



Guidelines for the development and operation of enrolment schemes for State Schools

Issued by Secretary for Education

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Introduction

These guidelines are issued under section 11G(3) of the Education Act 1989 for the purpose of describing the basis on which the Secretary's powers will be exercised in relation to enrolment schemes. These Guidelines are for state schools other than state integrated schools, designated character schools, kura kaupapa Māori, special schools and state schools that are accredited as enrolling Communities of Online Learning (which have particular student profiles and catchments).

The legislation itself provides clear guidance to boards on the development of enrolment schemes. As well as setting out the purpose and principles the Government sees as important, the legislation specifies a number of non-negotiable requirements that must form part of every enrolment scheme.

It is useful to summarise these before providing guidance on matters the Secretary will take into account when approving schemes or exercising other powers granted to the Secretary under legislation.

The Secretary has delegated the power to approve schemes and arbitrate on other matters to relevant managers in the Ministry of Education's Area Offices.

Purpose and principles

These are set out in Section 11A. The purpose of an enrolment scheme is:

- (a) to avoid overcrowding or the likelihood of overcrowding at the school;
- (b) to ensure that the selection of applicants for enrolment at the school is carried out in a fair and transparent manner; and
- (c) to enable the Secretary to make the best use of existing networks of State schools.

In achieving its purpose, an enrolment scheme must, as far as possible, ensure that:

- (a) the scheme does not exclude local students; and
- (b) no more students are excluded from the school than is necessary to avoid overcrowding at the school.

Requirements

To ensure that each scheme gives effect to the purpose and the principles, the legislation specifies the following requirements relating to content in Sections 11C, 11D, 11E and 11I.

1. Each scheme must contain a home zone with clearly defined geographic boundaries described in such a way that any given address is either within or outside the home zone. See 11E(1).
2. Students who live in the home zone have an absolute entitlement to enrol at the school. See 11D(1).
3. The boundaries of the zone must touch or overlap the boundaries of the home zone of any adjacent State school that has an enrolment scheme. See 11I(1)(c). Note that this requirement is meant to be read in conjunction with requirement 5 below. It is not meant to apply to a situation where School A, which does not operate an enrolment scheme, lies between Schools B and C that do operate enrolment schemes. The home zone boundaries of Schools B and C do not have to touch.
4. A student living in the home zone must find it reasonably convenient to attend the school. See 11E(2)(a).
5. The home zone must be drawn in such a way that every student can attend a reasonably convenient school. See 11I(1)(b).

6. The scheme must promote the best use of the network of State schools in the area. See 11(1)(d).
7. Out-of-zone students who apply for enrolment at the school must be offered places at the school in the following order of priority:
 - (a) students accepted for enrolment in a special programme run by the school;
 - (b) siblings of current students;
 - (c) siblings of former students;
 - (d) child of a former student;
 - (e) children of board employees or a child of a board member;
 - (f) all other students.
8. If there are more applicants in priority groups (b)-(f) than there are places available, places must be allocated in priority order until a category is reached where the number of spaces available in that category is insufficient to accommodate the number of eligible students. Selection within that priority group must be by ballot. Selection of applicants for priority (a) may be on other criteria, but may be by ballot, at the Board's discretion.

Because these requirements cover so many of the aspects of the content of enrolment schemes, all enrolment schemes will look very similar. To assist schools, the Ministry has therefore developed a pro forma enrolment scheme. This is given as [Appendix 1](#).

Overcrowding

Either the Ministry or the board might become concerned about potential overcrowding at the school and may initiate discussions with the other party.

When the Ministry believes that there is or is likely to be overcrowding at a school, the appropriate delegated official (Deputy Secretary, Associate Deputy Secretary, Group Manager or Director of Education) will notify the board of this in writing. The board must then develop an enrolment scheme to avoid overcrowding (s11H(1)). If a school or kura has received a notice under section 11H(1) to develop an enrolment scheme, and does not do so within a reasonable period of time, then the Secretary for Education has the authority to develop an enrolment scheme and the Board must implement it (s11IA).

A board cannot develop an enrolment scheme unless it has received notice from the Ministry under s11H(2).

It is important to understand, however, that the need to avoid overcrowding does not take precedence over the rights of enrolment that are guaranteed to in-zone students. This means that the board must determine a roll figure around which it can manage overcrowding while at the same time providing for the enrolment of all students who apply for enrolment from within the home zone. When the board draws up a home zone, it must do so with the capacity of the school in mind. Any board that is at all in doubt about the Ministry's assessment of its school's capacity should contact the Ministry's Property (EIS) Staff in the area.

The Ministry will not approve the use of the term "maximum roll" in a scheme because that implies that nobody will be enrolled above the stated figure, including in-zone students who have an absolute right to enrol under the legislation. For the same reason, the Ministry will not approve any attempt to specify maximum class sizes at certain levels, though schools, of course, may develop administrative practices relating to school organisation that are appropriate for them, so long as they accommodate the right of home zone students to enrol at the school.

An enrolment scheme is meant to be a tool that enables a board to prevent overcrowding at

its school. The board has to remember that students living within the home zone have an absolute right to be enrolled. The board should not, therefore, enrol so many out of zone students that the capacity of the school is exceeded if, at a later date, students living in the home zone claim their right to be enrolled. The Ministry of Education will not look favourably on a request for additional classroom accommodation in such a situation. Given the purposes of an enrolment scheme, it is illogical to automatically increase capacity to satisfy demand. If, however, there is a sudden roll surge that could not reasonably have been predicted, an application may be viewed more favourably. In all cases the Ministry will assess the situation on a case by case basis.

Offering places to out of zone students

In some areas, schools have found that a late surge in applications from in-zone students has seriously taxed the capacity of the school. This has mainly occurred in secondary schools. The Ministry recommends that boards should be cautious and prudent in offering places to out-of-zone students and points out that:

- although parents have to be informed of the outcome of the ballot within three school days, this does not mean that all out of zone places have to be offered at this point;
- in secondary schools in particular it might be prudent to offer only a restricted number of places immediately after the ballot and to hold off allocating others until the in-zone picture is clear;
- in situations where experience has shown that the in-zone environment is especially volatile, it might be necessary to create only a waiting list of out of zone students as a result of the ballot and offer places at a later date, possibly as late as January, in some cases.

The Ministry would want to assist schools that have experienced unforeseen roll growth, but would expect to see evidence that schools have adopted a policy of restraint similar to those suggested above.

The home zone

The approval process

Before approving a home zone the Ministry will need to be satisfied that:

- the zone meets requirements 1-6, set out on pages 2 and 3 of these Guidelines;
- there has been adequate consultation, as required under Section 11H(3);
- the enrolment scheme complies, as far as possible, with the purposes and principles set out in Section 11A.

Ministry comment

When drawing up a home zone, a board cannot work in isolation. This is because the legislation says that a board has to be able to ensure that all students have a reasonably convenient school that they can attend, and at the same time the scheme must promote best use of the network of State schools in the area. The location and capacity of all schools in the network have to be considered – including those of schools without enrolment schemes.

The term “reasonably convenient” is defined as follows in Section 11B.

Reasonably convenient school means a state school that a reasonable person living in the area in which the school is situated would judge to be reasonably convenient for a particular student, taking into account such factors as the age of the student, the distance to be travelled, the time likely to be spent in travel, the reasonably

available modes of travel, common public transport routes, and relevant traffic hazards. The meaning may vary as between different schools depending on such matters as –

- (a) whether the school is a single sex or co-educational school;
- (b) whether the school is an ordinary state school, a Kura Kaupapa Māori, a designated character school, or a special school;
- (c) whether the school is a primary, intermediate, secondary, composite, or area school.

For any school, the “network” will include at least the school’s immediate neighbours catering for the same range of students, but it may also include other, more distant schools whose rolls might be affected by the school’s enrolment scheme.

In the rare situation where it is judged to be appropriate to implement an enrolment scheme at a composite school, the school may clearly be operating as part of more than one network of local schools eg a network of Year 1-8 schools and a network of Year 9-13 schools. It might therefore be appropriate to consider the possibility of a home zone with multiple components. Special approval for this rare situation will be required and such approval must be sought prior to consultation on a proposed enrolment scheme.

The Ministry will not approve schemes unless there is evidence of consultation between the board and the boards of other schools likely to be affected by the operation of the scheme. (See also the section on [Consultation](#).) Consultation is even more important when a neighbouring school also has an enrolment scheme, because of the requirement that every student must be able to attend a reasonably convenient school.

The legislation makes it clear that a home zone may exclude any area for which another school is also a reasonably convenient school for a student living in that area to attend. The consultation record (see the section on consultation below) should provide evidence that neighbouring schools accept the boundaries of the zone. If the board of the enrolment scheme school is unable to resolve any dispute that arises with the board of a neighbouring school, the Ministry might need to resolve the matter. If necessary, the Ministry may use its powers under Section 11(2) to require a board to amend its proposed enrolment scheme in a particular way.

The home zone may also exclude any area that it is desirable to exclude for the purpose of allowing the Secretary to make best use of the existing network of State schools in the area. The Ministry will alert the board to any issues that it thinks need to be taken note of when the home zone is being developed. Boards should discuss this matter with the Ministry at an early stage of the development of the scheme.

