



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

Issued by Te Tumu Whakarae mō te Mātauranga the Secretary for Education

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ENROLMENT SCHEMES – SECRETARY’S GUIDELINES FOR STATE INTEGRATED SCHOOLS

Summary These Guidelines are issued by the Secretary for Education to advise state integrated schools on good practices that will enable them to manage their enrolment schemes in line with the requirements of the legislation.

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**GUIDELINES FOR THE
DEVELOPMENT AND OPERATION
OF ENROLMENT SCHEMES
IN STATE INTEGRATED SCHOOLS**

Introduction

Development and operation of enrolment schemes is set out in sections 71 to 75, and Schedule 20 of the Education and Training Act 2020. Reference to clauses in these guidelines is to clauses within Schedule 20 to that Act.

These guidelines are issued under clause 3 of Schedule 20 to the Education and Training Act 2020 for the purpose of describing the basis on which the Secretary's powers will be exercised in relation to enrolment schemes in state integrated schools.

Clause 16 sets out the modifications to section 71 and clauses 2 to 15 that apply to state integrated schools.

All enrolment schemes are required to comply with the purposes and principles expressed in section 71 of the Education and Training Act 2020. However clause 16 modifies these principles in a state integrated school context.

It is useful to set out the purposes and principles before providing guidance on matters which the Secretary will take into account when developing schemes or exercising other powers granted to the Secretary under legislation. The Secretary has delegated the power to develop and finalise schemes and arbitrate on other matters to specific managers in the Ministry of Education's regional offices.

Purposes and Principles

These are set out in section 71 and their application to state integrated schools is explained in clause 16 of Schedule 20. The purpose of an enrolment scheme in a state integrated school is:

- (a) to deal with a situation where the school has, or is likely to have, more applicants for enrolment than there are places available 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 there being more applicants for enrolment at the school than there are places available.

The implications of these statements are discussed below.

When there are too many applications

The need for a scheme

In ordinary state schools, an enrolment scheme is a tool to enable the board to avoid overcrowding or the likelihood of overcrowding. In consultation with Ministry staff, each board will determine an optimum figure around which the roll must be managed if the capacity of the school is not to be exceeded.

The boards of state integrated schools, however, have a predetermined roll management tool. This is the maximum roll specified in the school's integration agreement. For some state integrated schools, the maximum roll is regularly a limiting factor, because each year they experience a situation where the number of applications from preference students exceeds, or comes close to exceeding, the number of spaces available. **These schools need an enrolment scheme.** Some state integrated schools can have a maximum roll that is higher than the actual capacity of the present school accommodation. If a school in this situation receives more applications than the capacity of the school can cope with, then it too needs a scheme – unless, of course, the proprietor is willing to extend the school capacity within the limit of the maximum roll.

In consultation with the board and the proprietor, the Ministry will make a judgement as to whether the maximum roll (or school capacity) is regularly under pressure from applications from preference students and if necessary will develop an enrolment scheme under clause 4.

When developing an enrolment scheme, the Secretary must consult with the school's board. The proprietor should also be informed as part of the obligation to take reasonable steps to understand the views of the school's community.

No enrolment scheme is needed if the only problem is that there are more non-preference students applying for enrolment than the maximum number of non-preference places allowed for by the integration agreement. An enrolment scheme is needed only if the maximum roll and/or school capacity itself is under pressure. When there is pressure on the maximum roll and/or school capacity, the board should be mindful of the requirement in Schedule 6 of the Education and Training Act 2020 that non-preference students may be enrolled only if places are available after all preference applicants have been enrolled.

