



# Instructions relating to the operation of enrolment schemes

Issued by the Secretary for Education  
Ministry of Education

**July 2017**

## APPLICATION

These instructions are issued under section 11G(1) of the Education Act 1989.

All schools with an enrolment scheme (with the exception of integrated schools, designated character schools, kura kaupapa Maori and special schools) must comply with these instructions.

### INTERPRETATION

In these instructions:

**pre-enrolment period** means a period in which applications for enrolment are invited by a school which operates an enrolment scheme, ending with a deadline by which applications for enrolment must be received.

**practising lawyer** means a person enrolled as a barrister and solicitor of the High Court of New Zealand and who is the holder of a current practising certificate under the Law Practitioners Act 1982.

## INSTRUCTIONS

### BALLOTS

#### Planning for a ballot

1. By 1 September each year a board must determine how many places are likely to be available in the next year for students who live outside the home zone specified in the school's enrolment scheme.

## COMMENTARY

The board will reach its decision after estimating the number of applications that it is likely to receive from students living within the home zone. The board must also allow for the possibility of late applications for enrolment from in-zone students and applications for enrolment from students who take up residence within the home zone in the following year or after the end of the pre-enrolment period. Both of these groups have an absolute right of enrolment under Section 11D(1) of the Education Act 1989. Note that foreign fee-paying students (even those living in the home zone) must not fill places provided by the State for domestic students.

In estimating how many students are likely to seek enrolment from within the home zone, schools should review historical patterns. Primary schools would find it helpful to contact early childhood providers in the area, while secondary and intermediate schools will be able to get information from their natural feeder schools.

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| <p>2. By 1 September each year a board must decide how many pre-enrolment periods there will be for students seeking enrolment at the school during the following year.</p>   | <p>Secondary and intermediate schools will be likely to opt for a single pre-enrolment period, which will be followed by a ballot for the out of zone places likely to be available in the following year. Primary schools on the other hand may prefer to run a pre-enrolment period once a term, or twice a year, or at other intervals. This is because in primary schools the new entrant intake occurs over the course of the whole year instead of just at the beginning of the year, as in secondary and intermediate schools.</p> |
| <p>3. By 1 September each year, a board must decide whether the ballot(s) that it will hold will cover the whole school or whether there will be separate ballots at different year levels within the school.</p>   | <p>It will be acceptable if a board determines that places for out of zone students will be available only at a specific year level or levels within the school. Enrolment at other levels would therefore be available only to in-zone students and no ballots would be required at those levels.</p>  |
| <p>4. If separate ballots are to be held at more than one year level, by 1 September each year a board must decide whether the ballot(s) for places at upper levels will be held on the same date as the ballot for places at new entrant, year 7 or year 9 level (as the case may be), or at a later date.</p>                     | <p>A board may think it prudent to delay holding a ballot for places at upper levels until the overall make up of the school roll is known. This may be as late as mid-January in schools which are not planning another pre-enrolment period relating to that year's intake.</p>   |
| <p>5. By 15 September each year, by notice in a daily or community newspaper circulating in the area served by the school, a board must advise parents of the likely number of out of zone places that the board has determined will be available for the next year (in total or at particular year levels as the case may be).</p> | <p>The notice may indicate that this number is an estimate only and that the actual number of places will not be known until the pre-enrolment of in-zone students has been completed.</p>  |

**Schools planning a single pre-enrolment period**

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| <p>6. In relation to enrolment at the school in the following year, all boards in a city or region must agree, by majority decision if need be, on common dates for:</p> <ul style="list-style-type: none"> <li>• the deadline by which applications for enrolment must be received.</li> <li>• the date(s) of the ballot(s) for enrolment places.</li> </ul> | <p>There is a likelihood that some students will apply for enrolment at more than one school. Co-ordination will ensure fairness for both applicants and schools. Note that the requirement to co-ordinate dates applies only to schools catering for the same range of students; dates for primary schools could be different from those for secondary schools.</p> |
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<p>A city or region is defined as a territorial local authority except in the case of the areas specified in the first schedule</p>	<p>The requirement to co-ordinate dates applies only to schools with enrolment schemes, but schools without enrolment</p>
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attached to these instructions.

7. The dates agreed on must be no later than:

- 15 October for the deadline for applications, except in 2017 and 2018, where 18 October is the latest date for the deadline for applications.
- 30 October for the ballot (or for the ballot for places at new entrant, year 7 or year 9 level, as the case may be, if it has been decided to hold the ballot(s) for upper level places at a later date).