The purposes and principles set out in Section 11A are given more specific expression in the requirements set out on page 3 of these Guidelines. In addition to checking that these requirements have been met, the Ministry will also consider more generally whether the home zone addresses the principles that, as far as possible, the scheme ensures that it does not exclude local students and does not exclude more students than necessary to avoid overcrowding at the school. In that regard, the Ministry will not approve home zones that deliver an unnecessarily small percentage of the total intake.

Living in the home zone

On the face of it, the wording of Section 11D(1) is quite straightforward when it says that a person who lives in the home zone of a school is entitled at any time to enrol at that school.

Boards will know, however, that multiple shades of meaning may apply to the word “lives” and boards have become used to making decisions about boarding arrangements, families with more than one address and temporary living situations in a common sense way. Even so, in recent years parents have developed ploys that make it difficult for schools to determine

whether a given in-zone address is genuine or not.

Under Section 11P(2)(a) the Secretary has the authority to direct a board to enrol a student who the board has previously declined to enrol on the grounds the student does not live within the school's home zone, but the Secretary makes the finding the student is in fact living in the home zone.

It is the Ministry's view that any decision on whether or not a student lives within a home zone should be based on whether or not the student's given address is his or her usual place of residence.

A student is considered to be living in the home zone when the student currently (at those times when the school is open for instruction) has his or her place of residence at an address within the home zone and intends to remain within the zone.

The intention of remaining within the home zone is shown by any of the following:

1. The student lives with his or her parent(s)/guardian(s) in a house in the home zone owned, leased or rented by the parent(s)/guardian(s).
2. The student lives with a family member or some other responsible adult who has been given a **primary** duty of care by the student's parent(s)/guardian(s) in a house in the home zone owned, leased or rented by that adult. Students accepted for a school hostel are also covered by this description.
3. A student over 16 lives independently and owns, leases, rents or occupies a house in the home zone either with the agreement of the student's parent(s)/guardian(s) or in situations where the student has been granted an Independent Living Allowance.

The board will periodically have to make a decision on difficult situations, such as shared custody or temporary living arrangements when people are recent arrivals to an area. In the case of shared custody it may be that the student's usual place of residence can only be defined in terms of two addresses. In the case of new arrivals to an area, the board should remember that "usual place of residence" is not the same as "permanent place of residence" and this may mean that somebody who is genuinely, but temporarily, living in the home zone has to be enrolled.

Schools must consider each application on its own merits and may not have blanket rules requiring students to display a minimum period of residency within a home zone.

Issues associated with temporary residence are explored in more detail in [a later section](#).

Determining genuineness

The onus is on the parent to provide evidence that will enable the board to judge whether the given address will be the student's usual place of residence when the school is open for instruction. If, at the time of application, the parent is not able to provide the board with such evidence, the board may decide to decline the application. In cases where an applicant then requests a directed enrolment under Section 11P(2)(a), the Ministry will ask the board to explain the basis for its conclusion that the student is not living in the school's home zone.

The difficulty for the board is the issue of determining "genuineness".

At the time of application, boards may seek proof of residence from applicants. Schools have found documents such as power bills, bank statements, rates demands, leases or tenancy agreements and statutory declarations to be useful in the past. Experience has shown, however, that not even these documents will necessarily provide evidence of "genuineness".

The appendices to these Guidelines contain two documents that could assist schools at the time of application.

[Appendix 2 includes a draft statement](#) that parents can be asked to sign at the time of application. The purpose of this statement is two-fold. It lets parents know the seriousness of attempting to subvert the intent of the legislation and it should help as a reference point if a board subsequently feels it has reasonable grounds for reviewing an enrolment.

The questionnaire on page 36 reinforces the message about genuineness and assists a board to discover information that might point to an attempt by the parents to defeat the intent of the legislation.

Note that the term “primary duty of care”, which is used in both of these documents, indicates that the person with whom the student is boarding will take a high level of responsibility for the student’s welfare. A board might doubt the genuineness of the boarding arrangement if the parents insist on being the first point of contact for all matters relating to the student’s progress and behaviour at school.

The following situations are likely to raise suspicions and point to a possible non-genuine in-zone living arrangement.

- A check with the student’s current intermediate or full-primary school reveals a different address from that given at the time of application for enrolment at the secondary school.
- The in-zone family address given at the time of application is a recent acquisition and there is no suggestion that this is a new family home resulting from a recent move, or that it is admitted to be a rental address occupied by the family while it is attempting to find permanent accommodation.
- The student will be boarding at an in-zone address while the family home is out of zone but not too far away.
- After an unsuccessful application from an out-of-zone address, the parents make a new application based on an in-zone address – either as a new family home or as a boarding address for the student.

If a non-genuine in-zone living arrangement comes to light before enrolment takes place (ie before attendance begins) the board would be able to simply withdraw any offer of a place that it might have made on the basis of the information provided in the application. If, however, the matter does not surface until attendance has begun, the board would have to follow the enrolment review procedures set out in Section 110A of the Education Act 1989. Information about this process is provided later in these Guidelines, in the section headed [Temporary Residence](#).

It is not possible to designate certain situations as “genuine” and others as “non-genuine”, but boards should feel able to act responsibly on the basis of reasonable belief.

In the event of a complaint by the parents against the board’s judgement, the Ministry would expect to find that the board has made a reasonable attempt to ascertain the genuineness of the situation and has not simply declined the application (and effectively passed the matter on to the Ministry) because it initially appears suspicious. The scenarios discussed in the examples below may give a helpful guide to boards about how the issue might be tackled.

Practical examples for determining genuineness

Ministry staff are frequently asked for hard and fast answers as to whether a particular situation is legitimate or not. Unfortunately, it is rarely possible to give a ruling without examining the facts of the particular case.

The following are some common enrolment scenarios that schools have brought to the Ministry’s attention. These are not intended to provide answers that will be applicable in all similar situations, but rather to provide a guide as to how genuineness might be determined.

Example one

A family has moved into the zone just prior to the application for enrolment.

This is a very common scenario in which genuineness can be very difficult to establish. To assist with this, it could be helpful to ascertain the following:

- Assess the suitability of the dwelling, particularly as compared with their previous dwelling, if possible (eg if the family claims to have shifted from a five-bedroom house into a two-bedroom unit, the genuineness of the application is suspect).
- If the parents own the in-zone dwelling, can they provide proof of ownership and proof of sale of their previous home?
- If the in-zone dwelling is rented, assess the length of the rental agreement. It might even be appropriate to contact or request a letter from the landlord to help establish the genuineness of the arrangement. Does the family own an out of zone home?
- Investigate whether the student had previously made an unsuccessful out-of-zone application.

Example two

A student is boarding at an in-zone address. His family lives just outside the school zone.

If the parents insist that they have retained the primary duty of care, then the genuineness of the in-zone living arrangement begins to look very suspect. Even if the parents say that they have handed over the primary duty of care, the situation is still highly suspicious given that the parents live nearby. However, the applicants should be given the opportunity to provide evidence to support the genuineness of their application. Such evidence might include:

- that the boarding arrangement has been in place for a reasonable period prior to the application;
- that special family circumstances have meant that the boarding arrangement is preferable for non-schooling-related reasons.

Example three

A student lives with her grandmother inside the school zone.

Whilst it is more credible that parents might grant a primary duty of care to their daughter's grandmother than to a non-family member, it is not clear whether this is actually the case. To ascertain genuineness, it could be helpful to know:

- how far away the student's parents live;
- how long the student has lived with her grandmother;
- the suitability of the grandmother's residence;
- whether there are any special family circumstances making this arrangement necessary or preferable.

Example four

A student has recently moved in with his father who lives in the school zone, having previously lived with his mother, outside the school zone.

In the case of shared custody, it is entirely legitimate for a student to move in with either parent for the purposes of enrolling at a particular school. The question, of course, is whether the student is genuinely living there. Questions that might assist in ascertaining the

genuineness of such a situation could include:

- the suitability of the father's dwelling (eg, if it is a one bedroom flat, this may be less credible as a genuine living arrangement than a larger dwelling);
- how long the father has lived at the in-zone address;
- whether there are any other reasons for the student shifting to live with his father.

Example five

A family has recently arrived in New Zealand. They are living in a rented flat whilst they look for more permanent accommodation.

This is a common and very difficult situation to assess. It is, of course, entirely reasonable for a family to rent a flat after just arriving in the country. Equally it is possible that the family has done this specifically in order to gain enrolment at a particular school. Investigations that might assist in ascertaining the genuineness of such a situation could include focus on:

- the suitability of the dwelling;
- whether this is the family's first address in New Zealand (this could be confirmed through cross-referencing rental agreements with entry permits);
- if it is not their first address, why they have shifted address so quickly?

Example six

A family is sharing a house with another family.

The following kind of information might be helpful in establishing the genuineness of such situations:

- If the student's family claim that they aren't the family that pays the power/phone bills, it may be appropriate to ask for some other evidence that they actually live there (eg, a bank statement or other mail addressed to them);
- The length of time the arrangement has been in place: (if the two families have been living together for years, it is more likely to be genuine);
- The suitability of the house for two families;
- Evidence that the student's family is paying rent in some form.

Example seven

A family gives a motel as their in-zone address.