International students

Note that Section 519(5) of the Act provides that a board is not permitted to enrol international students if this action has the effect of excluding a domestic student who is entitled to be enrolled. However, Section 519(7) provides that even though domestic students are unable to be enrolled, international students can still be enrolled if the enrolment places are specifically established for international students and their ongoing existence is dependent on the fees paid by the international students who take the places. If a state integrated school has an enrolment scheme, it places increased emphasis on the need to ensure that international students do not occupy places that could be filled by domestic students. It means that an international student cannot be enrolled ahead of any domestic student (whether preference or non-preference), even if the international student lives closer to the school or would be preference student if domestic. The exception would be if the place occupied by the international student were one of the places specifically established for international students and funded by the fees paid by the student.

Catering for new arrivals

In ordinary state schools, the principle of not excluding local students is given emphasis in the requirement to specify a geographic area (the “home zone”) that gives an absolute guarantee of entitlement to enrolment to those students who live inside its boundaries. This guarantee applies no matter when the application to enrol is made.

Although a state integrated school with an enrolment scheme does not have to create a home zone (though it can choose to do so), its scheme must, as far as possible, ensure that it does not exclude local students [Section 71(2)(a)] and must accord priority to applicants for whom the school is a reasonably convenient school [clause 16(1)(b)]. Boards must be particularly careful to ensure that the offer of a place to a non-preference student does not later compromise its ability to enrol a preference student seeking enrolment at their local school.

This means that at the time of application, a board will not necessarily be able to accept applications for enrolment up to the limit set by the maximum roll or the school’s capacity (if that is less than the maximum roll). This is because a situation might subsequently occur where a preference student, who is a new arrival in the area or who simply seeks to transfer from a nearby state school, seeks enrolment and the school is clearly a reasonably convenient school serving the area in which the applicant lives. A few applications from non-preference students might, need to be declined to allow a little flexibility to cater for preference students for whom the school is reasonably convenient at a later date.

Fair and Transparent

One of the purposes of the legislation is to ensure that the selection of applicants for enrolment is carried out in a fair and transparent manner. The Ministry considers that to be fair and transparent, the selection criteria must be:

- written down;
- freely available;
- unambiguous;
- consistently applied.

This means that parents should be in no doubt about the basis on which enrolment places will be offered. The board's selection criteria will need to be much more specific than a simple general statement like "Offer of enrolment places will be made at the discretion of the principal".

The first requirement for selection must be the ability to show that a student qualifies for preferential enrolment in terms of the school's special character, as specified in the school's integration agreement and referred to in clause 26 of Schedule 6 of the Act .

The Ministry will then expect to see priority being given in accordance with some geographical or other similarly specific criteria. (See next section.) Beyond this the board may wish to develop other priority categories, each with its own criteria attached. A possible organisational format is given in the pro forma enrolment scheme attached as Appendix 1.

Catering for local students

This principle is at the heart of the legislation. A requirement that applies equally to the enrolment schemes of all schools is the requirement to accord priority to applicants for whom the school is a reasonably convenient school. [Clause 16(1)(b)] Therefore the Ministry will not approve an enrolment scheme for a state integrated school unless it makes a clear commitment to enrol students for whom the school is reasonably convenient ahead of those for whom it is not.

Note, however, that the Act acknowledges (in Section 10) that "reasonably convenient" may have a different meaning between schools depending on their individual differences. State integrated schools, for example are likely to have a wider catchment than ordinary state schools. But this does not alter the basic notion of "close" ahead of "distant", even though state integrated schools could have a more expansive view of "closeness".

Defining "reasonably convenient"

To ensure that ordinary state schools comply with this requirement, home zones must be drawn up with clearly defined geographic boundaries and give students who live within the zone an absolute right to enrol at the school. For state integrated schools the Secretary is not required to go that far but it is almost impossible to express a commitment to local students without some form of geographical criteria.

The key task in developing an enrolment scheme for a state integrated school is to identify the preference students for whom the school is reasonably convenient and to give these students priority in enrolment. At the same time, the criteria for selection must be fair and transparent (see above), and so the board and Ministry will need to develop a definition of the priority area as clearly as possible.

