



**NZSTA**  
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## Governance support resources

### School rules (bylaws) consultation

School boards have previously been able to make bylaws. Section 126 of the Education and Training Act 2020 introduces a new requirement that before doing so, in some cases, a board must consult its staff, students (to the extent that the board considers appropriate), and the school community.

The school community includes:

- The parents and whānau of students enrolled at the school
- The Māori community associated with the school
- The proprietors, if a state integrated school
- Key community groups or representatives
- Any other group of people that would be significantly impacted by decisions made by the board

### What is a bylaw?

A school rule made by the board is a bylaw. A board may delegate authority to make school rules to the principal, or other members of staff. These are also bylaws.

### School rules

Boards must consult when making a new school rule or making a change to an existing school rule if:

- It is made by the board or by the principal or other staff member with delegated authority from the board
- The school intends to enforce full compliance with the rule and there will be disciplinary and/or negative consequences for any student that does not follow or 'breaks' the rule.

Also, the board must consult if the school rule has implications for students' legal rights.

**For example** - the board intends to make a rule that students must wear the correct uniform for all hours of the school day. The rule will be enforced and students not wearing correct uniform will be given detentions. The board must consult the school's community because:

- The board intends to enforce compliance with the rule
- The rule will impact on students' legal rights in terms of their freedom of expression

## Board policy

- New board policies that meet the above criteria should also be consulted on
- The board should also consult whenever it plans to change existing policy that meets the bylaw test above

## When does the board NOT need to consult?

Your board does not need to consult on general management decisions.

**For example** - maintenance is taking place in a classroom and it is a health and safety risk for students to enter. The principal has made a rule making the classroom out of bounds for students. Students who break this rule will be given detentions. The board does not need to consult the school's community because:

- Even though there will be consequences for breaches of the rule, this is a general management decision made by the principal, not the board, or on delegated authority from the board

**Note:** the board does not need to consult on governance policies and procedures that do not meet the criteria mentioned above.

## Useful links

[MoE - 'Consulting on bylaws \(school rules\)'](#)



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For further advice please contact the *Advisory and Support Centre* on

**0800 782 435, option 1** or

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