Under normal circumstances, a motel would not be considered a usual place of residence. However, the family might be able to show that they have recently relocated from another part of the country for work-related reasons. In such a case the child has to go to school somewhere and it is sensible if the school is the one whose zone includes the motel. If the parents were able to provide strong evidence (such as unconditional sale and purchase agreements) that they would be relocating to a permanent, in-zone address, the board might feel that it is appropriate to enrol the student. If, however, the parents provide evidence of only a short-term rental agreement at an in-zone address, the situation begins to look suspicious and the school would be wise to warn the parents of the law relating to temporary residence. If there is no evidence that the parents have recently shifted from another part of the country or are new arrivals from overseas, the in-zone motel address is even more suspicious as a genuine in-zone living arrangement.

Conclusion

In most cases, no individual piece of evidence will be conclusive on its own. But, collectively different factors can give a good indication as to the likely genuineness of the situation. Importantly, asking such questions of applicants will give the opportunity for genuine applicants to prove they are genuine, despite their unusual circumstances.

Although seeking additional information can be time-consuming for a board, it is far more efficient to be thorough at the point of application, rather than having to effect an annulment at a later point.

In some situations, however, suspicions will remain despite there being no reasonable ground to decline an application. The Ministry recommends that schools compile a list of such students for further investigation at a later date, after attendance has commenced.

The Ministry also recommends that schools should keep full and accurate records and notes on all applications that are declined and enrolments that are annulled. These will be valuable to the Ministry if the parent later makes an application for directed enrolment under Section 11P. In some cases, it can be difficult for the Ministry to uphold a board's decision if proper records have not been kept.

Special programmes

A special programme is defined in Section 11B as one that has been approved by the Secretary and

- (a) that provides –
 - (i) special education; or
 - (ii) Māori language immersion classes; or
 - (iii) any other type of specialised education to overcome educational disadvantage; or

- (b) that is a programme –
 - (i) that takes a significantly different approach in order to address particular student needs; and
 - (ii) that would not be viable unless it could draw from a catchment area beyond the school's home zone; and
 - (iii) to which entry is determined by an organisation or process that is independent of the school.

The Secretary's approval is given by notice in the *New Zealand Gazette (Gazette)*.

The Secretary has previously published a *Gazette* notice, dated 17 August 2000, that approves Māori language programmes and defines Māori immersion classes as those programmes that are resourced by the Ministry of Education at level 1, level 2 or level 3.

The Secretary's *Gazette* notice also approves special education classes and units, and defines special education as any class or unit established by the school for which students are accepted on the basis of special educational needs arising from learning and behaviour difficulties, sensory, intellectual, communication or physical disabilities, or any combination of these.

The notice further approves any class that delivers a Pacific language immersion programme and/or offers a bilingual education programme where at least one Pacific language makes up 30% of the language of instruction. For the purposes of the approval a Pacific language is Cook Island Maori, Samoan, Tongan, Niuean, Fijian, Tokelauan or Tuvaluan.

Finally the Notice also approves any class providing a programme of study to students who have a letter from Auckland University of Technology Mangere Refugee Education Centre identifying them as being part of the Government's official refugee programme or from Immigration New Zealand establishing the student's refugee status.

When developing its enrolment scheme, the board should inform the Ministry of any special programme it runs and that it thinks complies with the meaning given in section 11B. The Ministry will indicate to the board whether the programme qualifies under section 11B. Boards would be wise to seek this approval before beginning the consultation process required under section 11H(3). If the board's proposed scheme is subsequently approved, the Secretary will, if necessary, insert a notice in the *Gazette* amending the list of programmes or types of programmes that he or she has already approved.

In determining whether a special programme meets the criteria set out in section 11B, the Ministry will differentiate between a programme in which students seek to be enrolled and a programme that is devised to meet the needs of enrolled students. For example, a Reading Recovery programme or a remedial Maths programme is not a special programme in terms of the definition given in section 11B.

The Ministry will also differentiate between an “integrated programme” and a “subject” or “activity”. For example, an immersion language unit in an otherwise English-medium school might be considered differently than a language class that is offered as a ‘subject’ in a school.

The Ministry will be vigilant in ensuring that a special programme is not crafted in such a way that it attempts to create a loop-hole to circumvent the purposes and principles of the legislation – particularly the principle that the selection of applicants should be fair and transparent.

Within its proposed scheme the board must set out the criteria on which students will be accepted into the special programme, including procedures that will be used to determine which students will be enrolled if there are more applicants than places available. Students who meet the criteria for enrolment and live within the home zone must be enrolled ahead of out of zone students.

Out of zone students who meet the criteria for enrolment in the special programme have priority in enrolment above all other out of zone students while special programme places are available.

Out-of-zone enrolments

Section 11F gives clear instructions for the selection of students who apply for enrolment from outside the school’s home zone.

Section 11F(1) sets out six priority categories that must govern selection. The Ministry has no authority to allow boards to increase the number of priority categories. Nor does the Ministry have authority to allow boards to delete any of the priority categories. Parliament has laid out the categories and they must be adhered to.

Once special programme places have been filled, if there are more applicants in the second, third, fourth, fifth or sixth priority groups (including any students eligible to enrol in a special programme who were not successful in gaining a place, if they so wish) than there are places available, selection within the priority group must be by ballot. As provided for under Section 11G(1), the Secretary has issued instructions concerning matters connected with balloting. A copy of these instructions is provided separately.

The only other means by which out of zone students may be enrolled are:

- as part of a school’s special programme;
- following a direction by the Secretary under sections 11P,16,17D or 18A;
- if the principal agrees to accept a student excluded or expelled from another school and the Secretary endorses the proposal.

Scholarships

Some schools offer scholarships to out-of-zone students. A scholarship, however, does not create an entitlement to enrol, and scholarship students are not provided for in the priority groupings relating to out of zone students. The award of scholarships, therefore, should be held over until the balloting process has been completed. Schools must not describe a scholarship as an “entrance scholarship”.

Siblings

The enrolment of siblings of current and former students is provided for in the second and third priority groups of out of zone students. (Siblings who live within the home zone, of course, have an absolute right of enrolment.) The onus is on parents to provide proof of a sibling relationship, which is defined in Section 11F(3) as follows:

For the purposes of this section, child A is the sibling of child B if –

- (a) both children share a common parent; or
- (b) a parent of child A is married to, or in a civil union with, a parent of child B; or
- (c) a parent of child A was married to, or in a civil union with, a parent of child B at the time when child B's parent died; or
- (d) a parent of child A is the de facto partner of a parent of child B; or
- (e) both children live in the same household and, in recognition of family obligations, are treated by the adults of that household as if they were siblings; or
- (f) the Secretary, by written notice to the school, advises that child A is to be treated as the sibling of child B.

If two or more siblings apply for places at a school at the same level, the applications of those siblings must be dealt with as a single application for the purposes of the ballot. (i.e. either all siblings are successful or none is).

Pre-enrolment Processes

The Act distinguishes between pre-enrolment processes and enrolment.

Pre-enrolment processes include the process of applying for entry to the school and, potentially, being accepted for enrolment. "Enrolment", on the other hand, occurs when attendance at the school commences and the student is first marked as present on the school roll. No legal charge can be made to parents to access forms for pre-enrolment processes, and neither can they be charged to get into the ballot. This includes soliciting donations in respect of any application for out-of-zone enrolment (for those schools subject to the Instructions).

Out-of-zone students

Section 11C(1)(b) states that an enrolment scheme must set out pre-enrolment procedures for selecting applicants who live outside the home zone. The matter of deadlines for receipt of applications is covered in the Secretary's Instructions, provided separately. Boards would be wise, however, not to include specific dates in their schemes because the scheme would require amendment if at a later time they wanted to simply change the date by which pre-enrolment applications must be received. The pro forma enrolment scheme, attached as [Appendix 1](#), includes a general reference to pre-enrolment procedures that boards might find useful.

Boards may wish to state that proof of a sibling relationship will be required and specify the type of proof necessary.

When an out-of-zone application is received, the board is required under section 11N(2) to provide the applicant with certain basic information about the balloting process. Attached as part of [Appendix 2](#) is a statement that boards might find helpful in communicating with parents

In-zone students

A board cannot require applications for enrolment from in-zone students to be made by a certain date, because the legislation gives an absolute right of enrolment to any student who lives within the home zone.

Almost certainly, however, boards will wish to receive such applications by the same date set for receipt of out-of-zone applications, because boards have to quantify the number of places likely to be available for out-of-zone students before proceeding to a ballot. Therefore the board may include indicative dates for pre-enrolment of home zone students in the same notice as that giving information to out-of-zone applicants.

In their scheme, a board may indicate that proof of residence may be required in support of an application for enrolment in respect of a student living within the home zone.

Declining applications

The legislation specifies that students living in the home zone have an absolute right to enrol at the school, and it sets out the criteria for the selection of out-of-zone students. There are, however, a number of other situations that need to be considered.

A board might decide to decline an application because, for example:

- it is an application that does not meet the criteria for acceptance in an approved special programme run by the school and provided for in the enrolment scheme;
- the application is made on the basis of living in the home zone but the board does not accept that the given address is the student's usual place of residence;
- the application is made on the basis of a sibling relationship, but the board does not accept that the relationship is consistent with the interpretation provided in the legislation.

