school are vested in the board of the continuing school:

- (c) the continuing school is a school of the classification specified in the notice and provides education for the student year levels specified in the notice.
- (6) The notice does not affect the name of the continuing school.
- (7) Before a notice given under subclause (4) takes effect, the Minister must give notice in the *Gazette* of whether,—
 - (a) during the period between a date specified in the notice and the date on which new board members take office, the board of the continuing school is to be—
 - (i) the board of the continuing school plus at least 1 co-opted board member representing each of the merging schools; or
 - (ii) a board appointed by the Minister; or
 - (b) the board of the continuing school is to have an alternative constitution approved under clause 4 of Schedule 22.
- (8) The board of the continuing school must have no more than 4 members appointed by the proprietor.

Compare: 1989 No 80 s 431

16 Closure of State integrated school

If it appears to the Minister that for the reason set out in clause 12(a) a State integrated school should be closed, the Minister may, after the consultation referred to in clause 12(b), disestablish and close the school.

Compare: 1989 No 80 s 432

17 Notification of cancellation or of closing of State integrated school

When an integration agreement is cancelled under clause 12 or 13, or when a State integrated school is closed under clause 16, the Minister must give notice of the cancellation or closure in the *Gazette*.

Compare: 1989 No 80 s 433

18 Disposal of assets on cancellation of integration agreement or closing of State integrated school

- (1) This clause applies if capital expenditure or expenses appropriated by Parliament have been used to meet all or part of the cost of supplying a State integrated school with furniture, equipment, or other chattels and the integration agreement for that school is cancelled or the school is closed.
- (2) The Secretary may dispose of the furniture, equipment, or other chattels at the Secretary's sole discretion, whether by sale or otherwise, and the disposition has effect as if the Secretary were the owner.
- (3) However, any sale must be by way of public auction or public tender.

Compare: 1989 No 80 s 434

19 Repayment of moneys advanced

- (1) This clause applies if—
 - (a) capital expenditure or expenses appropriated by Parliament have been advanced otherwise than by way of loan to be used to meet all or part of the cost of erecting any building or supplying or installing any fixture as part of a State integrated school; and
 - (b) the integration agreement for that school is cancelled, or the school is closed.
- (2) The current value of the contribution to the building or fixture from the money appropriated must be assessed by the Minister.
- (3) The amount assessed is to be treated as a debt due by the proprietor to the Crown and is a charge on the land of the State integrated school.
- (4) That charge may be registered without the payment of a fee against the land under any enactment.
- (5) However, the Minister may, with the agreement of the Minister of Finance, approve the writing off of all or part of the debt.
- (6) For the purposes of registration under any other enactment, the Secretary may sign the notice of the charge and the release of the charge.

Compare: 1989 No 80 s 435

20 Moneys to be paid into Crown Bank Account

- (1) In the case of any sale made under clause 18(2), the money received must be paid into a Crown Bank Account.
- (2) In the event of the cancellation of an integration agreement, or the closing of a State integrated school, any unspent money granted to the school's board under this Act or regulations made under this Act or under any other Act must be paid into a Crown Bank Account.

Compare: 1989 No 80 s 436

21 Certain assets remain vested in proprietors

- (1) If an integration agreement is cancelled, or a State integrated school is closed, any land, buildings, chattels, and other interests relating to the school that are vested in the proprietor remain vested in the proprietor.
- (2) This clause is subject to clauses 18 to 20.

Compare: 1989 No 80 s 437

22 Restriction on cancellation of integration agreement or closure of State integrated schools

No integration agreement may be cancelled in accordance with clause 11, and (despite anything in section 199) no State integrated school may be closed

under clause 16, solely on the ground that adequate capacity for the students exists in an adjacent State school.

Compare: 1989 No 80 s 438

23 Compensation

If an integration agreement is cancelled, or a State integrated school is closed, no compensation of any kind is due or payable to the proprietor.

