

Section 3: Options identification

3.1 What options have been considered?

The status quo

The status quo is the continual use of grandparenting provisions at the Ministry's discretion without explicit provision of their use set out in legislation.

Option 1: Provide for the use of grandparenting provisions for siblings of current students in legislation (preferred option)

This option provides for the use of grandparenting provisions for siblings of current students explicitly in legislation. Placing grandparenting in legislation would make it clear to schools and their communities that it is a provision that can be used when setting enrolment zones. It also gives the Secretary for Education (through the Ministry's regional offices) the ability to utilise grandparenting provisions at their discretion and to apply a consistent approach when setting them.

Under this option, legislation would be amended to provide that the Secretary for Education could use grandparenting provisions at their discretion where their use was considered to be consistent with the purpose and principles of enrolment schemes as set out in S11A of the Act and clause 69 of the Education and Training Bill.

Further details about the operation of grandparenting provisions would be provided in the Secretary's Guidelines for the development and operation of enrolment schemes.

While there is variability in how grandparenting provisions have been implemented to date, there are a number of design considerations being utilised operationally in the status quo that would remain unchanged under this option:

- The Ministry would have discretion to use grandparenting provisions when it considers it is in the school and local community's best interest and can be managed within the school's capacity and schooling network. They would not be utilised in all enrolment scheme implementations and amendments;
- The option would apply to families/whānau living at a given address; if these families/whānau decide to move elsewhere, they would no longer be eligible to be grandparented.

Legislating the use of grandparenting provisions provides legal certainty that grandparenting can be used when implementing and amending enrolment zones.

Option 2: Provide for the use of grandparenting provision on any basis the Secretary considers needed in the situation

Option 2 is the same as option one except that option 2 provides for the use of grandparenting provisions in a wider set of circumstances, rather than just for siblings of current students. For example option 2 would be able to consider including a grandparenting provision in an enrolment zone for children who are under the age of 5 with no siblings at the school.

Option 3: The Ministry no longer approves any grandparenting provisions

Under option three the Ministry would no longer approve any further requests for including grandparenting provisions when a new enrolment zone is being set. With this option, we also considered:

- Removing all existing grandparenting provisions.