In each of these situations the board must write to the parents explaining why the application has been declined and informing the parents of the Secretary's discretionary powers under Section 11P(2) in exceptional circumstances only

If an application is declined for one of these reasons, the principal should offer to place the student's name in the general ballot for out-of-zone places.

Annulment of enrolment

Retention of entitlement to enrolment

The determination of validity of an enrolment of an in-zone student, or enrolment of an out-of-zone student subsequent to a pre-enrolment selection process, is determined at the date of enrolment, which is the first day of attendance consequent on the pre-enrolment process. Once enrolled, the student is entitled to remain enrolled at the school until the end of the student's schooling (for the year levels provided by the school), unless the enrolment is annulled under section 11O, terminated under another provision of the Act, or the student enrolls at another school.

This means, for example, that if a student was living in-zone at the time of enrolment, but the student and family later move to an out-of-zone address in circumstances where there is no ground for annulment under s11O (i.e. it is not a case of a temporary residence being used for the purpose of gaining enrolment) then the student is entitled to remain enrolled until completion of their schooling.

The same would apply, for example, if an out-of-zone student was enrolled on the basis that their older sibling was attending the school but the older sibling then leaves the school prior to the student in question (the younger sibling) completing his or her schooling. The younger sibling is entitled to remain enrolled until completion of their schooling.

Reasons for Annulment

Once attendance has commenced, section 11O provides for the annulment of enrolment if the board has reasonable grounds for believing that, at the time of application, the parents falsely claimed the student was living in the home zone or was entitled to a particular priority in the ballot. **The importance and implications of “reasonable grounds” are explored in some detail in the next section, headed “Temporary residence”.**

Reasons for annulment fall into three broad categories.

Supplying false information

Annulment is via Section 11O(1) for the following reasons:

- (a) the student had never lived at the in-zone address given at the time of application; or
- (b) a claim was falsely made that the student was entitled to a particular priority in the ballot; or
- (c) the board determines that a student has used a temporary residence for the purpose of gaining enrolment at the school.

In these situations, if the board has reasonable grounds for believing that the information given at the time of application was false, and the parents have been unable to provide a satisfactory explanation, then the board may annul the enrolment. No review of an enrolment is required in such cases.

Use of a temporary residence

Annulment is via section 11O(1A) if a student was enrolled on the grounds that he or she lived within the home zone, and since enrolling the student has moved out of the home zone and the Board believes on reasonable grounds that the student has used a temporary residence for the purpose of gaining enrolment at the school.

Before annulling an enrolment on this ground a review of enrolment is required under section 11OA. This involves giving parents written notice that the board is considering annulment and giving the parents a reasonable opportunity to explain the situation.

These matters are covered in detail in the section, headed “Temporary residence”.

Annulment procedures

The annulment will take effect one month from the date on which the board decided to annul the enrolment.

Immediately after annulling an enrolment, the board must

- (a) advise the student’s parents, in writing, of the date of the annulment decision and the date on which it takes effect; and
- (b) advise the Secretary (by contacting the relevant Ministry office) of the name of the student and the date of the annulment.

If parents continue to dispute the board’s ruling, they should be advised that they can apply to the Secretary for directed enrolment under Section 11P(1).

Temporary residence

Reference has already been made to the fact that a student who is genuinely, but temporarily, living in the home zone has to be enrolled. The problem is “How can genuineness be determined?”

Although suspicious of the genuineness of information given at enrolment, a board might not feel sufficiently confident to decline the application on the spot. If on balance it is decided not to decline a suspicious application, the staff member processing the application would be wise to record his/her suspicions on the application form. This could be useful as a record if further evidence of non-genuineness comes to light after attendance has begun and an enrolment review is deemed to be appropriate.

Sometimes, at the time of application, parents will provide evidence of recent arrival in the area and will give an in-zone address that they acknowledge as temporary, because they are in the process of finding a permanent place of residence. When accepting their application for the enrolment of their child, the board should inform these parents that if they move to an out of zone address before the child's first day of attendance at the school, the child will not be entitled to enrol at the school. Section 11O(2) makes it clear that, unless the board is notified otherwise, the address given in the application form will be taken to be the address at the time of enrolment. It is the Ministry's view that enrolment does not occur until attendance commences.

Under Section 11OA(1) a board has a right to review the enrolment of a student who had an in-zone address at the time of enrolment, but has since moved out of zone and the Board believes, on reasonable grounds, that the address was used for the purpose of gaining enrolment at the school. **Note that this is not a blanket right to investigate any change of address, but can be used in situations only where the board has reasonable grounds to believe that a temporary in-zone address has been used for the purpose of gaining enrolment at the school.** What the board has to do is identify the factors that cause it to be suspicious of the genuineness of the living arrangement that led to enrolment. In the event of any later challenge to the board's decision to review the enrolment, the board's reasons must be sufficiently robust to stand up to scrutiny.

Provided that the board has done groundwork such as that suggested above, the Ministry of Education believes that "reasonable grounds" will be likely to exist in the following examples:

- The board was suspicious of the genuineness of the living arrangement at the time of application and a check (once attendance has begun) reveals that a change of address has occurred, although the parents had not advised the school of this. The grounds would be strengthened if, at the time of application, the board had specifically alerted the parents to the potential penalty for attempting to gain enrolment by deliberately arranging a temporary place of residence.
- A check (once attendance has begun) reveals that a change of address has occurred, though the parents had not advised the school of this. The board had no reason to be suspicious at the time of application because the parents gave no information to suggest that the given address was anything other than an address at which the child lived with the parents. Investigation subsequent to the change of address reveals that the given address belongs to a relative or family friend, or is a rental property over which the family had a short term lease.
- A check (once attendance has begun) reveals that a change of address has occurred, although the parents had not advised the school of this. With the benefit of hindsight, the board realises that it should have been suspicious at the time of enrolment because the application indicated that the student would be living with a relative or family friend as proof of residence in the home zone.
- At the time of application, the parents advised the board that their address would be a temporary one, but the story that they give when contacted by the school at the time of change of address is different from the one that they gave at application.

A key element in the first two of these scenarios is that the parents did not notify the school of the change of address. Taken with the other factors, this might be seen as an attempt at concealment. This is not necessarily so, however, and the parents might be able to give a perfectly reasonable explanation. If the parents have been quite “up-front” in informing the school about the change of address, the board will have to judge whether the other circumstances are sufficient to suggest that there was an intention, at the time of application, to use the address for the purpose of gaining enrolment at the school. In all cases, the board’s hand is strengthened if the parents, at the time of application, signed a statement saying that the given address was the student’s usual place of residence and gave an undertaking to notify the school of any subsequent change of address.

The examples given above are not intended to be exhaustive. They try to show, however, the sorts of things that might suggest that, at the time of application, there could well have been intent to use a temporary residence for the purpose of gaining enrolment at the school. As stated above, the change of address, in itself, is not sufficient to initiate a review of enrolment.

The word “temporary” is not defined in legislation, so there is no minimum time period beyond which a student is “safe”. This is deliberately so to ensure that each issue involving temporary residence must be examined on its own merits. Boards may determine whatever time frame they think appropriate, but it is suggested that addresses of newly enrolled students could perhaps be checked within 3-5 weeks of the commencement of attendance and perhaps again within a fortnight of the beginning of the second full term of attendance. If a change of address comes to light after that time, the board may still consider that the matter is worth investigation if staff were suspicious of the genuineness of the living arrangement at the time of application and if the parents have not notified the school of the change of address. At the same time, schools cannot require families to promise to live within the home zone for a specified period of time. If a student genuinely lives in a home zone at the time of enrolment, then the student must be enrolled.

Once the board has made a judgement that reasonable grounds exist for believing that a temporary residence has been used for the purpose of gaining enrolment at the school, it must write to the parents informing them that their child’s enrolment is being reviewed and explaining why. Included in [Appendix 2](#) is the draft of a letter that could be used in this situation.

Although the board’s suspicions might have been aroused by a sudden change in living arrangement, particularly if the parents have not notified the school of the change, **there could still be a perfectly reasonable explanation**. Parents should be invited to give this and if the board accepts the reason as being genuine, the student will remain on the school roll.

Because the Act requires boards to give the parent “every reasonable opportunity to explain the situation”, a board cannot insist that parents respond in a particular manner eg by making an appointment to meet the principal. The letter to the parents should, therefore offer a range of acceptable alternatives and the date by which a reply will be required for it to be considered.

The board will need to set up a mechanism for making decisions on the review. The Board may not exercise its power to annul until 10 school days have passed since it sent the review notice and the parents have been given a reasonable opportunity to explain the situation. A board might think it appropriate to set up a sub-committee similar to that which some boards use for dealing with suspensions and exclusions. It will be likely that boards would ask the principal to report on the parents’ response to the review notice (if any) but parents should be given the opportunity to address the board (or sub-committee) directly if they wish.

If the board determines that the parent's explanation has not been sufficient to change the tentative opinion that it had already formed on the matter, or if no reply has been received within the specified timeframe then, under section 11O(1A), the board may annul the student's enrolment.

For information about necessary notifications of the annulment, see the section on [annulment](#).

Directed enrolment under section 11P

In making a direction under section 11P(2)(a) the Ministry would have regard to the points made in the section [Living in the home zone](#). Similarly, the Ministry would have regard to this section if asked under Section 11P(1) to overturn an annulment of enrolment made by a board under section 11O.

