

SECONDARY-TERTIARY HIGH SCHOOL

LEGAL CHALLENGES

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Legislative Solutions

Education
(Polytechnics
Amendment) Act
2009

Purpose: *“...to improve the governance capability and effectiveness of polytechnic councils and to allow the Crown to more effectively respond to the risks posed by polytechnics with educational or financial performance issues.”*

Provided the vehicle to remove the legislative barriers to the establishment of the tertiary high school through the introduction of section 17: *“... school students to attend tertiary high school at Manukau Institute of Technology.”*

Sections 17(1) and (2) allowed for the first time students to be ‘dual enrolled’ in both a secondary school and a tertiary high school.



Education
Amendment Act
(No 3) 2010

Purpose: *“...to introduce secondary-tertiary programmes to give greater opportunities for secondary students to spend time learning in a tertiary environment or in the workplace.”*

Further expanded the legislative framework for the tertiary high school by introducing new definitions and subsections to the Education Act 1989.



New definitions

- Lead provider
- Participating student
- Provider group
- Secondary component
- Secondary tertiary programme
- Tertiary component

New sub-sections

- 25(4) – students required to enrol must attend school;
- 30(1)(ab) and (d)(ia) – employment of school-age children;
- 31(9) – ensuring attendance of students;
- 31A – nature of secondary-tertiary programme;
- 31B – provider group for secondary-tertiary programme;
- 31C – Secretary may enter into agreement with provider group;
- 31D – provider group plan for secondary-tertiary programme;
- 31E – report to Secretary by provider group;
- 31F – recognition as lead provider of secondary-tertiary programme;
- 31G – lead provider to co-ordinate secondary-tertiary programme;
- 31H – government policies or priorities;
- 31I – entry into secondary-tertiary programme;
- 31J – provider group or lead provider to notify student and parents about any school attendance requirements;
- 31K – withdrawal from secondary-tertiary programmes;
- 31L – foreign students and secondary-tertiary programmes.



Challenges ahead

- **Suspension:** does a Provider Group or Lead Provider have power to suspend a student? Refer **section 31K of the Education Act 1989**: “...a provider group or lead provider... may withdraw its approval for a student’s participation in a secondary-tertiary programme after consulting with the student.”
- **Discipline:** what power does a Provider Group or a Lead Provider haveo discipline a student?
- **Attendance:** can a Provider Group or Lead Provider require the attendance of a student? Refer **section 31(9) of the Education Act 1989**: “... this section applies to a participating student only in relation to any portion of his or her secondary-tertiary programme during which he or she is required to attend school...”
- **Entry criteria:** MIT to review its existing entry criteria to align with the new requirements of **section 32l of the Education Act 1989**.
- **Teaching qualifications:** the **Education Act 1989** requires teachers to be registered in order to teach at a secondary school. But what teaching qualifications are needed to teach on a secondary-tertiary programme?