

**Comparison between school Closure / Establishment of a new school and Merger of State Schools
Hawera Intermediate School and Hawera High School**

This table provides information on the differences between school closure / establishment of a new school and the merger processes

Description	Closure	Establishment of a new state school	Merger
Definition	<ul style="list-style-type: none"> The school closes and the School Board (Board) legally ceases to exist on a specified date. Should a new Year 7-13 school be established the timing of the closures and the opening of the new school would align so that students finish at one school at the end of the year and the new school is operational at the start of the year. Also see process for establishing a new school. 	<ul style="list-style-type: none"> The Minister agrees to the establishment of a new school. An Establishment Board (EB) is appointed (there are 5 members on the EB). The EB works to ensure that the school is ready for opening at the start of the year. The timing would align so that students finish at one school at the end of the year and start at the new school at the beginning of the year. 	<ul style="list-style-type: none"> Two or more schools merge to form one school with one Board. One school is designated as the continuing school. The other school(s) is the merging school(s). From an accounting and legal perspective, it is necessary for one of the institutions to continue and the others to merge into it. The continuing school gets a new school number but has the assets and liabilities of the merging school from the date of merger. The merged school may occupy one or more of the existing school sites or an alternative site. The school designated as the continuing school may or may not be the school currently occupying the site chosen for the merged school eg in the case of the proposed Hawera schooling change, the board of Hawera Intermediate may be the board of the continuing school and the continuing school (which is Year 7-13 following the merger) is on the current Hawera High School site.
Legislation	Section 199 of the Education & Training Act 2020.	Section 190 of the Education & Training Act 2020.	Section 206 of the Education & Training Act 2020.
Timing	<ul style="list-style-type: none"> There is no restriction on the timing of the decision of the closure or its implementation (except that the relevant period of notice must be given to staff). The Collective Agreement for secondary school teachers presupposes that the date of closure is 27 January. If this was a closure the schools would close on the 27 January and the new school would open for Term 1. 	<ul style="list-style-type: none"> Usually a new school is opened at the beginning of a school year. The principal of a new Year 7-13 secondary school is able to be appointed up to 5 terms before the school opens Senior management can be appointed up to 4 terms before the school opens The Ministry will also review and consider additional earlier appointments. 	<ul style="list-style-type: none"> The merger takes effect no earlier than one full school term after the Minister's decision has been gazetted (e.g. for a merger to be implemented in term 1, it would need to be agreed and gazetted in term 3 of the previous year). The Collective Agreement for secondary school teachers presupposes that the date of merger is 27 January. Under the current policy there is no provision for earlier appointment of staff prior to the merged school becoming operational.
		Governance and Board responsibilities	
Governance of merging and continuing schools during the interim period (a date that the Minister states in the gazette notice and the date when the appointed board / board of the continuing school moves to an elected board.)		<ul style="list-style-type: none"> An Establishment Board is appointed by the Minister. These 5 people are supported by a Governance Facilitator. The EB develops the vision for the new school along with its policies and processes. It maintains close communication with the community to ensure that what is reflected in the school's foundational documents reflects the community. The school has notional rolls for the first three years. These are reviewed frequently throughout the 3 year period to ensure that staffing is ahead of the current school rolls. The EB gets a staffing allocation (based on the notional roll), develops its staffing plan and starts advertising and appointing staff. Usually the principal and senior management are appointed first and then other teaching and non teaching staff. The Ministry provides a governance facilitator to support the EB in their role. The Education Review Office (ERO) undertakes a readiness review to ensure that the school is well positioned to open. ERO visits the school 3 or 4 times (before and after it opens) as part of this process. 	<ul style="list-style-type: none"> The interim period is the time when the implementation of the merger takes place. This starts on a date specified by the Minister and ends on the date on which a new elected Board for the merged school takes office (see below). If the Minister decides the continuing Board may either be the Board of Hawera High School or Hawera Intermediate School: The continuing Board must co-opt at least 1 board member from the Board of the other school within 28 days of the merger being gazetted. If the Minister decides the Continuing Board will be an appointed Board: <ul style="list-style-type: none"> The Minister will specify in the notice what the constitution of the appointed Board will be (e.g. how many appointed board members, co-opted board members etc). The board members on the (elected) continuing school Board go out of office the day before the interim period starts and the appointed board takes over the governance of that school. Note: in some mergers where there is an appointed board the elected board (which legally goes out of office on the day before the interim period) becomes a subcommittee and continues to do the work of governing the school through to the date of merger through the governance of the appointed board. This leaves the appointed board to focus on the merger. The board members appointed to the appointed Board take office on the day the interim period starts and govern the continuing school during the interim period. The appointed board may have representatives from groups such as the boards of both schools, mana whenua, ECE, tertiary etc and they may have an independent chairperson who is also appointed to that role (ie not elected by the board). There is no set number of people on an appointed board.