The provision for directed enrolment under Section 11P(2)(b) has existed in legislation for some time and has rarely been exercised. This section provides for the Secretary to direct a board to enrol a student if satisfied that "the consequences of not giving the direction would be so disadvantageous to the applicant that overriding the enrolment scheme in this case is justified". The Act provides that this power may only be exercised in exceptional circumstances. The Ministry will provide a standard application form that will require parents to supply specialist medical or psychological or other expert opinion in support of their application and will not make a direction on the basis of unsupported statements such as "All his friends have been accepted for enrolment at School X". The application form will state that the Ministry will share the specialist opinion with the board of the school concerned (unless there are special privacy issues), to give the board every opportunity to consider all the relevant facts. Only after doing this would the Secretary make a direction, if this were considered to be the appropriate course of action.

Adult students

The only people with a right to enrol at a State school are those domestic students who are aged 5 and over and have not yet reached the first day of January after their 19th birthday. Adult students do not have a right to be enrolled at a school, but if a school has spare capacity, adult students can be enrolled at the discretion of the board.

In a school with an enrolment scheme, however, there is potentially no spare capacity. Since adults do not have a right to be enrolled at any school, the fact that an adult might live in the home zone of a school with an enrolment scheme makes no difference. Nor, by extension, do adult students have any right to be included in the ballot for out-of-zone students.

At a school with an enrolment scheme, therefore, adults can be enrolled only in a situation where the availability of places at a particular level has been advertised and the number of applications is fewer than the number of places available.

International fee-paying students

Under Section 4(3) of the Education Act 1989, an international student cannot be enrolled if the student's enrolment has the effect that a domestic student cannot be enrolled.

If an international fee-paying student lives in the home zone of a school with an enrolment scheme he/she still has no right to be enrolled ahead of out-of-zone domestic students. This effectively means that international fee-paying students cannot be enrolled at a school with an enrolment scheme unless the board has provided, out of the fees paid by the students themselves, sufficient classrooms to enable all international fee-paying students to be accommodated.

Consultation

When developing an enrolment scheme a board must consult with persons and organisations it considers appropriate. In particular, the Act states that a board must consult with:

- the parents of students at the school; and
- the people living in the area for which the school is a reasonably convenient school; and
- the students and prospective students of the school (depending on their age and maturity); and
- the boards of other schools that could be affected by the proposed enrolment scheme.

With regard to consultation with students, the Act is not specific about the age range of students who should be consulted. The Ministry will expect to see evidence of consultation with the student body in cases where a school caters for students at Year 9 and above.

Boards should note that consultation means more than just informing others of their intentions. The legislation requires a board to “discover and consider” the views of those it consults. This means that an objection cannot simply be ignored. The board must make a considered response to the person or group objecting, even if there is ultimately no change to the content of the scheme.

Boards will choose whatever method of consultation is appropriate for them. It is possible to streamline consultation without sacrificing thoroughness. Some boards may choose to use social media as an important element in their consultation but should also consider how to reach people who are unfamiliar or uncomfortable with social media.

Consultation for various groups can be combined, eg

- The board may organise a public meeting to which both parents and members of the wider community are invited.
- Consultation with other boards may be by way of a meeting to which representatives of all other relevant boards are invited.
- In cases where several boards in an area are developing schemes at the same time, they might perhaps meet jointly to consult each other and to check that all the home zones mesh neatly.

Where consultation is by way of letter, the letter should state a deadline for reply and the board should follow up any non-reply with a phone call. A file note can be made recording any lack of response to the phone call.

The Ministry is specifically required to be satisfied about the adequacy of a board’s consultation before approving an enrolment scheme. Even though the content of a scheme might appear satisfactory, the Ministry will not approve the scheme if there is little or no evidence that the board has complied with the consultation requirements.

Boards should keep a written record of consultation, and a copy of the key items can then be sent to the Ministry as proof of appropriate consultation. The following suggestions are examples of information that the board might provide to the Ministry.

- (a) Where consultation has been in writing (eg with other boards):
- provide a copy of the letter sent to other boards; and
 - list the boards to whom the letter was sent; and
 - provide copies of the responses received; and

- in cases where responses were critical of some aspect of the scheme, show the action taken by the board eg a copy of the board's written reply, a record of a subsequent meeting, an explanation of any amendment made to the proposed scheme.
- (b) Where consultation has been by way of a public meeting (eg with the community and/or parents, with the school's student council):
- provide a copy of the minutes of the meeting, which should include an outline of how the board responded to views that were at variance with the board's stated position (including views expressed in subsequent letters from individuals).
- (c) Where consultation has been by way of a survey of some kind (eg with parents and/or students):
- provide a copy of the survey form; and
 - provide an analysis of survey results (including the response rate); and
 - outline how the board responded to views that were at variance with the board's stated position.

Beginning a scheme

Under section 11K of the Act an enrolment scheme for a primary school commences 3 months after the day of its adoption or on a later date specified in the scheme. An enrolment scheme for a secondary or composite school commences on 1 January in the year following the year in which it was adopted. However on application from the board concerned, the Secretary may authorise the early commencement of a scheme if the Secretary considers it appropriate.

Providing for the commencement of a scheme in a secondary or intermediate school is a relatively straightforward process. Unless a student is a new arrival in the area, enrolment will occur only at the beginning of the year and this will be preceded by a pre-enrolment process in the latter part of the previous year, which will prepare the ground for an orderly start to the year. All that a secondary or intermediate school with a new enrolment scheme has to ensure, therefore, is that the board abides by the common dates that have been agreed by all other schools of their type operating enrolment schemes in the area. (See Secretary's Instruction 6.) If a school has been given early commencement, so that the scheme comes into effect before the beginning of the year, the only students who will be able to be enrolled before the new year are students who live in-zone. If a scheme is approved too late in the year for the school to comply with the common dates agreed by other schools, then the board will need to organise a "one-off" pre-enrolment process under Secretary's Instruction 31.

In primary schools, however, if the scheme is to come into effect at any time other than the beginning of a school year, the board will not be able to simply follow the common pattern agreed to by all the other primary schools operating enrolment schemes in the area. It will have to decide how it will manage enrolments for the rest of the year. Basically, the board has two options.

Option A

The board decides that for the rest of the year it will enrol only in-zone students. This decision should only be taken in a situation where the capacity of the school is at full stretch. Parents who live out of zone and have been accustomed to think of the school as the natural school for their children will quite possibly be upset that with the adoption of the enrolment scheme under which they will no longer have a right to enrol their children at the school when they turn

5 or would be eligible to enrol as part of a cohort for schools with cohort entry. They are likely to be more upset if they do not even have the opportunity to enter their child's

name in a ballot for out-of-zone places. Parents who already have children at the school will almost certainly be the ones who are most aggrieved.

Option B

Prior to the scheme coming into effect, the board takes action under Secretary's Instruction 31. This will involve notifying parents of the likely number of out-of-zone places for the remainder of the year, setting a deadline for receipt of applications and planning for a ballot in the event that the number of applications exceeds the number of available places. Depending on the time of year, the board may wish to divide the remainder of the year into more than one enrolment period. For example, at a school where the new enrolment scheme comes into effect at the beginning of term 3, the board could plan to run one enrolment period for new entrants turning 5 or becoming eligible to enrol under cohort entry in term 3 and another for those turning 5 or becoming eligible to enrol under cohort entry in term 4.

Amendments

Amendments to a school's enrolment scheme may become necessary for a variety of reasons eg

- the development of a new housing area, for which the school is reasonably convenient;
- unforeseen in-zone roll growth;
- shifting school population patterns.

Any of these might require an amendment to the boundaries of the home zone. They might also create the need for consequential changes to the boundaries of the home zone of a neighbouring school with an enrolment scheme.

Section 11M(4) states that the process for amending a scheme is the same as that for developing the original scheme, ie

- the Secretary must first authorise the board to begin developing an amendment (11H(1&2));
- the board must consult with the persons and organisations described in section 11H(3), and, if appropriate, 11H(4);
- the proposed amendment must be approved by the Secretary under section 11I;
- once approved by the Secretary, the amendment must be adopted by the board as soon as practicable;
- the board must give notice of its adoption of the amendment, under section 11J(1);
- the commencement of the amendment is governed by section 11K.

Be aware that a proposed amendment that would have the effect of shrinking the home zone to reduce pressure on school facilities can cause considerable anguish among current school families who live in the area of retrenchment, because it would mean that their pre-school children would in future have no guaranteed right to enrol at the same school as their older siblings.

Minor amendments

Section 11MA provides for a modified procedure if the amendment is minor in nature. In this case, provided that the Secretary has first confirmed in writing that the amendment is indeed minor, and meets the purpose and principles of the legislation, the board need only notify the public of the proposed amendment by notice in a daily or community newspaper circulating in the area served by the school. When submitting the amendment to the

Secretary for approval, the board must give details of any comments or questions it has received about the proposed amendment. (This means that the newspaper notice has to include information on how the public can make submissions on the proposed amendment, if they wish to do so.) Once approval has been given, the amendment can be adopted by the board. Approval cannot be given until at least one month has passed since the date of the newspaper notice.