For many state-integrated schools the easiest way of developing the scheme is to draw up a zone of “reasonable convenience” with geographic boundaries and give first priority to those who live in that zone. Because state integrated schools generally draw from a wider area than ordinary state schools, the zone is likely to be larger than the zone of ordinary state schools of a similar class and size. The Ministry will not define an unnecessarily small zone, because that would defeat the principle of the school having to cater for the needs of local students, for whom the school is reasonably convenient.

Instead of using a defined geographic area, the boards of state integrated secondary schools might wish to give priority in enrolment to students who come from named feeder schools. This will be acceptable provided that the enrolment scheme does not discriminate against preference students who live in the areas served by the named schools, though they do not attend them. For example, in designing priorities under the enrolment scheme local preference students who have attended schools X and Y may be given a priority ahead of local preference students who have not attended these schools. But **local** preference students who **did not** attend schools X and Y will have a priority above **distant** preference students who **did** attend these schools.

Some boards might feel that it is simpler to just give a commitment to enrol any preference student for whom their school is the nearest state integrated school of its character and class. The Ministry would be likely to agree to such an approach but would need to be confident that it had considered all relevant factors. A railway line, an unbridged river or a lack of direct transport services could mean that the nearest school is not in fact reasonably convenient. Furthermore, the location and capacity of other state integrated schools of the same or similar character need to be considered. (See next section.) The Ministry is most unlikely to adopt the “nearest school” principle if it is going to mean an increase in resourcing at School A, while neighbouring school B has considerable spare capacity.

The “nearest school” principle might be applicable in the case of a Catholic school, where there is likely to be a network of other Catholic schools of the same class in the same general area. But it would obviously not be sensible if there were only another two or three schools in the country of the same character and class.

Giving priority in enrolment

When the board is proposing the priority order for processing applications, care must be taken in the description of the first priority group. If an absolute guarantee of enrolment is given to students in this priority group, then the group must not be so broad that it results in the school’s maximum roll and/or school capacity being exceeded. Alternatively the scheme must include a method of selecting students within the priority group if there are more applicants than places available. A simple means of doing this could be to rank students in terms of their distance from the school or to allow for the selection to be by ballot. While there is no legislative requirement to give an absolute guarantee of enrolment to students within the first priority group, such a guarantee would be consistent with the guarantee given to people living in the home zone of an ordinary state school with an enrolment scheme.

If a state integrated school operates a boarding hostel, the scheme will be so worded that hostel boarders are included in the first priority group if they are preference students. Non-preference hostel boarders would be given a higher priority than other non-preference students.

Temporary residence

If the enrolment scheme for a state integrated school gives priority in enrolment to preference students who meet certain geographical criteria, the situation could arise where a person new to the area is living in temporary accommodation. As long as the board is satisfied of the genuineness of the situation, the student should not be treated any differently from other students who live in the priority area.

But if the board has reasonable grounds to suspect that the given address is simply an “address of convenience”, which is being used as a means of gaining priority in enrolment, there is provision to review the enrolment under clause 13(1) once attendance has begun. It would be wise to make parents aware of this at the time of application.

The board’s suspicions might have been aroused if the student’s given address is that of a family member, while the parents live elsewhere, or if the student will be living at a rental address that has recently been acquired and there is no other evidence suggesting that the parents are new to the area. After attendance has begun, the board might feel that there are reasonable grounds for believing that its original suspicions were well-founded (if the student has moved out of the priority area soon after starting). In such a case the board may decide to formally write to the parents, informing them that the enrolment is being reviewed and inviting them to offer an explanation. If no satisfactory explanation is provided, the board may determine that the student has used a temporary residence within the school’s home zone for the purpose of gaining enrolment at the school and annul the enrolment. Annulment is covered in a later section.

The network of schools

When expressing its commitment to local students, the Ministry cannot work in isolation. This is because one of the purposes of an enrolment scheme is to enable the Secretary to make the best use of existing networks of state schools.

