

CONFIRMED MINUTES

BOT MEETING 1 NOVEMBER 2021



At the **BOT Meeting 29 November 2021** on **29 Nov 2021** these minutes were **confirmed as presented**.

Name:	KingsWay School Board of Trustees
Date:	Monday, 1 November 2021
Time:	6:30 pm to 9:21 pm
Location:	Zoom conference , Join Zoom Meeting https://zoom.us/j/118277066?pwd=YkVRdE94dStzeHFRY1hoMTFMT01kZz09 Meeting ID: 118 277 066 Password: 224548
Board Members:	Amira McMurray, Bevan Beattie, Cushla Shepherd, Graeme Budler, James Kimber, Macy Taylor, Peter Wilding , Pierre Barnard, Raelene Beguely, Ursula Elisara, Warren Peat, Paul Claydon
Attendees:	Chris Martin , Colette Budler , Cynthia Venter, Gina Schutte, Jonathan Price
Guests/Notes:	Lisa Lambert, Yvonne Neville, Kristina Taylor, Allan Bates, Prof Stephen Munn, Gerret Pelser, Sonia Bennett, Andrea Harold, Sue Crawford, Anthea Read, Lorette Harrison, Dragisa Markovic, Sha P, Jay, Jenny Harvey.

1. Opening Meeting

1.1 Special Agenda Item: COVID-19

The meeting opened in prayer (a Māori prayer prepared by Jan Porter)

The Board Chair acknowledged the number of parents joining the meeting tonight who wish to speak. The Chair referred to and read from a letter circulated from Reverend Dean Graham O'Brien from Nelson Cathedral, and introduced Professor Stephen Munn who is a distinguished medical practitioner (and ex KWS parent) to respond to medical related questions. The Chair collated the parent questions, as a number were similar or the same.

The Chair **opened the floor** to the guests for their allotted 3 minute contribution:

1. **Sue Crawford** (also known as Suzie Claire in the emails and letters) on vaccinations:

Sue said she spoke on behalf of parents and staff representing 137 families on 3 issues PCR testing, wearing a mask at school and the vaccination exemption for religious reasons. Her main concern is a spiritual aspect of what we are facing; Kingdom of God or Kingdom of darkness. God wants us to be set apart and be a light. There are a lot of parents and staff who want our response to be different. Would God want our children to be masked up, would God want our staff to lose their jobs? How would God want us to respond in this situation?

2. **Gerret Pelser** on freedom of choice:

There are people that are pro and people who are against. But every person's decision should be a choice, we cannot take choice out of the equation.

- Garret recommended that KWS applies for a blanket exemption for all the staff, students, parent-helpers and workers who want to be exempt from the mandate.

- If this above request is not possible then for KWS to offer online learning for the children who are not going to return to school. We can set an example if we take a strong stance on the lack of choice.

3. **Andrea Harold** - against the vaccination mandate:

As a concerned parent, who has researched hospital data and medical data. Andrea explained her time in coaching taught her the benefits of being inclusive of diversity and equity. Andrea calls upon KWS to step back and stand up for God's principles and reject the mandate that will cause in the loss of staff. KWS can be a lighthouse for God.

4. **Lorelle Harrison** re online learning during lockdown:

Encourage KWS to provide teaching in the online classroom environment. In Term 3, for seven weeks, Lorelle said that KWS Primary didn't provide any facetime teaching. Now in term 4, they are providing four optional lessons per week. Children are expected to teach themselves using PPT or short videos or parents are doing all the teaching. This is placing a huge burden on the parents. Lorelle asked KWS to provide facetime lessons for maths, literacy and topic as other primary schools are doing per day. Lorelle requested that KWS Primary please start teaching our children.

The Board Chair **moved to questions**:

1. **Face Masks** - There was a number of questions regarding face covering and the impact of prolonged use. The Board Chair explained that this is a requirement under the Health Order, it is not a KWS decision. The Chair asked Prof Munn to respond to the questions.

Prof Munn confirmed that face masks do reduce spread. From a medical viewpoint face masks are not recommended for children under the age of two. Bacteria or carbon dioxide build up only happens if you reuse the same mask for a prolonged period. Surgeons wear them for 8 to 10 hours at a time without a problem. Classroom air exchange is not good therefore there is merit in wearing masks, especially for unvaccinated children in a closed environment.

2. **Testing of staff** before they return to school - the Board Chair explained that this is a requirement of the Public Health Response, required testing amendment order number 4, not a KWS decision. All staff are required to get a COVID test if returning onsite, regardless of their vaccination status. If staff are double vaccinated then they need a negative test up to five days prior to coming on site and if staff are single or unvaccinated, they need to provide a negative test every seven days. The school has to adhere to this law to be compliant.