8. The notice required by 15 September must include:

- the agreed deadline date for applications.
- the agreed date(s) of the ballot(s).

#### **Schools planning multiple pre-enrolment periods**

9. The notice required by 15 September must state:

- the number of pre-enrolment periods relating to the following year.
- the dates for the application deadline and the ballot associated with each pre-enrolment period.

10. In relation to the **first** pre-enrolment period, all boards in a city or region must agree, by majority decision if need be, on common dates for:

- the deadline by which applications for enrolment must be received.
- the date of the ballot for enrolment places.

A city or region is defined as a territorial local authority except in the case of the areas specified in the first schedule attached to these instructions.

11. In relation to the first pre-enrolment period, the dates agreed on must be no

schemes would no doubt appreciate being kept informed of the intentions of their neighbours.

There is a likelihood that some students will apply for enrolment at more than one school. Co-ordination will ensure fairness for both applicants and schools. Note that the requirement to co-ordinate dates applies only to schools catering for the same range of students; dates for primary schools could be different from those for secondary schools.

The requirement to co-ordinate dates applies only to schools with enrolment schemes, but schools without enrolment schemes would no doubt appreciate being kept informed of the intentions of their neighbours.

later than:

- 15 October for the deadline for applications, except in 2017 and 2018, where 18 October is the latest date for the deadline for applications.
- 30 October for the ballot

12. One calendar month before the application deadline associated with each pre-enrolment period subsequent to the first, a board must, by notice in a daily or community newspaper circulating in the area served by the school:

- confirm the already advertised dates for receipt of applications and for the holding of the ballot.
- state the likely number of out of zone places that remain available.

### Sorting the applications

13. Before proceeding to the ballot(s), the board must consider the number of applications for enrolment that have been received from in-zone students and confirm or, if necessary, revise its estimate of the number of places available for out of zone students (in total or at specific levels, as the case may be). This number must be provided to the supervisor before the ballot takes place.

14. In preparation for the ballot, applications should be sorted into the following five priority groupings specified in Section 11F(1):

- applicants accepted for a special programme (see later section)
- siblings of current students
- siblings of former students
- children of former students
- children of board employees or board members
- all other applicants

15. Each of the second, third, fourth, fifth and sixth priority groupings must be

For each pre-enrolment period subsequent to the first, individual boards may set an application deadline which they consider appropriate. In cases where neighbouring boards operate the same pattern of multiple pre-enrolment periods, it would be helpful to parents and schools if pre-enrolment dates are co-ordinated.

It may well be that parents of a pre-school child will make an application for enrolment well in advance of their child's fifth birthday. The application should be held for inclusion in the ballot relating to the period during which the child becomes eligible for enrolment at the school. Parents should be informed of this action.

If a board is holding a ballot for places at upper levels at a later date than the ballot for places at the lowest level, before proceeding to the ballot for upper level places it must explicitly indicate to the supervisor the number of places to be balloted for at the upper levels.

A couple of examples may be helpful. Let us suppose that a secondary school

considered in turn. If the number of applicants within a particular priority grouping is less than the total number of remaining available places, all applicants within the grouping must be offered enrolment. Otherwise, a ballot will be required, and all applicants within the grouping must be included in the ballot.

determines that it has 40 spaces available at year 9 for out of zone students in the following year. Let us also suppose that of the 70 out of zone applications that it receives, 6 are from siblings of present students. All of these must be enrolled. The next to be considered are siblings of former students, of which there are 9. All of these must be enrolled. Similarly the 2 children of board employees must also be enrolled. This leaves 53 other students, who must be balloted because only 23 places remain.

The situation in a primary school which has decided to hold a ballot twice a year is more complex. Suppose that the school has determined that it will have room for 80 new entrants in the following year. Let us also suppose that its research suggests that 55 places are likely to be filled by in-zone students who will start school at some time during the course of the year. In the pre-enrolment period for out of zone students who will seek enrolment at some stage during the first half year, let us suppose that it receives 20 applications, including 2 siblings of current students, 5 siblings of former students and 13 other students (none of whom are the children of board employees). All must be enrolled, because the limit of 25 available places has not been exceeded. At the time of the next pre-enrolment period for places in the second half year let us suppose that there are 23 applications, including 3 siblings of current students, 6 siblings of former students 1 child of a board employee, and 13 others. The 3 siblings of current students must all be enrolled, because 5 places still remain. The 6 siblings of former students, however, will have to go into a ballot for the 2 remaining places. The child of the board employee and the 13 other students will not be able to be enrolled.