Compare: 1989 No 80 s 439

Administration

24 Administration of State integrated schools

- (1) Except as provided in this schedule, this Act and every other enactment relating to the education of the people of New Zealand in State schools apply to a State integrated school.
- (2) Subject to clauses 1 and 2, when a private school is integrated it must be controlled and managed and operate in all respects as if it were a State school.
- (3) The powers of control and management of the board of a State integrated school are subject to clauses 1 and 2.
- (4) To give effect to subclause (3), the board of a State integrated school must provide for adequate consultation between the board and the proprietor of that school.

Compare: 1989 No 80 s 440

25 Free education

Every student enrolled at a State integrated school must be given free education on the same terms and in accordance with the same conditions as students enrolled at a State school.

Compare: 1989 No 80 s 441

26 Preference of enrolment

The children of parents who have a particular or general philosophical or religious connection with a State integrated school must be preferred to other children for enrolment at the school.

Compare: 1989 No 80 s 442

27 Participation in general school programmes

By enrolling a student at a State integrated school, a parent is taken to have accepted as a condition of enrolment that the student is to participate in the general school programme that gives the school its special character.

Compare: 1989 No 80 s 443

28 Instruction of students

- (1) Each State integrated school must instruct its students in accordance with the curricula and syllabuses prescribed under this Act or any regulations made under this Act.
- (2) However, the general school programme must reflect the education with a special character provided by the State integrated school, and religious and other examples may be used to reinforce teaching throughout the school day.

Compare: 1989 No 80 s 444

Enrolment, conditions of attendance, and instruction of students at State integrated schools

29 Religious instruction and observances

- (1) Subject to clause 28, if religious instruction and observances form part of the education with a special character provided by a State integrated school, these must continue to form part of the general school programme in accordance with the terms and conditions prescribed in the integration agreement relating to that school.
- (2) If religious instruction and observances form part of the education with a special character provided by a State integrated school, that school—
 - (a) must be responsive to the sensitivities of students and parents of different religious or philosophical affiliations; and
 - (b) may not require a student of a different religious or philosophical affiliation to participate in religious observances and religious instruction concerned with particular observances if a parent of the student states that they do not wish that student to participate.

Compare: 1989 No 80 s 445

30 Attendance dues

- (1) The proprietor of a State integrated school may, if the integration agreement for the school provides, enter into an agreement with the parents or other persons accepting responsibility for the education of a child that provides that the parents or other persons must pay attendance dues as a condition of the child's enrolment at the school.
- (2) The dues must be established for the State integrated school or group of State integrated schools at the rates, and subject to any conditions, approved by the Minister by notice in the *Gazette*.
- (3) Revenue received by the proprietor from attendance dues must be used solely for the following:
 - (a) paying, in respect of the school or group of schools in respect of which it is received, for improvements to the State integrated school or schools'

buildings and associated facilities that are required by any integration agreement or integration agreements under clause 39(2)(c):

- (b) any capital works that may be required by the Minister under clause 39(2)(d):
 - (c) meeting debts, mortgages, liens, or other charges associated with the land and the buildings that constitute the premises of the State integrated school or schools.
- (4) No revenue received by the proprietor from attendance dues may be used to provide or improve the State integrated school buildings and associated facilities to a standard higher than that approved by the Secretary as appropriate for a comparable State school.

Compare: 1989 No 80 s 447

31 Withdrawal and reinstatement of right to charge attendance dues

- (1) Should any proprietor use any revenue from attendance dues for any purpose other than one permitted by clause 30, the Minister may, despite anything in the integration agreement, by notice in the *Gazette*, withdraw the right to charge attendance dues, and while the withdrawal continues, the board must permit the attendance of children without the payment of attendance dues.
- (2) The Minister may, by notice in the *Gazette*, cancel any withdrawal.

Compare: 1989 No 80 s 448

32 Failure to pay attendance dues

- (1) If a parent, or other person who has accepted the responsibility for the education of a child, has entered into an agreement to pay attendance dues and fails to make a payment, the payment is recoverable from the parent or other person in any court of competent jurisdiction as a debt due to the proprietor.
- (2) In addition, a failure to make payment constitutes grounds for the principal of the State integrated school to suspend the child from attendance at that school and to remove the child's name from the school register.
- (3) However, no child may be suspended and have their name removed from the school register until arrangements have been made to the satisfaction of the Secretary for the child to be enrolled at some other school.