Unless special circumstances exist (eg if there is likely to be a considerable degree of public interest or a large number of families affected), the Secretary would consider a proposed amendment as a minor one in the following situations:

- where a school with an enrolment scheme is seeking to amend its scheme simply to include the criteria for enrolment in a newly-approved special programme;
- where there is a new housing development on the perimeter of a home zone and the school is the only reasonably convenient school for students living in the new development;
- residential development in a street that had previously been left out of the zone simply because it contained only commercial premises;
- where a zone boundary does not actually need to be changed, but a more precise definition is needed, to make it clear whether certain addresses are within or outside the home zone;
- where School X is having to amend its home zone as the consequence of approval for a new scheme or an amended scheme being implemented at neighbouring School Y. (It is appropriate to allow a lesser compliance requirement for School X because there will have been full discussion of the proposed new boundary in the consultation process undertaken by School Y.)

Annual review

Each year before 1 May, as provided for in Section 11PA, the board must review the operation of its enrolment scheme, having regard to the purpose and principles set out in legislation. In particular, the board must assess whether there is a continuing need for the scheme in its present form. The board must ask the Secretary whether he or she agrees with its assessment.

If the Secretary believes that, in the foreseeable future, there is no doubt about the continuing need for a scheme in its present form, the board may be exempted from the annual review requirement for a period not exceeding three years.

Shortly after the beginning of the year in which the next review is due, the Ministry will send the board a letter, reminding the board of the review requirement and assisting the board to focus on relevant matters.

Draft notices and letters

[Appendix 2](#) includes draft newspaper notices and letters to parents that boards may find useful.

Draft notices are provided for:

- adoption of an enrolment scheme;
- advising parents of pre-enrolment procedures and balloting
 - for a school with a single pre-enrolment period;
 - for a school with multiple pre-enrolment periods;
 - for a group of schools of the same type;

Draft administrative documents are provided for:

- enrolment questionnaire;
- statement to parents at the time of application;
- ballot supervisor's completion certificate.

Draft letters are provided for:

- information for parents of out of zone students, to be provided at the time of application;
- informing parents of students who have been successful in the ballot for out of zone places;
- informing parents of out of zone applicants when no ballot was necessary;
- informing parents of students who have been unsuccessful in the ballot for out of zone places;
- informing parents of a student on the waiting list, concerning a vacant place that can now be offered to their son/daughter;
- informing parents of an out of zone applicant who is not yet eligible for enrolment at the school;
- informing parents of an enrolment review.

Appendix 1

PRO FORMA ENROLMENT SCHEME

Home zone

All students who live within the home zone **described below*** (and shown on the attached map) shall be entitled to enrol at the school.

** Insert description of home zone here, by precisely defining the boundaries of the zone.*

Note: The description and/or the map must enable one to determine whether any particular address is in or out of zone.

Proof of residence within the home zone will be required. *(This sentence is not compulsory.)*

Each year, applications for enrolment in the following year from in-zone students will be sought by a date that will be published in a daily or community newspaper circulating in the area served by the school. This will enable the board to assess the number of places that can be made available to students who live outside the home zone. *(This paragraph is not compulsory, but this approach will greatly assist schools with capacity planning.)*

Special programmes

(NB Insert only if relevant)

The school operates the following special programme:

<state name>

Students who live within the school's home zone and meet the criteria for enrolment in the special programme will be enrolled ahead of eligible out-of-zone students.

The criteria for acceptance into the programme are as follows:

Specify the criteria on which students will be accepted, including the procedures to be used to determine which students will be enrolled if there are more applicants than places available.

Out-of-zone enrolments

Each year the board will determine the number of places that are likely to be available in the following year for the enrolment of students who live outside the home zone. The board will publish this information by notice in a daily or community newspaper circulating in the area served by the school. The notice will indicate how applications are to be made and will specify a date by which all applications must be received.

Applications for enrolment will be processed in the following order of priority:

- **First priority** must be given to students who have been accepted for enrolment in the following special programme(s) run by the school and approved by the Secretary for Education.*
- **Second priority** must be given to applicants who are siblings of current students.
- **Third priority** must be given to applicants who are siblings of former students.
- **Fourth priority** must be given to any applicant who is a child of a former student of the school.
- **Fifth priority** must be given to any applicant who is either a child of an employee of the board of the school or a child of a member of the board of the school.
- **Sixth priority** must be given to all other applicants.

Out-of-zone places in the special programme will be determined by *(select method – it could be by ranking based on selection criteria, by another priority, or by ballot.)*

If there are more out-of-zone applications than places (outside the special programme), applicants not securing a place will enter the selection process for places at the school on the same basis as other out-of-zone students (unless the parents advise they do not wish to apply for places outside the special programme). Allocation of available spaces in a special programme must be done separately from allocation of other available places.

If there are more applicants in priority groups (b)-(f) than there are places available, places must be allocated in priority order until a category is reached where the number of spaces available in that category is insufficient to accommodate the number of eligible students. Selection within that priority group must be by ballot conducted in accordance with instructions issued by the Secretary under Section 11G(1) of the Education Act 1989. Parents will be informed of the date of any ballot by notice in a daily or community newspaper circulating in the area served by the school.

Applicants seeking second or third priority status may be required to give proof of a sibling relationship.

** Note: If the school does not run a special programme, this sentence should be replaced by the following statement: “This priority category is not applicable at this school because the school does not run a special programme approved by the Secretary.”*

Appendix 2

Draft notices

Adoption of an enrolment scheme

Advising parents of pre-enrolment procedures and balloting

For a school with a single pre-enrolment period

For a school with multiple pre-enrolment periods

For a school with multiple pre-enrolment periods – for second and any subsequent pre-enrolment period

For a group of schools of the same type

For a school holding a ballot as provided for in Instruction 31

Administrative documents

Enrolment questionnaire

Statement provided to parents at the time of application

Ballot supervisor's completion certificate

Draft letters

Information for parents of out of zone students, to be provided at the time of application

Informing parents of students who have been successful in the ballot for out of zone places

Informing parents of out of zone applicants when no ballot was necessary

Informing parents of students who have been unsuccessful in the ballot for out of zone places

Informing parents of a student on the waiting list, concerning a vacant place that can now be offered to their son/daughter

Informing parents of an out of zone applicant who is not yet eligible for enrolment at the school.

Informing parents of students on a waiting list of vacant places that are now being made available part way through a year.

Informing parents of students who have been successful in the ballot for out of zone places, held in accordance with Instruction 31.

Informing parents of an enrolment review

All the items in this appendix are available on the Ministry of Education's website at <http://www.education.govt.nz/school/running-a-school/setting-up-and-managing-enrolment-schemes-zones/useful-documents/>

Draft Notices

Draft of newspaper notice indicating that an enrolment scheme has been adopted.

To avoid overcrowding, or the likelihood of overcrowding, the board of <school name> has adopted an enrolment scheme that has been approved by the Secretary for Education.

Under this scheme, students will be enrolled if they live within the home zone described below. *(Insert description of the boundaries of the home zone. The description may be precise or general.)*

The enrolment of out-of-zone students is governed by the provisions of the Education Act 1989.

The enrolment scheme, which includes a precise description of the home zone, may be viewed at the school office *(or some other appropriate place within the school)*, where copies of the scheme are also available.

Draft of newspaper notice indicating that an enrolment scheme is to be implemented following development by the Ministry of Education.

To avoid overcrowding, or the likelihood of overcrowding, at <school name> the Ministry of Education has developed an enrolment scheme. This enrolment scheme is to be implemented from [XXXDate]

Under this scheme, students will be entitled to be enrolled if they live within the home zone described below. *(Insert description of the boundaries of the home zone. The description may be precise or general.)*

The enrolment of out of zone students is governed by the provisions of the Education Act 1989.

The enrolment scheme, which includes a precise description of the home zone, may be viewed at the school office *(or some other appropriate place within the school)*, where copies of the scheme are also available.

Draft of newspaper notice advertising details of pre-enrolment procedures and subsequent balloting procedures

For a school with a single pre-enrolment period

The board invites applications from parents who wish to enrol their sons and daughters at < school name > for next year.

Enrolment at the school is governed by an enrolment scheme, details of which are available from the school office.

<Insert details of how applications are to be made.>

The deadline for receipt of applications for out-of-zone places is < state date >.

Parents of students who live within the home zone should also apply by this date to assist the school to plan appropriately for next year.

The board has determined that < state number > places are likely to be available for out-of-zone students next year. *(Alternatively state the number of places likely to be available at particular levels within the school.)* The exact number of places will depend on the number of applications received from students who live within the school's home zone.

If appropriate add: The school operates an approved special programme for <state name> and expects that there will be about <number> places available in the programme for out-of-zone students next year.

If the number of out-of-zone applications exceeds the number of places available, students will be selected by ballot (except in the case of special programmes, where the criteria in the enrolment scheme apply). *(Omit the preceding bracketed statement if it is not relevant.)* If a ballot is required it will be held on <date >. *(If there will be more than one ballot, eg ballots at different levels, all relevant dates must be given.)* Parents will be informed of the outcome of the ballot within three school days of the ballot being held.

Draft of newspaper notice advertising details of pre-enrolment procedures and subsequent balloting procedures

For a school with a multiple pre-enrolment periods

Enrolment at the school is governed by an enrolment scheme, details of which are available from the school office.