3. Does a **state-integrated school** need to follow Ministry of Education directions? The Chair explained that Section 211 of the Training and Education Act states that this Act applies to State-Integrated Schools. Schedule 6 of the Act for integrated schools provides for some protection of Special Character but is not a carte blanche exemption to comply with other legislation.

4. **Religious exemption from the COVID Vaccination Mandate** for school workers - this anonymous letter states that the current government is disregarding the Bill of Rights, but their concerns are that the COVID vaccine treatments may have originated from objectionable practices such as aborted foetal stem-cell research. The Chair asked Prof Munn to respond; who explained that there is no foetal tissue in the Pfizer vaccine itself. The vaccine was tested on cell lines possibly from an aborted foetus 16 years ago. He noted the Vatican's statement says it's historical, no-one is supporting abortion, and these cells have been propagated in cultures for the last 16 years, the process is not unimpeachable, but it's acceptable given the severity of the situation. The Board Chair referred to Richard Zimmerman's research paper enclosed in the Board Pack and well as the link to Dr Nikki Turner's explanation of vaccines which provide more detail on this issue. Email bot@kingsway.school.nz if you would like any of this information.

Summary points:

- The vaccination of staff is not a decision that has been made by the school board or management, it is New Zealand law.
- The Board is a legal entity and therefore cannot disregard the law.

5. There is a request that all **staff refrain from engaging in conversation** around the vaccine. The Executive Principal responded to this request, and explained that despite being encouraged

by the MOE to educate the students on the value of the vaccine, he has chosen to leave that to the parents. However the school does support discussing and addressing topical social issues in age appropriate ways. He has instructed staff not to debate the topic between staff and keep it low key, and not express their opinions.

6. There was a suggestion from a parent to keep vaccinated students onsite and unvaccinated at home doing online learning. The Executive Principal responded to this question; the problem is capacity and capability. Staff can't do two jobs and can't be expected to deliver class lessons and online learning. The board would have to consider a separate online division for correspondence school. He also explained that this can't be adopted this overnight, it will take time to develop. It is on our 2030 SGDP for in seven years time.

7. Parent concern on **lack of online learning** for Years 4, 5 and 6. The Executive Principal explained that the school responded to a parent survey that was exceptionally in favour of doing book learning (home learning packs) as opposed to screen time. Learning has to be equitable to all students (not all have access to devices). However, as this lockdown has dragged out, we have been pivoting. We are not getting a large number of parents who are dissatisfied. We have had to ensure we balance staff wellbeing, student wellbeing, and think about parent wellbeing. We are responding.

8. **Support for staff** who choose to not be vaccinated or get tested. The Executive Principal responded saying that his staff are like family and he cares for them dearly and therefore it hurts him to have to apply this law. But he assures the Board that he has been very supportive, has made himself available to meet and discuss their concerns, has offered to pay for less intrusive testing methods, and hasn't disparaged staff in any way, but ultimately has to carry out the law. The Chair reminded the Board that we represent ALL not just those who are choosing not to be vaccinated but also those who are vaccinated and are responsible for representing their interests as well.

9. Risk of **severity of COVID to children** - Prof Munn answered the question; the risk is low to children, very few have gone to hospital, the main risk is children passing the virus on than risk to themselves.

The Board Chair opened the floor to the Trustees to have an opportunity to add if they wish, and went around everyone.

Trustee 1 works at another school and shared insight from her school is offering online learning in a similar fashion and that their school is remaining neutral and following the govt mandates.

Trustee 2 understands that this is a divisive topic. She is an essential worker and has had to work through this with her organisation too. At the end of the day this is no longer a mandate, it is legislation, so as a Board we have no choice but to comply with the law in NZ. She knows Graeme is sad about the difficult situation he finds himself in. She encourages the parents to find another avenue to contest this legislation.

Trustee 3 - we all have the same values and our Executive Principal has those values. At the end of the day we are a Board and responsible for governance of the school and our views must be set aside for the greater good of the school whatever that might be and that applies to everything not just this issue.

Trustee 4 - thanked the parents for attending. His three main points:

- Support the teachers who don't want to take the vaccination. He declared he is opposed to mandated vaccinations and vaccine passports
- Distance Learning - would like the Board to consider this for:
 - children who are outside the Auckland border.
 - teachers who don't want to take the vaccination.
 - Students who don't want to be vaccinated.
- Wants the Board to pass a motion to not support the mandated vaccinations. Wants to make a stand, and would like NZCPT and KWT to look at this.