Compare: 1989 No 80 s 449

33 Accounts for attendance dues

- (1) Each proprietor who is permitted to charge attendance dues must keep accounts in a manner approved by the Secretary showing—
- (a) the total amount of attendance dues received; and
 - (b) how the attendance dues have been spent.
- (2) The accounts must be—

- (a) balanced at a date each year approved by the Secretary; and
 - (b) audited by a qualified auditor (within the meaning of section 35 of the Financial Reporting Act 2013).
- (3) The proprietor must send a copy of the accounts, together with the auditor's report on them, to the Secretary by a date to be approved by the Secretary.
- Compare: 1989 No 80 s 450

34 Financial contributions

- (1) In addition to the power to collect attendance dues under clause 30, the proprietor of a State integrated school may—
- (a) conduct fund-raising activities within the school; and
 - (b) inform the parents of the financial obligations of the proprietor in the prospectus and in other ways; and
 - (c) request the parents of students attending the school to make regular financial contributions to the proprietor for the benefit of the proprietor in meeting any debt, mortgage, lien, or other charge associated with the land and buildings that constitute the school premises or are associated with the school.
- (2) Financial contributions other than attendance dues must be made on a voluntary basis, and no student may be refused enrolment because of the unwillingness of the parents to contribute in this way.

Compare: 1989 No 80 s 451

35 Restrictions on fund-raising

None of the following may take part during normal school hours in a school activity directed to raising funds for the benefit of the proprietor in meeting any debt, mortgage, lien, or other charge associated with the land and buildings that constitute the school premises or are associated with the school:

- (a) a board of a State integrated school;
- (b) the principal or a member of the staff (whether employed or retained as a teacher or in any other capacity);
- (c) a student of the school.

Compare: 1989 No 80 s 452

36 Accounts of money raised under clause 34

The proprietor must—

- (a) keep accounts of money raised by it and by a board, principal, staff member, or student under clause 34; and
- (b) have the accounts audited by a qualified auditor (within the meaning of section 35 of the Financial Reporting Act 2013) at least once in every period of 12 months; and

- (c) make a copy of the accounts and of the auditor's report on them available on request to the parents of students attending the State integrated school and to other contributors.

Compare: 1989 No 80 s 453

37 Fund-raising

- (1) The board, the principal, staff members, and students of a State integrated school may take part in fund-raising activities in the same manner and for the same purposes for the benefit of the students of the school that are permitted in the case of State schools.
- (2) This clause is subject to clause 34.

Compare: 1989 No 80 s 454

38 Use of school office

The school office of a State integrated school may be used for the purpose of communication between the proprietor of the school and the parents of students enrolled at the school, and for other purposes related to the benefit of the school and the students.

Compare: 1989 No 80 s 455

39 Powers and responsibilities of proprietors

- (1) The proprietor of a State integrated school must exercise its powers under an integration agreement in a manner that is consistent with clause 1.
- (2) Subject to subclause (1), the proprietor of a State integrated school—
 - (a) owns, holds upon trust, or leases the land and buildings that are specified in the integration agreement as constituting the school premises; and
 - (b) must accept and meet the liability for all mortgages, liens, and other charges upon the land and buildings; and
 - (c) must plan, pay for, and implement, over the period that may be specified in the integration agreement, the improvements to the school buildings and associated facilities that are required in accordance with the integration agreement to bring the buildings and associated facilities up to the minimum standard laid down by the Secretary for State schools; and
 - (d) must plan, implement, and pay for the capital works that are approved or required by the Minister, with a view to replacing, improving, or enlarging the school, its buildings, and its associated facilities to maintain the school, its buildings, and its associated facilities at the minimum standard laid down by the Secretary for comparable State schools; and
 - (e) may own, hold on trust, or lease and control, and may maintain, any land, buildings, and associated facilities that, although not part of the school in terms of the integration agreement, are regarded by the proprietor as appropriate to maintain the special character of the school; and

- (f) may, in conjunction with the board, provide for the accommodation of students living away from home; and
- (g) must insure all the buildings, chattels, and other assets owned, held on trust, or leased by the proprietor for the purposes of the school against risks normally insured against; and
- (h) must arrange with its insurers that the benefit of the indemnity under the insurance policy extends to the Minister for the buildings, chattels, and other assets paid for in whole or in part by a loan or grant made out of money appropriated by Parliament; and
- (i) must, together with the proprietor's agents and licensees, have at all reasonable times access to the school to ensure that the special character of the school is being maintained.