The board has determined that <state number> places are likely to be available for out-of-zone students next year. *(Alternatively state the number of places likely to be available at particular levels within the school.)* The exact number of places will depend on the number of applications received from students who live within the school's home zone.

If appropriate add: The school operates an approved special programme for <state name> and expects that there will be about <number> places available in the programme for out-of-zone students next year.

Next year there will be <state number> enrolment periods. The first enrolment period runs from <first day of school in the new year> to <last day of term 1, or last day of term 2, or whatever is decided>.

For students seeking enrolment within the first enrolment period, the deadline for receipt of applications for out-of-zone places is <state date>.

Parents of students who live within the home zone **and intend enrolling their child at any time during the next year** should notify the school by <same date as above> to assist the school to plan appropriately for next year.

<Insert details of how applications are to be made.>

If the number of out of zone applications exceeds the number of places available, students will be selected by ballot (except in the case of special programmes, where the criteria in the enrolment scheme apply). *(Omit the preceding bracketed statement if it is not relevant.)* If a ballot for out-of-zone places is required, it will be held on <date>. Parents will be informed of the outcome of the ballot within three school days of the ballot being held.

Details relating to the second enrolment period are as follows.

Length of enrolment period: from <first day> to <last day>.

Deadline for receipt of applications: <state date>

Date of ballot: <state date>

Repeat this pattern for any subsequent enrolment period(s)

Draft of newspaper notice advertising details of pre-enrolment procedures and subsequent balloting procedures

For a school with a multiple pre-enrolment periods - for second and any subsequent pre-enrolment period

Enrolment at the school is governed by an enrolment scheme, details of which are available from the school office.

Applications for out-of-zone places are now being invited for those students who will become eligible for enrolment during the period *<state beginning and ending dates>*.

The deadline for receipt of applications for out-of-zone places is *<state date>*.

If a ballot for out-of-zone places is required, it will be held on *<date>*. Parents will be informed of the outcome of the ballot within three school days of the ballot being held.

If you live in the home zone and have not yet signalled your intention to enrol your child later this year, please contact the school immediately to assist us to plan appropriately.

Draft of newspaper notice advertising details of pre-enrolment procedures and subsequent balloting procedures

For a group of schools of a similar type

In cases where there is a group of schools that are all going to follow the same pattern, it is possible to create a newspaper notice that covers all schools in the group. Any variations within the group must be separately listed (eg the likely number of out of zone places available at each school). Here is an example of how a newspaper notice might be created covering six secondary schools, who have agreed that they will all hold a ballot for places at Forms 4-7 at a later date than the ballot for places at Form 3. Note that the notice must be placed in a newspaper that circulates in all the areas served by schools in the group.

This notice applies to the following schools, all of whom have authority to operate enrolment schemes to prevent overcrowding.

School A
School B
School C
School D
School E
School F

The boards of the above schools invite applications from parents who wish to enrol their sons and daughters at the above schools for next year. Details of the enrolment schemes are available from the relevant school office in every case.

Applications should be made in writing and addressed to the principal of the relevant school. The envelope should be marked "Application for enrolment". The deadline for receipt of applications for out of zone places is XXXday 15 September 20XX.

Parents of students who live within the home zone of a school listed in this notice should also apply by this date to assist the school to plan appropriately for next year.

The board of each of the named schools has determined that the following places are likely to be available for out-of-zone students next year.

School A	25
School B	40
School C	55
School D	35
School E	45
School F	50

The exact number of places available at each school will depend on the number of applications received from students who live within the school's home zone.

School C and School E operate approved special programmes, for which enrolment is controlled by particular criteria stated in the enrolment scheme of each school. The special programme places likely to be available for out of zone students are shown below.

School C	Māori immersion programme	12 places
School E	Class for students with physical disabilities	4 places

[State the methodology to be used for the special programme if there are more out-of-zone applications than places available].

If the number of out-of-zone applications exceeds the number of places available (outside of the special programme), students will be selected by ballot.

In cases where ballots are required they will be held on the following dates.

Wednesday 25 October 2017	for places in Year 9 in 2018
Friday 27 October 2017	for places in Years 10 - 13 in 2018

Parents will be informed of the outcome of the ballot within three school days of the ballot being held.

Draft of newspaper notice advertising ballot as provided for in Instruction 31

The board advises that a number of vacancies have become available at <school name>. Since the last ballot for out-of-zone places on <date> the board has received a number of enquiries from parents of out-of-zone students seeking to enrol their children at the school this year.

Because the board operates an enrolment scheme, it is required to fill any vacant out-of-zone places by ballot in cases where there are more applications for enrolment than there are places available. The board has determined that <state number> places are likely to be available to out-of-zone students for immediate enrolment <or for enrolment from a certain date>. *(Alternatively state the number of places likely to be available at particular levels within the school.)*

The board is prepared to receive applications, in addition to those it already holds, so long as they reach the school by <date>. If a ballot is required it will be held on <date>. Parents will be informed of the outcome of the ballot within three school days of the ballot being held.

Administrative Documents

Enrolment questionnaire

The Education Act 1989 gives a guarantee of enrolment to students who live in the home zone specified in the school's enrolment scheme. The board needs to be sure that an in-zone address is genuine, because it is required to manage the enrolment scheme for the benefit of local students.

In addition to specific documents showing proof of residence, it will assist the board if you complete the following questionnaire.

Student's name.....

1. What school is the student currently attending (if any)?.....
2. What is the address that will be the student's usual place of residence when the school is open for instruction?.....

If the student will be living with the parent(s)

3. Have you lived at this address for more than one year?.....
4. If you answered "Yes" to Question 3 above, is this:
your only residential address?.....
your main residential address?.....
if "No", state your other address.....
5. If you answered "No" to Question 3 above, do you own the property?.....
If "No", do you intend to stay at this address long term?.....

If the student will be boarding

6. Will the student be boarding at the school hostel?.....
7. If you answered "No" to Question 6 above:
 - (a) Who will the student be boarding with?.....
 - (b) How long has the boarding arrangement been in place?.....
 - (c) Is it a long term boarding arrangement?.....
 - (d) What are the reasons for the boarding arrangement?
 -
 - (e) If the boarding arrangement is temporary, why is that so?.....
 -
 - (f) What is your home address?.....
 - (g) Will the person(s) with whom the student is boarding have a primary duty of care?.....
(Note: The student will not be considered as living in-zone if an out-of-zone parent remains the primary caregiver.)

If any issues arise from the above information, the board might wish to interview you to ensure the genuineness of the application.

If your application for enrolment is declined, you may ask the Ministry of Education to direct the board to enrol the student. Application forms are available from the

Ministry's local office.

Draft of statement to be provided to parents at the time of application for enrolment.

To be completed by parents who have given an in-zone address as the student’s usual place of residence.

The address given at the time of application for enrolment must be the student’s usual place of residence when the school is open for instruction. This means that if you currently live at an in-zone address but move to an out-of-zone address before your child’s first day of attendance at the school, your child will not be entitled to enrol at the school.

The Ministry of Education has advised that parents should also be warned of the possible consequences of deliberately attempting to gain enrolment by knowingly giving a false address or making an in-zone living arrangement that they intend to be only temporary eg

- renting accommodation in-zone on a short-term basis;
- arranging temporary board in-zone with a relative or family friend;
- using the in-zone address of a relative or friend as an “address of convenience”, with no intention to live there on an ongoing basis.

Before enrolment takes place (ie before attendance begins), if the board has reasonable grounds for believing that the given in-zone address will not be not a genuine, ongoing living arrangement, the board may withdraw any offer of a place it might have made on the basis of the given address.

After attendance has begun, if the school learns that a student is no longer living at the in-zone address given at the time of application for enrolment and has reasonable grounds to believe that a temporary in-zone residence has been used for the purpose of gaining enrolment at the school, then the board may review the enrolment. Unless the parents can give a satisfactory explanation, the board may annul the enrolment. This course of action is provided for under section 110A of the Education Act 1989.

I confirm that the address that I have provided to the school will be the usual place of residence of.....(student’s name) when the school is open for instruction. I will advise the school of any subsequent change of address.

(To be completed in the case of a student who will be boarding in-zone, but not at a school hostel. Delete if not applicable.)

I confirm that.....(name), with whom my child will be boarding, will have the primary duty of care and should therefore be the school’s first contact in matters related to discipline and progress at school.

Signed.....

(Parent)

Ballot supervisor's completion certificate

Note: If there are ballots for places at more than one level, there must be a separate certificate for each ballot.

I have supervised the ballot for places at:

_____ Year level(s)

_____ School

The ballot relates to the enrolment period commencing _____ (State Term and Year)

I can certify that the ballot took place in accordance with the requirements specified in the Secretary's Instructions 13, 17, 18, 19 and 20.

_____ Name (print)

_____ Position*

_____ Signature

_____ Date

* Justice of the Peace

Practising Lawyer

Sworn member of the Police

Local Government Returning Officer

Draft Letters

Draft of text of information for parents of out-of-zone applicants, to be provided when an application is received

Thank you for your application for enrolment at <school name>.

Because you do not live within the home zone specified in the school's enrolment scheme your application will be subject to the selection procedure specified in the Education Act 1989.