The Executive Principal clarified that there is no mandate for the students to be vaccinated.

Trustee 5 - thanked parents for expressing their views. He clarified a few points from the chat:

- The Board is a Crown Entity and effectively are part of the public service within the crown entities act. [Section 114](#) of the Crown Entities Act states that Crown Entities must comply with directions given under statutory power of direction in this Act or another Act. Therefore, our 'powers' are limited.
- Health & Safety legislation - he read out from the [Work Safe](#) site wherein it states vaccinations are public health requirement.

Trustee 6 - assured the Board from her personal experience that wearing a mask for 6 hours a day has had no adverse effects despite living with asthma and did not find it difficult to breathe. She quoted a Bible verse that says lay down your life for other people, and so by getting the vaccination she felt she has helped protect the people around her.

Trustee 7 is an essential worker, and manages an essential business has been subject to this legislation from the beginning. He pointed out that the Board should not be put in a position to take a stand because that would be seen as influencing or swaying our community. As a Board and legal entity we have to do what the law states. This issue is not an attack on the school's special character.

Trustee 8 has submitted her own paper, refer to Briefing Paper dated 1.11.2021. She is coming at this topic with her parent hat on. She feels the issue is the lack of choice, and does not support mandated vaccinations.

Trustee 9 - this is a legal position that the MOE has mandated and as we are a state school we have no choice but to comply with the law. This matter is not against our Special Character in the way that it is going to take away our ability to be a Christian School, if that were the case then there would be a fight. The Board Chair and the Executive Principal are required to implement and carry out what is asked of them (irrespective of their views on it). He honoured the EP for the way he is faithfully, prayerfully and with the best interest of every member of this community is managing the school through this pandemic. He implored everyone to get behind the EP and support him.

Trustee 10 is also against this vaccination mandate, and having no choice. But is also bound by the law in her profession and feels the Board is also bound by law. She wants to support teachers and wants them to feel heard because many people do not feel heard.

Trustee 11 - In times of crisis sometimes human rights are superseded by implementing important measures to save lives, like what we are facing now. We are going to have to disagree and commit. Bear in mind there are hundreds of parents who are not in this meeting who are on the other side of the fence and are asking whether the staff are vaccinated and that their children will be safe and protected. All senior school staff are vaccinated and therefore there are none available to run online learning.

Board Chair - reserves his right to give his views because it has no bearing on the fact that we are a Board of governance, and getting mandates from the government is not a new thing for our school. He noted the proprietors letter received by the Board and agreed with them that this is not a special character issue , also noting 100% of our Senior School teachers and 96% of all teachers are already vaccinated.

The Chair asked if there were motions and was directed by Raelene to ask Bevan. Bevan proposed a motion: KingsWay School Board does not support or endorse the mandatory vaccination requirement for teachers and staff, along with the potential health risks to those staff that may result in the short or long-term.

The motion did not receive a seconder. The Chair asked Bevan to consider another motion that the board may be able to support and present it later in the meeting to allow the meeting to progress.

Two trustees proposed motions. The Board debated this and it was decided not wise to pass any motion, particularly if it's a breach of our position as a Board because we are a Crown Entity and our duties are to uphold the law.

Raelene brought it to the board's attention that she is not part of the Class Action, or the parent group.

Graeme has to do the HR on this, therefore needs the Board to support him, to do his job and stay legal. The EP will be seeking legal advice and HR advice. He needs unity, support and prayers from the Board and no one should undermine this process that he legally has to carry out.

A new motion was proposed by Bevan later in the meeting

"That KingsWay School does not in principal support or endorse the mandatory vaccination requirement for teachers and staff."

The Proprietor pointed out the the school Board cannot support this and remain true to the mandate it is under. The Chair pointed out that the Board can't go against govt legislation, as we are obliged to obey the law. It is out of order to put it to the vote. A trustee noted s114 of the Crown Entities act which states Crown entities must comply with directions given under statutory power of direction. In the act Comply means to give effect to the direction or to have regard to the direction as the context requires.

The Board Chair asked to extend the meeting to 9:10pm. The Board agreed.

A trustee asked if the board members be liable individually. The Chair advised our legal advice said the risk is low as we are seeking to comply with the law.

A Trustee suggested making a statement of support. The Chair offered Bevan the opportunity to make a statement of support rather than a motion. Bevan declined this option.

Raelene would like to request a delay in the enforcement, Warren assured that this cause is being taken up at higher levels.

