

NAG 6

Legal Requirements

Each Board is also expected to...

... comply with all general legislation concerning requirements such as Attendance, length of School Day and length of School Year.

ARIA SCHOOL

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Document Name	Type	Review Cycle	Next Review
• Attendance	Policy	3yr	September 2024
• Treaty of Waitangi	Policy	3yr	September 2024
• Copyright	Policy		
• Religious Instruction	Procedure	3yr	September 2024
• Suspensions & Stand Downs	Procedure	3yr	September 2024
• Privacy / Disclosure	Procedure	3yr	September 2024
• Board Meeting	Procedure	3yr	September 2024
• Enrolment Procedure	Procedure	3yr	September 2024
• Legal Responsibilities Policy	Policy	3yr	September 2024

Reviewed: September 2021
 Next review Date: September 2024

ARIA SCHOOL

POLICY STATEMENT: Regular Attendance

NAG 6: Legal Requirements

Rationale:

Students through regular attendance will develop self-discipline, punctuality and a positive attitude to their responsibilities. Regular attendance is strongly correlated to student achievement.

Purpose:

To ensure that all students attend school regularly unless there are any special circumstances stopping them from attending.

Guidelines:

1. All children must attend school between 6-16 years.
2. A system is in place to check on absences at the beginning of the school day.
3. We require all absences to be explained by phone call, written note or other.
4. Classroom teachers mark the roll each morning and any unexplained absences are followed up on.
5. For unexplained absences:
 - Home will be contacted by the Office Manager within first half hour of school day if possible.
 - Persistent absences will be followed up by the Principal.
 - Continued unexplained absences will be placed in the hands of the Truancy Service. 20 consecutive days of absence.

Last Reviewed: September 2021
Next Review date September 2024

ARIA SCHOOL

Policy Statement: TREATY OF WAITANGI POLICY

NAG 6: Legal Requirements

Rationale:

The Treaty of Waitangi is the founding document of our nation; it provides a framework for partnership today and in the future. Our school accepts its responsibility for attempting to fulfil the intent of the Treaty.

Purpose:

1. To ensure the curriculum reflects Māori perspective.
2. To make equitable provision for the needs of Māori.
3. To provide opportunities for students to learn the Māori language and culture.
4. To recognise Māori values in resourcing the school.

Guidelines:

1. Curriculum planning will ensure Māori perspectives are embodied in the content, methodology and assessment.
2. Teaching strategies will utilise Māori examples.
3. Opportunities will be provided for all students to learn Tikānga Māori.
4. All students will have access to the schools Māori Language programmes (if applicable).
5. Pastoral care is provided through culturally appropriate ways.
6. Māori values and customs will be, as far as practicable, incorporated into school life.
7. The school will actively seek to implement the Māori dimension through the school leadership.
8. Budgeting will reflect the need to implement the Treaty.

Last Reviewed: September 2021
Next Review date September 2024

ARIA SCHOOL

POLICY STATEMENT:

COPYRIGHT

NAG 6:

Legal Requirements

Rationale

The school is to comply with the Copyright Act with respect to the use of musical scores, videos, books, films and other materials protected by copyright

Purposes

1. To ensure the school complies with the Copyright Act 1994. (Reprint 7th August 2020.)

Guidelines

1. All staff including ancillary staff are to be informed of sections of the Copyright Act as they apply to educational institutions and of the conditions of any copyright licence that the school subscribes to.
2. The school will take out such licences as it sees fit and will comply with the conditions described in these licences.
3. Individual staff members will be personally liable for any breaches of the Copyright Act.
4. General provisions of the Act as they relate to educational institutions will be displayed beside the photocopier.

Reviewed: September 2021

Next Review date: September 2024

ARIA SCHOOL

PROCEDURE: **Religious Education**

NAG 6: **Legal Requirements**

A Board does not need to allow religious instruction. If the Board chooses not to allow religious instruction, there are no legal obligations to comply with.

If a school does choose to allow religious instruction, the Board must meet all of their legal obligations under New Zealand's education and human rights laws.

The Education and Training Act 2020 specifies that:

- teaching in state primary and intermediate schools must be secular while the school is open
- after consulting with the principal, Boards have the discretion to close their school, or part of their school, for up to one hour per week and no more than 20 hours per year to allow religious instruction conducted in a way the Board has approved and given by voluntary instructors
- religious instruction must be held on an opt-in basis by requiring signed consent from a parent or caregiver before allowing a student to participate in religious instruction.