Parents should be informed that the application arrived too late to be included in the ballot and they should be offered the opportunity to have their child's name included in the next ballot that will be held.

16. If out of zone applications are received after the advertised deadline, they must be set aside, unless they are clearly postmarked with a date before the date

of the advertised deadline.

### Balloting procedures

17. All applications received by the pre-enrolment deadline, or clearly postmarked with a date before the date of the advertised deadline, must be included in any ballot that is necessary within a particular priority group.

18. All ballots must be supervised by a Justice of the Peace, a practising lawyer, a sworn member of the Police, or a local government returning officer, provided that the person is not also a member of the school's board of trustees, or a person employed by the school's board of trustees, or a person with a family connection to a child whose name has been included in the ballot. At the conclusion of the ballot, this person must sign a statement certifying that a copy of the current Secretary's Instructions was sighted and that the ballot complied with those Instructions and was properly carried out. This statement must be retained by the board.

19. The supervisor must exercise such scrutiny and oversight over all equipment, processes and procedures associated with the particular form of balloting draw adopted by the board as is necessary to ensure the security and proper operation of the ballot.

A check should be made to ensure that there is only one application in respect of each person seeking enrolment.

A sample "Supervisor's Completion Certificate" is provided in the draft notices which are attached as Appendix 2 to the Secretary's Guidelines for the Development and Operation of Enrolment Schemes.

From time to time the Secretary may amend these Instructions. Boards need to ensure that they are working from the current Instructions.

There are several balloting procedures which boards might consider appropriate. Three are described below.

1. The names of applicants are printed in a list which is then cut up so that one name appears on each identical piece of paper. The pieces of paper are then put into a receptacle from which they are drawn out blind and the order of drawing is noted. The supervisor must assure himself/herself that the total number of names on the list corresponds with the total number of actual applications.

2. A numbered list of applicants' names is prepared and numbered identical balls or marbles are placed in a receptacle, from which they are drawn out blind. The order of drawing is noted against each name on the list. The supervisor must assure himself/herself that the range of numbers on the marbles is the same as the range of numbers on the

20. Names drawn in the ballot must be recorded in the order in which they are drawn, up to the limit of the number of places available (either in total or at a particular level, as the case may be). Beyond that point, names must be recorded on a waiting list in the order in which they are drawn in the ballot. A waiting list will remain current until the next ballot, whether that ballot has already been planned or whether it is arranged in accordance with Instructions 30-32.

#### **PROCEDURES SUBSEQUENT TO BALLOTS**

21. Within three school days of a ballot being held, the board must write to the parents of successful applicants to inform them of the outcome of the ballot.

22. At the same time, the board must write to the parents of unsuccessful applicants to inform them of the student's place on the waiting list.

23. The results of the ballot, including a copy of the waiting list, must be available for inspection at the school within three school days of the ballot being held.

24. If parents of successful applicants decline to accept the places offered, or fail to respond within the 14 day period, the board must offer the vacant places to unsuccessful applicants in the order in which their names are recorded on the

applications.

3. A numbered list of applicants' names is prepared. A corresponding range of numbers is generated by a software programme capable of producing random numbers. This new order is the order of acceptance. The supervisor must be the person who activates the computer programme.

Siblings at the same year level should be kept together for the purpose of the ballot, so that if one sibling's name is drawn, the other(s) is/are automatically successful also.

If there are no places available for any of the applicants within a particular priority group, a ballot of these applicants will still be needed in order to establish a waiting list, because vacant places may open up later.

If there have been separate ballots for places at upper and lower levels, there will be more than one waiting list. These waiting lists will operate independently, with places being progressively offered up to the limit specified at the time of the relevant ballot.

Parents should be asked to confirm their acceptance or rejection of the offered place within 14 days of the date on the letter.

A parent who has not replied within 14 days might subsequently contact the school, seeking to take up the place. The principal should refer to Instruction 24 when responding to the parent.

waiting list. This process should continue until all available places (as specified by the board at the date of the ballot) have been filled or no names remain on the waiting list.

A similar response should be made to parents who have rejected an offered place but subsequently wish to change their mind.