For any school, the “network” will include at least the school’s immediate neighbours catering for the same range of students, but it might also include other, more distant, schools whose rolls might be affected by the school’s enrolment scheme. A state integrated school’s special character tends to set it apart from other schools in the area, but it must nevertheless function as part of the local network of schools and play its part in providing for the educational needs of students in its area.

In particular, when developing an enrolment scheme for a state integrated school the Ministry will need to discuss the implications of its scheme with the boards of any other state integrated schools of the same character and class that serve the same general area. But the boards of other state schools in the area must also be consulted.

Planning

Each year the board must determine the likely number of places that will be available in the following year. This number has to be publicised in a medium appropriate to the area served by the school. [Clause 6(3) as modified by clause 16(1)(c)(ii) of Schedule 20]

Enrolment cannot be allowed to occur haphazardly, otherwise it could happen that local students would have to be excluded to avoid exceeding the maximum roll. Each year in respect of the next academic year, the board must make every effort to assess the likely number of preference students for whom the school is reasonably convenient, because under its scheme the board is required to give its highest level of commitment to these students.

This is particularly important in primary schools, where students are progressively enrolled throughout the year as they turn five years of age or become eligible to enrol as part of a cohort if the school operates a cohort entry policy. Having made every effort to establish the number of preference students for whom the school is reasonably convenient and who will probably be applicants for places in the next academic year, the board will be in a position to estimate the number of places that are likely to be available for other students. This will help the board to avoid a situation in which preference students who live near the school have to be declined enrolment because too many preference students who live at a distance have been enrolled at an earlier date.

Refer to the section below entitled “Letting the public know”. This explains how the results of the board’s planning must be communicated to the public each year.

Pre-enrolment Processes

The Act distinguishes between pre-enrolment processes and enrolment.

Pre-enrolment processes refer to 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 or onto a waiting list. This includes soliciting donations in respect of any application for out-of-zone enrolment (for those schools subject to the Secretary’s Instructions).

Boards will need to operate clearly understandable pre-enrolment processes that include stating a date (or dates) by which applications for enrolment have to be made. Specific dates for receipt of applications are not included in enrolment schemes because the scheme would require amendment if at a later time the school 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 whose schemes give priority to students living within a certain area might wish to indicate that proof of residence in the area might be required in support of an application, and specify the type of proof necessary. Similarly, boards who are prepared to give priority to siblings might wish to state that proof of a sibling relationship will be required.

If the total number of preference applications is fewer than the number of places available, all preference applicants must be enrolled. If there is room for some non-preference students, then the number or percentage of these must not exceed that allowable in the school's integration agreement.

When allocating enrolment places, boards must remember that the highest priority must be given to students for whom the school is reasonably convenient. These students must always be offered enrolment places ahead of those who live at a distance. This means that places must not be allocated on a "first come, first served basis", but must be processed in accordance with priorities set out in the scheme. A possible organisational framework is given in the pro forma enrolment scheme attached in Appendix 1.

Clause 6(4)(c) requires that a copy of any waiting list for places at the school be available at the school for inspection at all reasonable times.

The waiting list should contain only names and their position on the list. Addresses are not required and indeed, if included, could compromise the privacy of the applicants.

Please note that boards cannot legally charge a pre-enrolment fee (eg to go onto a waiting list or to 'hold' a place for a student) or any charge related to enrolment at a state integrated school.

Scholarships

Some state integrated schools offer scholarships. However, if an integrated school has an enrolment scheme the scholarship should not carry with it an entitlement to enrol at the school. Such an arrangement would be out of step with the purposes and principles of the legislation, which promote transparency, and place access to a reasonably convenient school above all other considerations. The award of scholarships, , should therefore be held over until a student's right to enrol has been confirmed.

Letting the public know

Operating in a fair and transparent matter means that there is a requirement to provide basic information about the scheme to the public. The particular information involved is set out in clause 6(2) but in the case of integrated schools this is modified by clause 16(1)(c). For ease of reference, the necessary information is set out below.