		Governance and Board of responsibilities, <i>continued</i>			
Description	Closure	Establishment of a new state school	Board of the Merging School	Board of the Continuing school is the elected Board of that School	Board of the Continuing School is an appointed Board
School Board	<ul style="list-style-type: none"> The Board of a closing school governs the school through to the date of closure. 		<ul style="list-style-type: none"> Continues to govern its own school to the date of the merger. 	<ul style="list-style-type: none"> Continues to govern the continuing school 	<ul style="list-style-type: none"> Governs the continuing school. The elected Board of that school goes out of office the day before this appointed Board takes office. It is usual for the appointed Board to include representation from each school involved in the merger (and others).
Taking office		<ul style="list-style-type: none"> The Minister appoints the EB and they take over the governance of the new school immediately. 			<ul style="list-style-type: none"> Takes office from the date stated by the Minister (start of interim period)
Co-opting		<ul style="list-style-type: none"> The BOT can co-opt up to 4 additional members to help with the processes needed to ensure the school is ready for opening. 	<ul style="list-style-type: none"> Provides at least one member to be on the board of the continuing school if this is the elected Board of that school. 	<ul style="list-style-type: none"> Must co-opt at least one board member from each of the merging schools 	<ul style="list-style-type: none"> The appointed Board can co-opt members as stated in its constitution.
Merger process			<ul style="list-style-type: none"> Provides input /information for the Board of the continuing school as needed. 	<ul style="list-style-type: none"> Oversees the merger process so the merged school is ready to be open on the date the Minister has stated. 	<ul style="list-style-type: none"> Oversees the merger and the merged school to ensure it is ready to be open on the date the Minister has stated.
Term ends	<ul style="list-style-type: none"> The Board ceases to exist on the date of closure and has no rights or responsibilities beyond that date. 	<ul style="list-style-type: none"> The EB usually stays in place for about 3-6 months after the school opens. They then apply for an election and the school moves to having an elected board. The election normally takes after the ERO readiness review visits are completed. Some members of an EB may choose to stand for the elected board. 	<ul style="list-style-type: none"> The Board goes out of office on the date of the merger. 	<ul style="list-style-type: none"> The Board is in office until the Board elections (must be held within 3 months of the merger date). 	<ul style="list-style-type: none"> The appointed Board is in office until the Board elections (must be held within 3 months of the merger date).
Implementation	<ul style="list-style-type: none"> A residual agent is appointed to wind up the affairs of the Board of the closing school. A change manager is usually engaged to help plan and implement the practical aspects of the closure process. Staff are able to access EAP to support them during this change period. 	<ul style="list-style-type: none"> A governance facilitator would be appointed to support the EB. The governance facilitator is experienced in school governance and is a support role. The school can access support (through a programme called Tarai Kura) which helps them develop their education brief and vision by linking with mana whenua. Establishment funding is provided to the EB so they are resourced to undertake the work to establish the new school. The EB receives funding for the establishment of the school. 	<ul style="list-style-type: none"> A residual agent is appointed to wind up the affairs of the Board of the merging school. A change manager is usually engaged to help plan and implement the practical aspects of the merger process. Staff are able to access EAP to support them during this change process. 	<ul style="list-style-type: none"> A residual agent is appointed to close off the affairs of the Board of the continuing school. A change manager is usually engaged to help plan and implement the practical aspects of the merger process. Staff are able to access EAP to support them during this change process. 	<ul style="list-style-type: none"> A residual agent is appointed to close off the affairs of the Board of the continuing school. A change manager is usually engaged to help plan and implement the practical aspects of the merger process. Staff are able to access EAP to support them during this change process.
Notes				<ul style="list-style-type: none"> The Board of the continuing school may create a committee containing a mix of board members and non-board members, and vest some authority to make decisions about the merged school in that committee. The Board of the continuing school may run community consultation or establish reference groups if it wishes. 	