Compare: 1989 No 80 s 456

40 Decision-making criteria for proprietors

- (1) When making a decision under this schedule, a proprietor must take into account—
 - (a) the ability of the proprietor's State integrated school or schools to continue to provide the level of education required; and
 - (b) the average per student cost of the continued operation of the proprietor's State integrated school or schools relative to the average per student cost for other State schools; and
 - (c) the extent to which the proprietor's State integrated school or schools provide for students whose needs are not met by other State schools; and
 - (d) the ability of the proprietor to meet any obligations regarding the proprietor's State integrated school or schools over the next 7 years.
- (2) A proprietor must assess the proprietor's compliance with subclause (1) at intervals of no more than 5 years.
- (3) However, the Secretary may direct a proprietor to carry out an assessment if the Secretary considers it appropriate in the circumstances.
- (4) The proprietor must, as soon as practicable,—
 - (a) complete any assessment begun under subclause (2) or (3); and
 - (b) provide the Secretary with a copy of the assessment.

Compare: 1989 No 80 s 457

41 Consequences of failure to arrange insurance

Despite clause 39(2)(h), if the proprietor has not arranged with the proprietor's insurers for the benefit of any insurance policy to extend to the Minister,—

- (a) no money appropriated by Parliament may be used to pay any part of the cost of repairing or replacing any buildings, chattels, or other assets that have been destroyed or damaged from any cause whatsoever; and

- (b) any additional charges by way of premium made by the insurer for the extension of the benefit of any insurance policy to the Minister may not be met out of money appropriated by Parliament.

Compare: 1989 No 80 s 458

42 Proprietors not to question curriculum or teaching methods

The right of access specified in clause 39(2)(i) does not give a proprietor the right to question the curriculum or the teaching methods adopted by the teachers, both of which are, subject to this Act, controlled by the principal of the State integrated school.

Compare: 1989 No 80 s 459

43 Leases of land

- (1) The proprietor of a State integrated school must obtain the prior consent of the Minister before entering into a lease relating to land that is used, or to be used, for the school.
- (2) If the proprietor fails to obtain the prior consent of the Minister to a lease, the lease is not affected but the Minister may cancel the integration agreement under clause 12.

Compare: 1989 No 80 s 460

44 Assistance to proprietors

- (1) The Minister may, with the concurrence of the Minister of Finance, approve the granting of loans from capital expenditure that may be appropriated by Parliament for the purpose to the proprietor of a State integrated school.
- (2) The loans are to be made for the purposes and subject to the terms and conditions, including the writing off of any amount repayable, that the Minister, with the concurrence of the Minister of Finance, determines.

Compare: 1989 No 80 s 461

45 Proprietors unable to meet obligations

- (1) If the proprietor of a State integrated school is unable to meet its financial or other commitments under the integration agreement, the proprietor must notify the Minister.
- (2) If the Minister is notified, the Minister may, after any consultation with the proprietor that the Minister thinks necessary,—
- (a) cancel the integration agreement in accordance with clause 12; or
 - (b) close the State integrated school under clause 16; or
 - (c) arrange for the acquisition by the Crown, in accordance with the Public Works Act 1981, of any land, buildings, and chattels relating to the State integrated school that are owned or leased by the proprietor and that the Minister thinks fit for the purpose of establishing a State school.

- (3) When the Minister acts in accordance with subclause (2)(a) or (b), the provisions of this Act relating to the cancellation of an integration agreement or to the closure of a State integrated school apply.