When the board adopts an enrolment scheme

The board must give public notice in a medium appropriate to the area served by the school. The notice must include:

- a general description of the enrolment scheme;
- information about where copies of the enrolment scheme may be viewed and obtained.

A pro forma newspaper notice is provided in Appendix 2 as an example.

Each year

The board must place a public notice in a medium appropriate to the area served by the school, indicating the likely number of places available and the significant pre-enrolment dates and procedures that will apply.

A pro forma newspaper notice is provided in Appendix 2 as an example.

Information to be available for inspection

The following must be available for inspection at the school at all reasonable times:

- a copy of the school's current enrolment scheme;
- a copy of the waiting list (if applicable) for places at the school;
- if it is available, information about the likely number of places available in the next enrolment intake and the significant pre-enrolment dates and procedures that will apply.

Special programmes

A special programme is defined in Section 10 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*.

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 the Ministry is developing an enrolment scheme for a school, the board should inform the Ministry of any special programme it runs and that it thinks complies with the meaning given in section 10. The Ministry will indicate to the board whether the programme qualifies under section 10. If the board's proposed scheme is subsequently confirmed, the Secretary will, if necessary, insert a notice in the *Gazette* amending the list of programmes or types of programmes already approved.

If a programme is of a generic type that has been Gazetted already it will only be necessary to confirm that the programme meets the criteria for that type. It will not be necessary to place a further notice in the *Gazette*.

In determining whether a special programme meets the criteria set out in Section 10, 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 10.

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.

A maximum roll will need to be set for the special programme. This will be agreed between the board and the Ministry.

The catchment area for the special programme will likely be different from that defined for ordinary provision in the school's enrolment scheme. This will be especially so if the special programme operates off-site from the main school campus.

When the Ministry is developing an enrolment 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. Preference students who meet the criteria for enrolment in the special programme and are covered by the definition of "reasonably convenient" contained in the scheme, must be enrolled in the programme ahead of other preference students.

Non-preference students who meet the criteria for enrolment in the special programme can be enrolled in the programme only if places remain in the special programme after all eligible preference students have been accommodated.

Annulment of enrolment

Retention of entitlement to enrolment

The determination of validity of an enrolment 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, unless the enrolment is annulled under clause 12, terminated under another provision of the Act, or the student enrolls at another school.

This means, for example, that if a student was living at an address for which the school was reasonably convenient at the time of enrolment, but the student and family later

move to a more distant address in circumstances where there is no ground for annulment under clause 12 (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 a 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, clause 12 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 or the student has used a temporary residence for the purpose of gaining enrolment at the school. For state integrated schools the first category will only be relevant if the school's scheme has defined reasonable convenience through the use of a geographic zone. The second category covers falsely claiming preference in enrolment.

The third category covers situations where a student may have been residing in the zone upon enrolment, but that residence was temporary and used for the specific purpose of gaining enrolment at the school.

Supplying false information and temporary residence

Reasons for annulment fall into three categories. Annulment is via clause 12(1) for any of the following reasons:

- a. the student's enrolment or pre-enrolment form falsely claimed, for the purpose of securing enrolment, that the student was living in the school's home zone when the student enrolled at the school; or
- b. the student's enrolment or pre-enrolment form falsely claimed, for the purpose of securing enrolment that the student was entitled to a particular priority in enrolment; or
- c. the board determines that a student has used a temporary residence for the purpose of gaining enrolment at the school

In the first two situations, if the board has reasonable grounds for believing that the information given at the time of application was false then the board may annul the enrolment.

If the final situation (temporary residence) the Board must first send a review notice and give the parents every reasonable opportunity to explain the situation (discussed further below).

In any of the three cases above, once a decision to annul has been made the annulment takes effect one month after the date of the decision to annul.

Note: If any of the above scenarios come to light before enrolment takes place (ie before attendance commences) the board would be able to simply withdraw any offer of a place which it had made on the basis of the information provided at the time of application.