## **SPECIAL PROGRAMMES**

25. The criteria on which students will be accepted into the special programme must be specified separately in the enrolment scheme. There must also be a statement of the 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 in the special programme and live within the home zone must be enrolled ahead of applicants from out of zone.

The balloting requirements do not apply to students who seek enrolment in a special programme approved by the Secretary and run by the school. Some boards may, however, decide to choose a ballot as a method of selection among out of zone applicants who all meet the criteria for entry to the special programme.

26. By 1 September each year, a board must determine how many places are likely to be available in the special programme in the next year for students who live outside the home zone specified in the school's enrolment scheme. The board will reach its decision after determining the number of places that will be filled by students living within the home zone.

27. In the notice required to be placed in a daily or community newspaper circulating in the area served by the school by 15 September, a board must advise parents of :

The notice may indicate that this number is an estimate only and that the actual number of places will not be known until the pre-enrolment of in-zone students has been completed.

- the likely number of out of zone places in the special programme that the board has determined will be available for the next enrolment intake.
- the date by which applications for enrolment in the special programme as an out of zone student must be received by the school.

28. Applications must be processed in terms of the criteria set out in the enrolment scheme.

Applications for enrolment in a special programme run by the school should be kept separate from all other applications for out of zone places.

## **APPLICATIONS OUTSIDE THE PRE-ENROLMENT PERIOD**

29. Students who live within the home zone must be enrolled.

30. In the case of applications from students who live outside the home zone, such students cannot be enrolled unless a new ballot is arranged.

31. If a board determines part way through the year that it has vacant places and that it would like to fill them, it must offer them to students on the relevant current waiting list, if this exists. If places still remain after doing this, or if there is no current waiting list, the board must insert a notice in a daily or community newspaper circulating in the area served by the school stating:

- the likely number of available places, in total or at particular levels as the case may be;
- the deadline by which applications for enrolment must be received;
- the date of the ballot(s) for enrolment places.

32. Procedures in relation to this ballot are subject to Instructions 13-24.

### **Seeking of donations in relation to out-of-zone enrolment applications prohibited**

33. No board may seek donations in respect of any application for out-of-zone enrolment (including a pre-enrolment ballot for out-of-zone students as provided for in section 11F(2) of the Education Act 1989) at its school.

*Schools are likely to receive applications for enrolment at any time during the year – often (but not always) from students who have just moved into the area.*

They have an entitlement to enrolment under Section 11D(1).

This is because enrolment at a school with an enrolment scheme is governed by the scheme, whose provisions are fixed by legislation. The board is not able to enrol a student simply because it has determined that there is spare capacity at the school. Only the board of a school without an enrolment scheme can operate in this way.

The board can, however, offer to place the student's name in the next planned ballot or in any ballot which might later be arranged in accordance with Instruction 31.

There is no compulsion on a board to fill vacant places. The board may decide that it needs flexibility to provide for the enrolment of students who might be new arrivals in its home zone.

The board may decide to hold separate ballots at different year levels, as provided for in Instruction 3.

## OTHER MATTERS

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| 34. A person whose home is outside the home zone specified in the school's enrolment scheme but who has been accepted as a boarder for any year at the school's hostel is deemed to be living within the school's home zone. | This means that the person has absolute right of enrolment at the school under Section 11D(1) of the Education Act 1989. |
| 35. Foreign fee-paying students must not be included in any ballot for out of zone places.   | Under Section 4(3) of the Education Act 1989, foreign students cannot be enrolled ahead of domestic students.            |

These instructions are issued under Section 11G(1) of the Education Act 1989.

**Issued** at Wellington 5 May 2011

Karen Sewell  
Secretary for Education

**Amended** at Wellington 14 July 2017.

Iona Holsted  
Secretary for Education

## FIRST SCHEDULE

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For the purpose of determining common dates for pre-enrolment periods and ballots, in the following four areas all schools in the named territorial local authorities are required to co-ordinate their dates. (In all other areas, the need to co-ordinate dates is restricted to schools within a single particular territorial local authority, as provided for in Instructions 6 and 10.)

### *Greater Auckland Area*

Rodney District  
North Shore City  
Waitakere City  
Auckland City  
Manukau City  
Franklin District

### Greater Hamilton Area

Waikato District  
Hamilton City

### *Greater Wellington Area*

Kapiti Coast  
Porirua City  
Upper Hutt City  
Hutt City  
Wellington City

### *Greater Christchurch Area*

Waimakariri District  
Christchurch City  
Selwyn District