		Governance and Board responsibilities, <i>continued</i>	
Description	Closure	Establishment of a new state school	Merger
General Board Elections	<ul style="list-style-type: none"> • If a closure is proposed but not decided upon elections must proceed as per normal. • If a closure has been notified in the Gazette before a scheduled Board election, elections do not need to take place. • If there are fewer than 3 parent representatives nominated, a commissioner is appointed. 	<ul style="list-style-type: none"> • There is no set period when the EB must go out of office. Usually it is about 3-6 months after the new school has opened. • The EB applies to hold elections (which may include having an alternative constitution) and then runs the process to move to having an elected board (with a usual constitution or an alternative constitution). • This normally takes places after the ERO readiness review visits are completed and the report developed. 	<ul style="list-style-type: none"> • If the merger is to take place after a Board election year, the triennial election still takes place. • If there are fewer than 3 parent representatives nominated for election, a commissioner is appointed.
School Board of of newly merged school			<ul style="list-style-type: none"> • The continuing Board must hold elections for a new Board within 3 months of the day the merger took effect. Note this may be a board with an alternative constitution. • The elected Board then remains in office until the next triennial Board elections.
		Employer responsibilities	
The role of the Board as the Employer	<p>Teaching staff</p> <ul style="list-style-type: none"> • All teaching staff are declared surplus and provisions of the relevant collective agreements apply. • Teaching staff of the closing school have no automatic rights to any positions that may arise due to an increased roll in other schools to which the students move. <p>Support staff (including caretakers, cleaners ground staff)</p> <ul style="list-style-type: none"> • All positions are declared surplus and provisions of the relevant collective agreements apply. • The Board is required to meet any costs of redundancy entitlements. If the Board's funds are not enough to cover these costs any deficit will be deducted from the total Education Development Initiative (EDI) funding available (see below). 	<p>Teaching staff</p> <ul style="list-style-type: none"> • The EB is given a staffing allocation based on the notional roll of the new school. • The employment transition team along with the EB develops its staffing plan based on the allocation and how it plans to operate the school. Units and Management units etc are also allocated alongside positions. • The board advertises for and appoints staff to the roles it has developed. • The principal can be appointed up to 5 terms before the school opens • Senior management can be appointed up to 4 terms before the school opens. • All positions are advertised nationally. <p>Support staff (including caretakers, cleaners grounds staff)</p> <ul style="list-style-type: none"> • The EB (may delegate) advertises and appoints Support Staff. <p>• <i>An employment transition team will be established to assist in the development and implementation of the new staffing structure.</i></p>	<p>Teaching staff</p> <p>Teaching staff from all of the schools being merged have the right to apply for the newly defined positions in the merged school. This is a two-stage process. Initially positions are available to current permanent teachers that have equivalent experience/ qualifications in all schools. If there are no suitable applicants, positions are advertised and filled externally. Teachers unsuccessful in winning positions are declared surplus.</p> <p>An employment transition team will be established to implement the staffing changes.</p> <ul style="list-style-type: none"> • The principals' positions in all schools involved in the merger are disestablished. Those principals may apply for the principal's position in the merged school. • The principal's position in the merged school must be advertised externally. • The continuing Board appoints a new Principal for the merged school. <p>Support- staff (including caretakers, cleaners ground staff)</p> <ul style="list-style-type: none"> • All support staff of schools involved in the merger have the right to apply for redefined positions and to have the staff transfer provisions of their employment agreement applied. If unsuccessful, the redundancy provisions in the appropriate collective agreements apply. • The Board is required to meet any costs of redundancy entitlements. If the Board's funds are not enough to cover these costs any deficit will be deducted from the total EDI funding available.