Use of a temporary residence

Annulment is via clause 12(2) if a student was enrolled on the grounds that they 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 clause 13. This involves giving parents written notice that the board is considering annulment and giving the parents every reasonable opportunity to explain the situation.

A decision to annul may occur no earlier than 10 school days after the date on which the review notice was sent.

For the purposes of a state integrated school, references to the home zone in clause 13 may be read as references to claiming priority in enrolment on the grounds the school is a reasonably convenient school.

Annulment procedures

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

Immediately after taking the decision to annul an enrolment, the board must

- (a) advise the student's parents, in writing, of the date of the annulment 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 clause 14.

For guidance as to what could amount to temporary residence see the section headed 'Temporary Residence' in the Secretary's Guidelines for ordinary state schools.

Directed enrolment under clause 14

Under clause 14(1) the Secretary has the ability to direct a school to enrol a student in a situation where the student's enrolment has been annulled under clause 12. Typically they would only be enrolled back into the annulling school where there had been a factual or process failure in the annulment.

Under clause 14(2)(a) the Secretary may also direct enrolment where a student's application to enrol has been declined on the grounds the school is not a reasonably convenient school for that student but in fact the school is a reasonably convenient school. Under clause 14(2)(b) the Secretary may 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.

The Secretary cannot direct the board of a state integrated school to enrol a student unless the person's parents agree with and accept the special character of the school.

Consultation

The Ministry is responsible for consulting with the board of the school involved, both in developing a proposed scheme and once that has been finalised for external consultation.

Once the proposed scheme is drawn up the Secretary must consult the persons and organisations the Secretary thinks fit and, in particular, must take all reasonable steps to discover and consider the views of specific stakeholders. These are:

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

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

Boards will typically have existing communication channels to its student and parent community (for example social media). It would be helpful if those channels could be used during the consultation process in addition to other channels the Ministry will need to use to reach other stakeholders.

Consultation for various groups might be combined, eg

- We might organise a public meeting to which both parents and members of the wider community are invited.
- In cases where several boards in an area are having schemes developed at the same time, we might perhaps meet with them jointly to consult each other and to check that all the home zones mesh neatly.

Where consultation is by way of letter, the Ministry will state a deadline for reply and we will follow up any non-reply with a phone call.

Boards should keep a written record of consultation, conducted in conjunction with the Ministry.

Where consultation has been by way of a survey of some kind (eg with parents and/or students) the responses should be provided to the Ministry.

Beginning a scheme

Under clause 7 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 the Secretary may specify 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. It would be wise for a secondary or intermediate school with a new enrolment scheme to ensure that the board aligns with 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 for state schools.) If an earlier commencement date has been specified by the Secretary, 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 align with the common dates agreed by other schools, then the board will need to organise a "one-off" pre-enrolment process.

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 (or perhaps an "area of reasonable convenience" if the school does not have a formal zone). This decision should only be taken in a situation where the school is close to its maximum roll. 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 they will no longer have a right to enrol their children at the school when they turn 5. They are likely to be more upset if they do not even have the opportunity to enter their child's name in a selection procedure 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 notifies 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 selection procedure in the event that the number of applications exceeds the number of available places. Depending on the time of year, the board might 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 in term 3 and another for those turning 5 in term 4.

Amendments

Amendments to a school's enrolment scheme could become necessary for a variety of reasons, for example

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

Any of these might require an amendment to the definition of “reasonably convenient” in the scheme.

Clause 9(3) states that the process for amending a scheme is the same as that for developing the original scheme, i.e.

- the Ministry must first consult with the board over possible changes, and obtain the views of the school’s community;
- the Ministry must then consult on the formal proposal with the persons and organisations described under consultation above ;
- the proposed amendment must be finalised by the Secretary and provided to the board;
- the amendment must be implemented by the board as soon as practicable;
- the board must give notice of the amendment,;
- the commencement of the amendment is governed by clause 7.