Compare: 1989 No 80 s 462

Appointment and employment of teachers

46 Requirements in respect of appointments of teachers

- (1) The board of a State integrated school must appoint teachers in that school in accordance with the Public Service Act 2020.
- (2) When a board delegates to a committee the power to appoint a teacher or to recommend the appointment of a teacher, that committee must contain at least 1 of the persons appointed to the board by the proprietor.

Compare: 1989 No 80 s 463

Schedule 6 clause 46(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

47 Religious instruction: appointments to special positions relating to character of State integrated school

Where religious instruction forms part of the special character of a State integrated school,—

- (a) if provided for by the integration agreement, an advertisement for the position of principal of that school must state that a willingness and an ability to take part in religious instruction appropriate to that school are conditions of appointment:
- (b) if provided for by the integration agreement, the board must—
- (i) designate a position at that school as director of religious studies; and
 - (ii) state in any advertisement for that position that a willingness and an ability to take part in religious instruction appropriate to that school are conditions of appointment (a director of religious studies must be a member of the normal staffing entitlement of the school, as established by regulations made under this Act); and
 - (iii) ensure the carrying out of the teaching duties, if any, that may be provided for in the integration agreement:
- (c) the board must—
- (i) designate any other proportion of teaching positions in that school that may be provided for in the integration agreement as positions of importance carrying a responsibility for religious instruction; and

- (ii) state in advertisements for the positions that a willingness and an ability to take part in religious instruction appropriate to that school are conditions of appointment:
- (d) the board must state in any advertisement for a position at that school that a willingness and an ability to take part in religious instruction appropriate to that school are conditions of appointment if—
 - (i) that school is a primary school; and
 - (ii) the person holding the position of deputy principal of that school or a position of assistant principal at that school has responsibility for supervising the junior classes at that school; and
 - (iii) the terms of the integration agreement of that school specify those conditions of appointment.

Compare: 1989 No 80 s 464

48 Effect of religious instruction requirements in advertisements

If, in accordance with clause 47, an advertisement for a position states a requirement that a willingness and an ability to take part in religious instruction are conditions of appointment, any person appointed to that position must accept that requirement as a condition of appointment.

Compare: 1989 No 80 s 465

49 Restrictions on requirement for teacher to take part in religious instruction

- (1) The appointment of a teacher to a position in a State integrated school may not be conditional on the willingness and ability of that teacher to take part in religious instruction, and no appointed teacher may be required to take part.
- (2) Subclause (1) is subject to clause 47.

Compare: 1989 No 80 s 466

50 Other special positions

- (1) If an integration agreement records that any teaching position in the State integrated school concerned is a special position that requires particular capabilities on the part of the teacher holding it, an advertisement for that position must require an appointee to possess those capabilities as a condition of appointment.
- (2) Without limiting subclause (1), if any integration agreement relating to a State integrated primary school requires the person holding a position as assistant principal at that school (being a position with responsibility for supervising senior classes at that school) to maintain programmes and activities that reflect the special character of that school, an advertisement for that position must require an appointee to maintain those programmes and activities as a condition of appointment.

- (3) If, in accordance with subclause (1) or (2), an advertisement for a position makes any requirement a condition of appointment to that position, any person appointed to that position must accept that requirement as a condition of appointment.

Compare: 1989 No 80 s 467

51 Selection for appointment

In the case of a State integrated primary school, the person to be appointed to any position specified in clause 47 or 50 must be selected in accordance with clause 52.

Compare: 1989 No 80 s 468

52 Requirements in respect of appointments

- (1) Before appointing any person to a position in a State integrated primary school specified in clause 47 or 50, the board must consult the proprietor, who must report to the board the names of those applicants (if any) who, in terms of the special character of the school or in terms of the advertisement calling for applicants with particular capabilities, are acceptable for appointment.
- (2) On receipt of the report under subclause (1), the board may consider for appointment only those applicants who are stated in the report to be acceptable for appointment.