The Act states that first priority must be given to students who meet the criteria for enrolment in an approved special programme run by the school. *(If this is not relevant to your school, add the following sentence: "Our school has no such programme.")* Second priority must be given to siblings of current students. Third priority must be given to siblings of former students. Fourth priority must be given to children of former students. Fifth priority must be given to children of board employees or board members. Sixth priority must be given to all other students.

In situations where the number of applicants exceeds the number of places available for out-of-zone students, selection will be by ballot. If a ballot is required at our school, it will be held on <date> and will be supervised by a Justice of the Peace *(or, as appropriate, a practising lawyer or a sworn member of the Police or a local government returning officer)*.

Within three school days of this date, the school will send you a letter informing you of the outcome of the ballot. If your application has been successful, you will be asked to confirm your acceptance or rejection of the offered place within 14 days of the date on the school's letter. If you do not respond within the 14 day period, the place will be offered to the first person on the waiting list established by the ballot.

Draft of text for letter to parents of out-of-zone applicant who has been successful in the ballot

Thank you for your application for enrolment of your son/daughter <name> at <school name>.

A ballot has recently been held for places available for out-of-zone students and I am pleased to be able to inform you that < name > was successful. I am therefore able to offer him/her a place at our school for next year (or “in the next enrolment intake”).

You will appreciate that a number of applicants were not successful in the ballot. Please confirm your acceptance of the place in writing, or alternatively indicate that you will not be taking up the offer. A tear-off slip is provided for your convenience. Your reply must reach the school no later than < a date that is 14 days from the date on this letter >. If confirmation is not received by this date, the place will be offered to the person currently at the head of the waiting list of applicants who were unsuccessful in the ballot.

I look forward to hearing from you.

< Add any relevant details about procedures relating to the first day of attendance. >

Yours sincerely

Strike out the option that does not apply

- (a) I accept the offer of a place at <school name>.
- (b) Thank you for the offer of a place at <school name> but I do not wish to take up the offer.

Signed _____

Draft of text for letter to parents of out-of-zone applicant when no ballot was necessary

Thank you for your application for enrolment of your son/daughter <name> at <school name>.

The number of out-of-zone applications that the board received was fewer than the number of places that are expected to be available for out-of-zone students. I am therefore pleased to be able to offer <name> a place at our school for next year (or “in the next enrolment intake”).

Please confirm your acceptance of the place in writing, or alternatively indicate that you will not be taking up the offer. A tear-off slip is provided for your convenience. Please reply by <a date that is 14 days from the date on this letter> to assist us with forward planning.

I look forward to hearing from you.

< Add any relevant details about procedures relating to the first day of attendance. >

Yours sincerely

Strike out the option that does not apply

- (a) I accept the offer of a place at <school name>.
- (b) Thank you for the offer of a place at <school name> but I do not wish to take up the offer.

Signed _____

Draft of text for letter to parents of out-of-zone applicant who has been unsuccessful in the ballot

Thank you for your application for enrolment of your son/daughter <name> at <school name>.

A ballot has recently been held for places available for out of zone students and I regret to have to inform you that < name > was not successful. The names of unsuccessful applicants were listed in the order in which they were drawn in the ballot and were then placed on a waiting list. < Name > is number < give number > on the waiting list.

I have asked parents of successful applicants to inform me within 14 days whether or not they wish to accept the place that has been offered. Any vacant places that result from this process will be offered to unsuccessful applicants in the order in which their names appear on the waiting list.

The Board wishes to advise you that it has no discretionary powers that can be applied where parents feel that there are special reasons why their child should be enrolled other than through the normal balloting process. If you believe that exceptional circumstances do exist in your child's case, then you may make application under Section 11P of the Education Act 1989 to the Ministry of Education. Forms for this process are available from the Ministry's local office. The Ministry advises that this section is used in exceptional circumstances only. The Ministry expects that specialist medical or psychological or other expert opinion will be supplied in support of an application.

Yours sincerely

Draft of text for letter to parents of out-of-zone applicant whose name has been placed on the waiting list and can now be offered a place at the school

I am pleased to be able to inform you that a vacancy has occurred and I am now able to offer < name > a place at our school (*specify date student can start*).

You will appreciate that a number of applicants who were not successful in the ballot are still on the waiting list. Please confirm your acceptance of the place in writing, or alternatively indicate that you will not be taking up the offer. A tear-off slip is provided for your convenience. Your reply must reach the school no later than < a date that is 14 days from the date on this letter >. If confirmation is not received by this date, the place will be offered to the next person on the waiting list of applicants who were unsuccessful in the ballot.

I look forward to hearing from you.

< Add any relevant details about procedures relating to the first day of attendance. >

Yours sincerely

Strike out the option that does not apply

- (a) I accept the offer of a place at <school name>.
- (b) Thank you for the offer of a place at <school name> but I do not wish to take up the offer.

Signed _____

Draft of text for letter to parents of an out-of-zone applicant who is not yet eligible for enrolment at the school

Thank you for your application for enrolment of your son/daughter <name> at <school name>.

I note that <name> does not turn 5 until <date> [If the school has cohort entry: This makes <name> eligible for enrolment with the cohort enrolling on <date>], This is outside the enrolment period for which applications are currently being accepted. I will therefore hold this application over for consideration alongside others relating to the second/third/fourth enrolment period, for which applications close on <date>.

I will be in touch with you soon after that date to let you know the outcome of your application.

Yours sincerely

Draft of text for letter to parents of students on a waiting list, in situations where a board determines part way through a year that it has vacant places that can be made available to out-of-zone students

When the board last held a ballot for out-of-zone places at <school name> your child was unsuccessful in the ballot. You were informed that your child's name had been placed on a waiting list.

I am pleased to be able to inform you that a vacancy has occurred and I am now able to offer < name > a place at our school. I realise that by now your child is settled in another school. Nevertheless you may wish to accept the place at our school that I am now able to offer you. Please indicate your intentions by completing the tear-off slip at the bottom of this letter and returning it to the school by <date>. If you have not responded by that date, I will take that as an indication that you no longer wish your child's name to remain on the waiting list.

I look forward to hearing from you.

< Add any relevant details about procedures relating to the first day of attendance. >

Yours sincerely

Strike out the option that does not apply.

- (a) I accept the offer of a place at <school name>. I understand that the place is available for immediate enrolment <or for enrolment from (date)> and that the offer of a place does not entitle me to delay enrolment until a later date.

- (b) Thank you for the offer of a place at <school name> but I do not wish to take up the offer.

Signed _____

Draft of text for letter to parents of out-of-zone applicant who has been successful in a ballot held in accordance with Instruction 31

Thank you for your application for enrolment of your son/daughter <name> at <school name>.

A ballot has recently been held for places available for out of zone students and I am pleased to be able to inform you that < name > was successful. I am therefore able to offer him/her a place at our school. Please understand that this offer is for immediate enrolment <or state a date at that enrolment will commence> and if not taken up does not confer an entitlement to enrol next year or at some other time.

You will appreciate that some applicants were not successful in the ballot and are still on the waiting list. Please confirm your acceptance of the place in writing, or alternatively indicate that you will not be taking up the offer. A tear-off slip is provided for your convenience. Your reply must reach the school no later than < a date that is 14 days from the date on this letter >. If confirmation is not received by this date, the place will be offered to the first person on the waiting list of applicants who were unsuccessful in the ballot.

I look forward to hearing from you.

< Add any relevant details about procedures relating to the first day of attendance. >

Yours sincerely

Strike out the option that does not apply

- (a) I accept the offer of a place at <school name>.
- (b) Thank you for the offer of a place at <school name> but I do not wish to take up the offer.

Signed _____

Draft of text of letter to parents of student whose enrolment is being reviewed because there are reasonable grounds to believe that a temporary in-zone address has been used for the purpose of gaining enrolment at the school

Note: This is a model only. Details should be changed as appropriate.

Dear <parent's name>

ENROLMENT REVIEW NOTICE

It has come to the attention of the board that <student's name> is no longer living at the address that, at the time of your application for enrolment, you stated would be *his/her* usual place of residence.

I note that when you applied for enrolment you gave no indication that the given address would be a temporary one, nor have you subsequently informed the school of any change of address, although you gave an undertaking to do so in the statement you signed at the time of application. The board feels therefore that it has reasonable grounds to believe that you have used a temporary residence within the school's home zone for the purpose of gaining enrolment at the school.

Under Section 110A(1) of the Education Act 1989, I am formally advising you that the board <or relevant sub-committee> will be reviewing the enrolment at a meeting on <date>.

It might be, of course, that there is a perfectly reasonable explanation for the change of address and that there has been no attempt to use a temporary in-zone residence to secure enrolment at our school. If that is the case, I would appreciate it if you would contact me immediately * or make an appointment to see me in person, to provide an explanation. If the board is satisfied that the explanation for moving out of zone is genuine, then your child is entitled to remain on the school roll.

The board <or relevant sub-committee> has asked me to prepare a report for its meeting of <date>. The report will include any information that you have provided by way of explanation. Please let me know if you would prefer to be present at the meeting to present your case personally.

If I do not hear from you by <date, that is at least 10 school days after the date of this letter and before the board meets to consider the matter>, the board may annul the enrolment as provided for in Section 110(1A) of the Education Act 1989. Any annulment will take effect one month from the date of the board's decision.

<Signed>

Principal

* Give contact details if not on the school letterhead.

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Te Kawanatanga o Aotearoa