A proposed amendment that would have the effect of shrinking a home zone or area of reasonable convenience to reduce pressure on school facilities can cause considerable anguish among current school families who live in the area of retrenchment. This is 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

Clause 10 provides for a modified procedure if the amendment is minor in nature. In this case, provided that the Secretary has first confirmed that the amendment is indeed minor, and meets the purpose and principles of the legislation, the Secretary need only notify the public of the proposed amendment in a manner that would best serve the school community. The Secretary must consider any comments or questions received about the proposed amendment. Once the Secretary has made a final decision and notified the board, the amendment must be adopted by the board. The Secretary cannot make a final decision until at least one month has passed since the date of the public notice.

Review of enrolment scheme

At least once every three years, as provided for in clause 15, the Secretary must review the operation of the enrolment scheme, having regard to the purpose and principles set out in legislation. In particular, the Secretary must reach a view as to whether there is a continuing need for the scheme in its present form.

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 that the Secretary will soon be reviewing their scheme.

Ending an enrolment scheme

The Secretary may end an enrolment scheme if satisfied that overcrowding at the school is unlikely to ensue.

In this case the Secretary must give written notice to the school’s board, and the board must abandon the scheme as soon as practicable unless the Secretary’s notice has specified a date on which the scheme is to end.

A board may not abandon an enrolment scheme unless it has received written notice from the Secretary to do so.

See clause 8 of Schedule 20

Appendix 1

DEVELOPING AN ENROLMENT SCHEME

The pro forma scheme on the next three pages is simply an attempt to show what an enrolment scheme in a state integrated school might look like. Nothing is set in concrete; there is room for variation in wording, setting out and the appropriate items to be included. The Ministry will, however, adopt the following as a default format:

- 1 The scheme will generally be set out under the three sub-headings of;
 - Maximum Roll (and school capacity, if lower)
 - Priority in Enrolment
 - Pre-enrolment processesand, if relevant, there will be a separate section relating to any approved special programme run by the school.
- 2 In the “Priority in Enrolment” section, first priority must be given to preference students for whom the school is reasonably convenient. These students will be identified unambiguously. If there is a school hostel, preference students who are boarders at the hostel will be included in the first priority group.
- 3 In the “Priority in Enrolment” section, non-preference students will always form the last priority group.
- 4 The scheme will contain some description of how decisions will be made within a priority group if there are more applicants in the group than the number of remaining available places.

PRO FORMA

ENROLMENT SCHEME

Maximum Roll

The school's roll will be managed within the maximum roll prescribed in the school's integration agreement (or within the agreed school capacity of <number>, *if this is lower than the maximum roll*). The board will make provision for likely population movements in the general area served by the school that occur during the school year or after the end of the pre-enrolment period.

Priority in enrolment

Applications for enrolment outside any special programme will be processed in the following order of priority.

- | | |
|--------------------------|---|
| <u>First priority</u> * | will be given to preference applicants for whom the school is reasonably convenient. These are students who.... <i>Refer to the section in the Guidelines entitled "Catering for local students". Students will be identified as unambiguously as possible. We will state whether students in this group are given an absolute guarantee of enrolment eg students within this priority group are guaranteed enrolment unless including all of them would exceed the school's maximum roll (and/or school capacity). In such a situation, students will be ranked for selection in accordance with their proximity to the school (or some other fair means such as by ballot or in order of receipt of application).</i> |
| <u>Second priority</u> * | will be given to preference applicants who are siblings of current students but are not covered by the first priority. |
| <u>Third priority</u> * | will be given to preference applicants who are siblings of former students but are not covered by the first priority. |
| <u>Fourth priority</u> * | will be given to preference students who are the children of board employees but are not covered by the first priority. |
| <u>Fifth priority</u> * | will be given to all other preference applicants. At this priority level, priority for enrolment will be given to students who meet one or more of the following criteria: <ul style="list-style-type: none"> • Enrolment is sought at Year 0 or 1 (or Year 7 or Year 9, depending on the class of the school). • Proximity to the school. • Current enrolment at <named schools>. |

- etc
- etc

(Note: This wording is an indication only. The board might wish to simply rank students by one of the means suggested in the first priority above.)