To comply with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993, Boards who choose to close their school to allow religious instruction must do so in a way that protects the rights of diverse students and their families and whānau to be free from discrimination based on their religious or non-religious beliefs.

To meet these obligations, the Ministry recommends that Boards:

- use community consultation to inform the decision about whether or not to allow religious instruction
- provide full and accurate information to students, families and whānau about the religious instruction sessions to help them make informed decisions
- offer valid alternatives to religious instruction if religious instruction takes place when the school would usually be open for teaching
- hold religious instruction on an opt-in basis meaning the principal must require and keep written and signed permission from a parent or caregiver before allowing a student to attend
- use volunteers who are not teaching staff to lead religious instruction
- provide secular school and student support services
- ensure safety checks on volunteers have been completed if the volunteer will have unsupervised access to students
- have a school complaints procedure that is communicated to families and whānau and use that procedure to resolve issues.

See the guidelines and associated resources:

[Guidelines on religious instruction in state primary and intermediate schools and Nga kura](#)

Last Reviewed: September 2021
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ARIA SCHOOL

POLICY STATEMENT: STAND-DOWN, SUSPENSION & EXCLUSION OF STUDENTS

NAG 6: Legal Requirements

Rationale

It may be necessary to stand down, suspend or exclude a student from school if that student's behaviour is deemed to present a danger to him/herself or to other students or if that behaviour constitutes gross misconduct or repeatedly unacceptable behaviour.

Purpose

1. Provide a safe and positive learning environment ("Charter" – Priority Strategic Goal 1).
2. To ensure that all regulatory requirements are met. (Education Act 1989.)
3. To ensure that the rights of all students are upheld.

Guidelines

Refer to:

Ministry of Education:

"Guidance for Principals and Boards of Trustees on
STAND-DOWNS, SUSPENSIONS, EXCLUSIONS, AND EXPULSIONS"
2009 and follow relevant flowchart.

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Next Review date September 2024

ARIA SCHOOL

POLICY STATEMENT: Privacy Act

NAG 6: Legal Requirements

Rationale

Each Board is required to comply with the provisions of the Privacy Act, 2020 in all aspects as they relate to employees and students.

Purposes

To promote and protect individual privacy with regard to:

1. The collection, use, and disclosure of information relating to individuals
2. Access by each individual to information relating to that person held by the school

Guidelines

1. The Board will appoint a Privacy Officer
2. The Privacy Officer will at all times maintain privacy for students, parents and staff which take into account the following points...
 - The purpose of collection of personal information
 - The source of personal information
 - The provision of full information to the subject
 - The manner of collection
 - The storage and security of information
 - Access to personal information
 - Obtaining personal information held about them
 - Checking on accuracy
 - The holding of information no longer in use
 - Limits on use of information
 - Limits on disclosure

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Next Review date September 2024

Procedure: BOARD MEETINGS

Nag 6: Legal Requirements

Aria School is obliged to abide by the Local Government Official Information and Meetings Act 1987 which provides that:

1. Meetings of Aria School Board are open to the public, with copies of the agenda available. Times and places of board and committee meetings must be published with reasonable notice, in terms of section 46 of the Local Government Official Information and Meetings Act 1987.
2. A resolution or motion may be passed to exclude the public from the whole or part of the proceedings of any meeting, in terms of Section 48 of the Local Government Official Information and Meetings Act 1987.
3. Bona fide reporters for any newspapers or news service are deemed to be members of the public and are entitled to attend any meeting or any part of a meeting for the purpose of reporting the proceedings for any newspaper or news service. They must withdraw with other members of the public when the Board goes into committee.
4. Minutes of meetings are available at the school's office.
5. Any members of the public may inspect the minutes of any meeting or part of any meeting of the Board (not being a meeting or part of a meeting from which the public were excluded) and may take notes from these minutes.
6. Any member of the public so inspecting any such minutes who requests a copy of any part and tenders the prescribed amount (if any) shall be given a copy.
7. The secretary of the Board is required to take such precautions as may be necessary to ensure that no person inspecting any such minutes shall inspect or see the minutes of the part of the meeting from which the public was excluded.
8. When necessary the meeting will move into committee. Reasons for this might be:
 - to discuss matters possibly coming before the courts.
 - to discuss matters pertaining to sensitive areas.
 - individual student behaviour reports.
 - appointment processes.
 - staff management.

ENROLMENT PROCEDURE

An ENROLMENT PACKAGE should be given / sent to ALL families who intend to enrol students at Aria School.