Raelene requested the meeting be extended to consider her motions asking for more information from the government to allow the board to make an informed decision and to investigate alternative ways to mitigate risk of covid in our school. The Chair asked for any reason for urgency given that mandatory vaccination is not a decision for board to make, it is law. Reason given for meeting to be extended to consider Raelene's motion was that the enforcement date of November 15th would be before our next scheduled BOT meeting. The Chair noted that as OIA requests usually take up to 20 working days we were unlikely to receive any response before the 15th November therefore urgency did just justify extending the meeting.

1.2 Meeting Admin

BOT Meeting 6 September 2021 6 Sep 2021, the minutes were confirmed as presented.

Apologies - Jan Porter

Conflicts of Interest - Raelene Beguely declares that she is currently employed at the School in a part time support staff role on a fixed term contract that ends in December.

2. Matters Arising

2.1 Action Points from last meeting

Due Date	Action Title	Owner
21 Sep 2020	The A&RC are to update the BOT Policy and include the above motions Status: In Progress	Ursula Elisara
29 Mar 2021	Create policy to review all major capital works projects Status: Completed on 6 Sep 2021	James Kimber

Due Date	Action Title	Owner
16 Aug 2021	BOT self-evaluation Status: Completed on 28 Oct 2021	Raelene Beguely
27 Sep 2021	Amended Property Maintenance Policy to be sent to SchoolDocs Status: Completed on 20 Sep 2021	Ursula Elisara

3. Curriculum Reports (NAG 1)

3.1 Middle School Annual NEG Report

Middle School Annual NEG Report circulated and taken as read. Lisa Lambert, Head of Middle School, Yvonne Neville and Kristina Taylor, Assistant Heads of Middle School, are in attendance to answer any questions.

The Board Chair thanked Lisa and her team for a phenomenal report. It is taken that all trustees have read it.

Lisa took the opportunity to acknowledge and say how proud she is of the MS staff. We have a very hard working team, especially with the sudden switch to online learning, our teachers are covering a maternity cover, and carrying 7 classes.

Peter opened to the floor for questions. There were none. Board commended Lisa and her team and asked her to pass on their thanks and appreciation.

8:31pm - Lisa, Yvonne and Kristina left the meeting

4. Finance Report (NAG 4)

4.1 Finance

Finance Report for period ending Sept 2021 circulated and taken as read. Gina Schutte, Executive Officer, is in attendance to present and answer any questions.

September Results

The financial outlook for the rest of the year remains somewhat uncertain. There will be some loss of income, for example, rental income, but as in previous years there are bound to be budgets that are necessarily underspent that counter the loss of income.

Draft 2022 Operational Budget

The 2022 Draft Operational Budget is set at returning a profit

Put in a few proviso's, some trade offs to achieve a non-deficit budget. Graeme is working hard with MOE to get the split site funding. James thanked ELT to tightening up to make a break-even budget happen.

Draft CAPEX Budget

The draft Capex Budget was based on KingsWay School's immediate needs but also incorporating the future working capital requirements to ensure KingsWay School has provided sufficiently to meet the Capex needs of the 2030 Growth & Development Plan.

The Board moved to accept financial reports

8:37pm - Gina left the meeting

5. Executive Principal's Report

5.1 Executive Principal's Report

Executive Principal's Report circulated and taken as read.

Annual Plan - unfortunately we were not able to present our Work Plan update in person.

Y10 Programme - is coming along well. We can proceed with the programme next year. We continue to meet with the parent group, and will be informing the staff and students. The programme has had to be adjusted due to COVID.

Personnel - appointments and leave request - see point 5.2 below

Impact of Health Order on Staffing - spoken about this in in-committee. There will be staff members leaving us, and this will impact other staff and our culture. But we are working tirelessly to minimise the risk of leaving the school exposed.

Health & Safety - The EP assured the board that new COVID protocols have been written in accordance with MOE and MOH guidelines.

KWS Calendar - is on the website for board.

Policies & Procedures - see point 6.3 below.

Charter - enclosed a draft strategic poster for the Board to view and consider. It includes the new revision of standards required by MOE. If the Board has any questions or input, please email the EP before the next meeting.

Special Character - we are still managing to do little bits here and there and working on a programme for next year.

Kumeu Christian School - see point 6.4 below regarding a new logo to endorse.

Attendance Dues - KWT has requested an Attendance Dues increase, just to make the Board aware. This is a regular three yearly occurrence.

Year book - will be scaled back but still something to show.

2030 SG&DP - proud of ELT and SLT doing as much of plan as possible, have still achieved.

Community of Learning - all the within school roles have been employed, soon we will be employing an across school roll.