Sixth priority*

will be given to non-preference students. Non-preference students will be enrolled only if enrolment places remain after all preference applicants have been enrolled and the board judges that enrolment of the non-preference students will not compromise its ability to offer places to preference students who might apply for enrolment at a later date. Priority among non-preference students will be given to students who meet one or more of the following criteria:

- Enrolment is sought at Year 0 or 1 (or Year 7 or Year 9, depending on the class of the school).
- Proximity to the school.
- etc
- etc

(Note: The wording is an indication only. The board might wish to simply rank students by one of the means suggested in the first priority above.)

Applicants seeking first priority status may be required to provide proof of residence in the specified area and of their preference status. *(This sentence would be used only if priority one status is keyed to residence in a specified geographic area.)*

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

If the total number of applications from preference students is less than the number of places available, all preference applicants will be enrolled.

The number of places available for non-preference students will be governed by the maximum number allowable under the school's Integration Agreement, or its current capacity, whichever is the lesser.

**Note: Instead of devising some method of differentiating between students at each priority level (as in priority groups 1, 5 and 6 above), at this point it might be more sensible to include a paragraph like the following.*

If there are more applicants in priority groups two to six than there are places available, places will 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. Places will be allocated by ballot or will be allocated in order of the students' distance from the school.

If the total number of applications is greater than the number of places available, unsuccessful applicants will have their names recorded on a waiting list, within the relevant priority category, ranked in order of their distance from the school (or in the order in which they were drawn in the ballot *if this has been the method of selection*). Students on the waiting list may be offered places at a later date if places become available. The waiting list will remain current until the board next notifies the public that it is inviting applications for the next enrolment intake.

Special Programme *(NB Insert only if relevant)*

The school operates the following special programme:

<state name>

Preference students who fall within the definition of “reasonably convenient” given above and who meet the criteria for enrolment in the special programme will be enrolled in the programme ahead of other students who meet the criteria for enrolment.

Non-preference students who meet the criteria for enrolment in the programme will be enrolled in the programme only if places remain after all eligible preference students have been accommodated.

The criteria for acceptance into the programme are as follows:

This will 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 eligible applicants than places available.

If there are more applications than places, applicants not securing a place will enter the selection process for places at the school (outside the special programme) on the same basis as other 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.

Pre-enrolment Processes

Each year applications for enrolment will be sought by a date that will be publicised in a way or ways that are appropriate for the area served by the school.

Appendix 2

DRAFT NOTICES

Draft public notice indicating that an enrolment scheme has been implemented.

To deal with a situation where the school has, or is likely to have, more applicants for enrolment than there are places available at the school, the board of *<school name>* has implemented an enrolment scheme, that has been developed by the Secretary for Education.

Under this scheme, first priority on enrolment places will be given to preference students for whom the school is reasonably convenient. A description of how “reasonably convenient” is defined is contained in the scheme.

The enrolment of non-preference students is governed by the school’s Integration Agreement.

The enrolment scheme, which includes a description of the criteria that will apply to the selection of students in situations where there are more applications than there are places available, 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

The board invites applications from parents who wish to enrol their children 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 is *<state date>*.

The board has determined that *<state number>* places are likely to be available for enrolments next year. Under the school’s enrolment scheme, first priority for these places will be given to preference students for whom the school is reasonably convenient. If local parents who plan to enrol their child at the school next year announce their intention by the date given above, it will greatly assist the board to allocate other places fairly.

The draft notices in this appendix are available on the Ministry of Education’s website at <https://www.education.govt.nz/new-zealands-network-of-schools/tools-for-schools/>