This package should include:

- ◆ Ministry of Education Enrolment Form
- ◆ Permission Information Form
- ◆ Aria School Handbook
- ◆ Dental Contact Card
- ◆ Proof of Immunisation Certificate
- ◆ Allergies / Medical Declaration Form
- ◆ Stationery List
- ◆ Bus / Transport Contract
- ◆ Cyber Safety Form
- ◆ Notifiable Disease Card
- ◆ How to help at home handbook
- ◆ Restorative Behaviour Booklet
- ◆ Latest ERO

Enrolment Procedure:

ALL forms to be completed and checked if correctly filled in.
Ethnicity and Rapid Rural Numbers play a big part in enrolment of students.

NEW ENTRANTS...

- ◆ Copy Birth Certificate
- ◆ Complete NEW RECORD on ENROL
- ◆ Enter details on SMS (E-Tap)
- ◆ Copy Immunisation Certificate – enter into Etap and print form
- ◆ Organise any stationery required
- ◆ Tour of Aria School
- ◆ File all Medical forms in appropriate folders
- ◆ Notify Bus Co-ordinator – Piopio College if student will be travelling by bus

NEW FAMILIES TO THE AREA...

To be treated as New Entrants, except in “sighting birth certificate” and “completing new record card”. The following procedure applies...

- ◆ Complete student record on ENROL

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Next Review Date: September 2024

Legal Responsibilities Policy

Boards, in the course of carrying out their activities, are subject to a range of legislation, both Acts and Regulations. They will comply with the requirements of this legislation.

School Procedures will meet the legislative statutes and regulations as set down in the appropriate Acts, Ministry of Education circulars and the Education Gazette.

Education Act 1989

This is the key Act for boards.

Residential Tenancies Act 1986

When houses are listed on the property schedule of the Property Occupancy Document, the board assumes responsibility for them. This responsibility includes compliance with the *Residential Tenancies Act 1986*, which covers areas such as rent collection, tenancy agreements, bonds, rights and obligations of landlord and tenant, and dealing with the Tenancy Tribunal.

Local Government Official Information and Meetings Act 1987

Under this legislation, boards of trustees are treated as local authorities. The Act sets out the notice requirements for board meetings and governs the public's access to information such as board minutes, reports and agendas. It also deals with the procedures for in committee meetings where members of the public are excluded.

The New Zealand Bill of Rights Act 1990

A Board is a body with a public function conferred by law and is subject to the *NZ Bill of Rights Act 1990*, which declares a set of rights in abstract. They are not tailored specifically to education but apply to all aspects of government activity and place on everybody in government a duty of compliance with the Act. Relevant sections are:

Section 13: Everyone has the right to freedom of thought, conscience, religion, and belief, including the right to adopt and to hold opinions without interference;

Section 14: Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form;

Section 15: Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private;

Section 16: Everyone has the right to freedom of peaceful assembly;

Section 17: Everyone has the right to freedom of association;

Section 19: Everyone has the right to freedom from discrimination on the grounds of discrimination in the Human rights Act 1993;

Section 21: Everyone has the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise;

Section 27: Every person has the right to the observance of the principles of natural justice.

Other Acts which may be relevant

§ Animal Welfare Act 1999

§ Charities Act 2005

§ Children, Young Persons and Their Families Act 1989

- § Children's Commissioner Act 2003
- § Copyright Act 1994
- § Civil Defence Emergency Management Act 2002
- § Disabled Persons Community Welfare Act 1975
- § Fencing of Swimming Pools Act 1987
- § Education Act 1964
- § Education Act 1989
- § Employment Relations Act 2000
- § Food and Hygiene Regulations 1974
- § Health Act 1956
- § Health & Safety in Employment Act 1992
- § Health Practitioners Competence Assurance Act 2003
- § Holidays Act 2003
- § Human Rights Act 1993
- § Local Government Official Information and Meetings Act 1987
- § New Zealand Bill of Rights Act 1990
- § Official Information Act 1982
- § Ombudsmen Act 1975
- § Parental Leave and Employment Protection Act 1987
- § Privacy Act 1993
- § Private Schools Conditional Integration Act 1975
- § Protected Disclosures Act 2000
- § Public Finance Act 1989
- § Public Records Act 2005
- § Residential Tenancies Act 1986
- § Resource Management Act 1991
- § Smoke-free Environments Act 1990
- § State Sector Act 1988; and
- § Volunteers Employment Protection Act 1973.

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