The Board thanked Graeme for his leadership and hard work during this time, and he has the Board's support.

5.2 Personnel

1. Permanent teacher commencing Term 1, 2022. Appointments to be ratified:

- Julie Moynihan – HOF Mathematics, permanent fulltime from T2, 2022
- Sophie Catterall – HOF The Arts, permanent, fulltime
- Pamela Birley – moves from fixed term to permanent PS teacher
- Cristal McKoy – Assistant Head of Primary School
- Danel Sims – moves from fixed term to permanent, PS teacher
- Peta-Ann Ross, Primary School teacher, permanent, fulltime
- Ulysse Lecler – Senior School Mathematics teacher, permanent, fulltime
- Ruth Gong – Middle School teacher, permanent, fulltime
- Sarah Manson – Middle School teacher, permanent, fulltime
- Wayne Strydom, HOF Technology, permanent, fulltime. Dependent on Boarder Exemption permission from MOE and work visa from Immigration NZ
- Shani Luiters – Middle School teacher, permanent, fulltime
- Pamela Birley – PS HOLA

Note: Proprietor approval attached for the above appointments.

2. Staff Leave

A Senior School teacher, Ruth Stevenson, is applying for more than 5 days. This is an exceptional circumstance and so the EP endorses it. It will be unpaid leave. The Chair cautioned that this could set a precedent, and to mitigate this risk we would only approve this because of the exceptional circumstances taken into account.



The Board approved the above permanent teacher appointments

Moved by the Board Chair. The Board were all in favour. Therefore carried.

Decision Date: 1 Nov 2021
Mover: Peter Wilding
Outcome: Approved



The Board approved unpaid leave for Ruth Stevenson, due to her exceptional circumstances

Peter moved to accept Ruth's unpaid leave application, due to the exceptional circumstances. The Board were all in favour. Therefore carried.

Decision Date: 1 Nov 2021
Mover: Peter Wilding
Outcome: Approved

6. Discussion / Other Items

6.1 BOT Self-Review 2021

BOT Self Review Results circulated and taken as read.

Deferred to next meeting.

6.2 Class Action re COVID-19 Vaccination Requirement

Email re notice of Class Action circulated and taken as read

There has been an email advising Kingsway that the school is being named in a legal action that is being filed. The email advised that a number of employees are opposed to the vaccination and have joined a class action against the BOT from enforcing them to be vaccinated. They are requesting name suppression. They claim that the current actions of the NZ Government are illegal, and discriminatory. We have consulted with our lawyers and they have provided some feedback which the Chair will share with the Board in in-committee.

8:06pm - the Board moved in to in-committee

8:22pm - the Board moved out of in-committee

6.3 Policies Update

Policies circulated and taken as read.

Two policies for the Board to consider:

1. Asset Management Protection existing policy being amended by school docs - to ensure that the board is responsible for all tangible assets.
2. COVID-19 information & Procedures Policy - new around the vaccination and impact for the school

The Chair asked if the Board had any questions around these policy updates. The Board were satisfied.



The Board approved the updates to the Asset Management Protection Policy

The Board Chair moved to accept the changes to this policy, subject to a month's consultation with our community. The Board were all in favour. Carried

Decision Date: 1 Nov 2021
Mover: Peter Wilding
Outcome: Approved



The Board accepts the new COVID-19 information & Procedures Policy

The Board Chair moved to accept the new policy, subject to a month's consultation with our community. The Board were all in favour. One Trustee, Raelene Beguely, abstained from voting. Carried.

Decision Date: 1 Nov 2021
Mover: Peter Wilding
Outcome: Approved

6.4 KCS Logo

KCS Logo Proposal circulated and taken as read.

Liz has been trying to market the school but it is hard without a logo or brand. Unfortunately the MOE has objected to us calling it a school, because it does not have a school number, it falls under KWS. Until such time as it is a separate school, we can't use the word school, it was agreed a few months ago to call it KingsWay West Campus with a name reflecting their Maori heritage underneath. The board noted the quality of the proposed the image. Chris cautioned that this will be difficult news to deliver. Peter offered to go out to Kumeu to meet with them and explain.

7. Correspondence

7.1 Correspondence for KWS BOT - Important to read

7.2 General Correspondence to all Boards

8. Close meeting

8.1 Close the meeting

Next meeting: No date for the next meeting has been set.

- Next meeting on Monday, TBA February 2022 – 6:30pm
- Next Devotions: Peter Wilding

Signature: _____

Date: _____