Compare: 1989 No 80 s 469

53 Employment for special purposes

- (1) With the consent of the board, a retired teacher may undertake, in a State integrated school, voluntary tasks relating to the beliefs and instruction that are the foundation of that school's special character.
- (2) If religious instruction forms part of the education with a special character provided by a State integrated school, the proprietor of that school may employ any person, whether as a chaplain or otherwise, for duties relating to that instruction.
- (3) The salary of a person employed under subclause (2) may not be paid by the board or be in any way a charge on money appropriated by Parliament.
- (4) The proprietor must notify the board of the name of any person employed under subclause (2).

Compare: 1989 No 80 s 470

54 Appointment of teachers on integration

- (1) If an integration agreement is implemented in respect of a private school in accordance with clauses 5 and 8,—
- (a) the contract of service of every teacher at that school is to be treated as being terminated from the effective date of integration; and

- (b) each of those teachers, if the teacher so wishes, is to be treated as being in the employment of the board of the State integrated school until the teacher is formally appointed to a teaching position under subclause (4), and subclause (6) applies accordingly from the effective date of integration; and
 - (c) each teaching position at that school must, within 60 days after the effective date of integration, be advertised as required by the Public Service Act 2020.
- (2) The advertisement must state that the teacher appointed to the position as at the effective date of integration, if the teacher so wishes, has an absolute right of appointment to that position irrespective of the qualifications of any other applicant.
 - (3) The teacher previously appointed to the position advertised under subclause (1) must, if the teacher wishes to continue in that appointment, apply in the manner prescribed by the Public Service Act 2020 for appointment to that position.
 - (4) A teacher who applies must be appointed to the position.
 - (5) A teacher who does not so apply is to be treated as having relinquished the position.
 - (6) A teacher who is appointed to a teaching position must—
 - (a) be paid out of expenses appropriated by Parliament for the purpose the same salary that a teacher with comparable service and qualifications would be paid for a comparable teaching position in a State school; and
 - (b) continue to be paid no less than the same salary, and to be accorded the same status, as the teacher received or was accorded on the day before the effective date of integration.

Compare: 1989 No 80 s 471

Schedule 6 clause 54(1)(c): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 6 clause 54(3): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

55 Other employees

- (1) The contract of service of every person employed in a State integrated school other than as a teacher is to be treated as being terminated from the effective date of integration.
- (2) If the position in which that person was employed has a parallel or close parallel in a State school, that person may—
 - (a) be re-employed by the board in a parallel position; and

- (b) be paid out of expenses appropriated by Parliament for the purpose the same salary as that person would be paid for comparable service in a State school.

Compare: 1989 No 80 s 472

56 No compensation for termination of employment

When a contract of employment of a teacher is treated as being terminated under clause 54(1)(a), or when the contract of employment of a person other than a teacher is treated as being terminated under clause 55, no compensation of any kind is payable to the teacher or to any person employed otherwise than as a teacher in respect of the termination of the contract of employment.

Compare: 1989 No 80 s 473

General provisions

57 Grants to private schools before integration

Any obligation or other commitment entered into by the managers of a private school before the integration of that school as a condition of a grant under this Act binds the proprietor of that school, whether or not the obligation or commitment is specified in the integration agreement.

Compare: 1989 No 80 s 474

58 Relationship between this schedule and other Parts of Act and other enactments

- (1) If this schedule deals with the same subject matter as, or similar subject matter to, any other provisions of this Act, the Public Service Act 2020, or any regulations made under either of those Acts or under any enactment repealed by either of those Acts,—
- (a) express provisions in this schedule prevail in respect of State integrated schools; but
- (b) this schedule must be interpreted in a way that is consistent with the provisions of this Act or any other enactments concerned whenever this construction is appropriate and reasonable.
- (2) Subject to clauses 1 and 2, if any matter concerning State integrated schools is not dealt with by express provision in this schedule, the appropriate provisions of this Act, the Public Service Act 2020, and any regulations made under any of those provisions or under any enactment repealed by this Act or the Public Service Act 2020 apply.

Compare: 1989 No 80 s 475

Schedule 6 clause 58(1): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Schedule 6 clause 58(2): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).