		Students	
Student enrolment	<ul style="list-style-type: none"> Students enrol in then newly established school or another school. 	<ul style="list-style-type: none"> Students enrol in the new school. 	<ul style="list-style-type: none"> Students from the merging schools are transferred to the roll of the continuing school or may choose to enrol in another school they are entitled to attend.
School Transport	<ul style="list-style-type: none"> Normal school transport assistance policy will apply. 	<ul style="list-style-type: none"> Normal school transport assistance policy will apply. 	<ul style="list-style-type: none"> Where appropriate the Ministry may consider combining the Transport Entitlement Zones of the merging schools with that of the continuing school to best serve the new schooling arrangement. This supports the intent of the merger agreement and guarantees the transport eligibility rights for the students in the merging schools.
EDI funding	<ul style="list-style-type: none"> When schools close or merge, additional resourcing called Education Development Initiative (EDI), paid from the savings created by the reorganisation, is available for projects to strengthen students' achievement. The Hawera schooling change generates \$1,037,500 in EDI funding. The school where the student next enrolls is eligible to access EDI funding. The receiving school must submit a plan to their local Ministry for how the EDI funding will be used to enhance student achievement. The receiving school has 6 years in which to use this funding. In some circumstances a decision is made to retain EDI funding to a particular community/city. This means that if students leave the city to live elsewhere they do not carry EDI funding. 	<ul style="list-style-type: none"> The Hawera schooling change generates \$1,037,500 in EDI funding. The school where the student next enrolls is eligible to access EDI funding. The receiving school must submit a plan to their local Ministry for how the EDI funding will be used to enhance student achievement. The receiving school has 6 years in which to use this funding. In some circumstances a decision is made to retain EDI funding to a particular school/community/city. This means that if agreed the EDI funding could be retained by the new school. 	<ul style="list-style-type: none"> When schools close or merge, additional resourcing called Education Development Initiative (EDI), paid from the savings created by the reorganisation, is available for projects to strengthen students' achievement. The Hawera schooling change generates \$1,037,500 in EDI funding. The school where the student next enrolls is eligible to access EDI funding. The receiving school must submit a plan to their local Ministry for how the EDI funding will be used to enhance student achievement. The receiving school has 6 years in which to use this funding. In some circumstances a decision is made to retain EDI funding to a particular school/community/city. This means that if agreed the EDI funding could be retained by the new school.

Financial and asset management

Description	Closure	Establishment of a new state school	Merger
Financial	<ul style="list-style-type: none"> At the date of closure, the assets and liabilities of the Board of the closing school revert to the Ministry of Education (including banking staffing). As long as the Board is not in deficit, the Ministry generally agrees to the assets being distributed between other state schools in the local area. This is usually detailed in the EDI memorandum of agreement. Note: assets cannot be given to individuals or organisations other than state or state-integrated schools. The EDI funding from the closure is used to support students as they transition to their new schools and for projects that raise student achievement. 	<ul style="list-style-type: none"> If the final decision is that both schools close and a new school is established, it is likely that the assets from the closing school will be provided to the EB of the new school. The EB will (from its budget) purchase additional assets as needed to operate the school. The EB will have its accounts audited as is the case for all Boards. 	<ul style="list-style-type: none"> Assets and liabilities of the merging school(s) are passed to the continuing school (including banking staffing) at the date of the merger. If resources are not required by the continuing school, they may be distributed to state schools in the local network. An EDI memorandum of agreement is drawn up between the schools that merge and the Ministry. The EDI funding generated by the merger is to be used to support students as they transition to their new schools and for projects that raise student achievement. While there may be EDI funds that go to schools outside the merger, it would be expected that the bulk of this funding will remain with the continuing school.
Managing assets and resources	<ul style="list-style-type: none"> All assets revert to the Crown. In the case of the Hawera schooling change the assets would likely be provided to the new school. An MOU is developed for the distribution of assets to other schools. A residual agent manages the finances until final audited accounts are completed. 		<ul style="list-style-type: none"> The assets and resources from the merging school(s) become the assets of the continuing school.
Property entitlements and Accessing property funding	<ul style="list-style-type: none"> If the site of the closed school is no longer required for educational purposes, it is put into the disposal process 	<ul style="list-style-type: none"> Funding for changes to property at the new school will be sought through the budget process. The Board will need to produce a 10 year property plan (10YPP) in due course. 	<ul style="list-style-type: none"> The merged school receives funding to modernise property on the merged site to support the larger (and projected) roll. The Board will need to produce a 10 year property plan (10YPP) in due course.