Purpose

The main aim of the Bill is to amend the Education Act 1989 (the Act) to:

- provide for the creation and operation of “partnership schools kura hourua” (formerly referred to as charter schools);
- make provision in respect of the surrender and retention of property in schools; and
- make various other changes to the Act.

The Bill as introduced is described in Bills Digest No 2007.

Main changes

Authorised staff in respect of surrender and retention of property

The Bill as introduced gives powers to teachers in respect of the surrender and retention of property.

The bar-2 Bill provides that school boards may authorise appropriate staff other than teachers to exercise those powers (Part 1, Clause 28, amending New Section 139AAA).
**Searches of clothing and bags or other containers**

The bar-2 Bill provides that if:

- a teacher or an authorised staff member has reasonable grounds to believe that a student has on or about the student's person, or in any bag or other container under the student's control, "a harmful item" (i.e. an item that a teacher or an authorised staff member has reasonable grounds to believe poses an immediate threat to the physical or emotional safety of any person); and

- the teacher or authorised staff member has required the student to produce and surrender the harmful item; and

- the student has refused to produce and surrender it

the teacher or authorised staff member may do any of the following:

- require the student to remove any "outer clothing" (i.e. includes, without limitation, any coat, jacket, jumper, or cardigan), except where the student has no other clothing, or only underclothing, under that outer clothing;

- require the student to remove any head covering, gloves, footwear, or “socks” (the term “socks” does not include tights or stocking);

- require the student to surrender the bag or other container.

The teacher or authorised staff member may then search any clothing or footwear removed, and any bag or other container surrendered. If, during such a search, the teacher or authorised staff member finds a harmful item or an item that is likely to detrimentally affect the learning environment, the item may be seized by the teacher or authorised staff member and the powers then available under Section 139AAA(4)-(7) apply with “any necessary modifications” (Part 1, Clause 28, inserting New Section 139AAB into the Act).

**Drug dogs**

The Bill as introduced prohibits the use of the surrender and retention of property powers by contractors.

However, the bar-2 Bill creates an exception: a contractor may bring a dog that is trained for the purpose of searching to a school and use the dog for the purpose of searching school property (including lockers, desks, or other receptacles provided to students for storage purposes) (Part 1, Clause 28, amending New Section 139AAC by inserting new subsection (1A)).

**The ombudsmen and partnership schools kura hourua**

The Bill as introduced provides that the Ombudsmen Act 1975 and the Official Information Act 1982 do not apply to a sponsor of a partnership school when that sponsor is performing functions under this Bill or a partnership school contract.

The bar-2 Bill provides that the Ombudsmen Act 1975 (but not the Official Information Act 1982) applies to a partnership school in relation to the performance of a standing-down, suspension, exclusion or expulsion function under specified sections of the Education Act 1989 (Part 1, Clause 31, amending New Section 158X; Part 2, inserting Clause 43 amending Section 2 of the Ombudsmen Act 1975 by inserting new subsection (5)).
Review procedure in partnership school contracts

The bar-2 Bill requires any contract between the Minister of Education and a partnership school sponsor to include a procedure for the independent review of complaints against the school (Part 1, Clause 31, amending New Section 158D(3)).