



## Education Report: Funding of teacher aides by parents

<b>To:</b>	Hon Chris Hipkins, Minister of Education Hon Jan Tinetti, Associate Minister of Education		
<b>Date:</b>	16 August 2021	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1267476
<b>Drafter:</b>	Talia Pollock	<b>DDI:</b>	463 8029
<b>Key Contact:</b>	Ben O'Meara	<b>DDI:</b>	463 8704
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

The purpose of this paper is to provide advice in relation to concerns from some parents who are requesting to be able to pay (in full or in part) for a teacher aide for their child.

### Summary

1. All students are entitled to receive free education at State schools. Schools that do not receive donations scheme funding may request donations from parents and caregivers, and any school may accept unsolicited donations. It is up to the school how donations are used, which may include hiring extra staff such as teacher aides.
2. It is not desirable for parents to be able to employ teacher aides directly to work with their child on the school site. If parents were to "self-fund" teacher aides they would effectively become their employer. This would create a range of potential employment and Health and Safety issues.
3. Changes to enable parents to directly contribute to the cost of a teacher aide for their child would undermine the principles of free education and equitable access to learning support. There is also a risk that it would contribute to poor practice in how teacher aides are used. We therefore do not recommend system changes to how parents or caregivers can contribute to the cost of teacher aides.
4. There are a range of supports available to aid the diverse learning needs of students, however we know there is always demand for more or different support. The demand for learning support is increasing nationally due to population growth and increasing complexity of needs. Since 2018, the Government has invested an additional \$1.1 billion in learning support and published the Learning Support Action Plan 2019 – 2025 to drive progress towards an inclusive education system. We are continuing to review and strengthen our approaches to supporting students in their local school.

## Recommended Actions

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The Ministry of Education recommends that you:

- a. **note** that we do not recommend changes to the current settings around parental contributions to the cost of teacher aides

**Noted**

## Proactive release recommendation

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- b. **agree** that this Education Report is proactively released as part of the next publication.

☒ **Agree** ☐ **Disagree**



Ben O'Meara  
**Group Manager**  
**Education System Policy**

16/08/2021



Hon Chris Hipkins  
**Minister of Education**

29/8/2021

Hon Jan Tinetti  
**Associate Minister of Education**

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**Agree** / Disagree

*Ben O'Meara*

Ben O'Meara  
**Group Manager**  
**Education System Policy**

16/08/2021

Hon Chris Hipkins  
**Minister of Education**

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*Jan Tinetti*

Hon Jan Tinetti  
**Associate Minister of Education**

17/08/2021

## Background

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1. You have requested advice on:
  - a. the current funding rules in relation to donations as they apply to supports such as teacher aides; and
  - b. whether changes should be made to those settings.

## Parental contributions to learning support including teacher aides

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### **Schools cannot charge parents to meet the cost of teacher aides**

2. The Education and Training Act 2020 provides for the right to free enrolment and free education at State schools.<sup>1</sup> It gives all students who have 'special educational needs' (whether because of disability or otherwise) the same rights to enrol, attend, and receive education at State schools as students who do not.<sup>2</sup> This means that it is a breach of the right to free enrolment and free education for school boards to charge for learning support, including teacher aides.
3. New Zealand's commitments under the United Nations Convention on the Rights of People with Disabilities mean that the responsibility of providing free education, including reasonable accommodations, general support, and effective individualised support, lies with the State.
4. Circular 2018/01 – *Payments by parents of students in schools* provides advice on the rights of parents, students, boards and proprietors about requests for donations and other forms of payments in schools.<sup>3</sup> The circular states that State and State-integrated schools cannot charge a fee to cover the cost of curriculum provision. This includes learning support, which is the additional support some children and young people need to be able to access the curriculum.
5. These rules apply irrespective of whether or not the child is eligible for Ministry-funded learning support that generates funded teacher aide hours, i.e., a parent cannot be charged to supplement entitled teacher aide hours.

### **Donations can be made to school boards, and used to employ teacher aides**

#### ***School boards may request donations unless they are part of the donations scheme***

6. School boards that have not joined the donations scheme may request donations. Payment of a requested donation cannot be compelled or enforced. School boards that request donations must ensure that the voluntary nature of the donation is clearly communicated.
7. Schools cannot exclude students from enrolment, attendance or activities that are part of curriculum delivery because of their parents' or caregivers' inability or unwillingness to pay a requested donation. Students and their families and whānau should never be pressured or otherwise made to feel embarrassed over non-payment of a requested

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<sup>1</sup> Section 33 (previously section 3 of the Education Act 1989).

<sup>2</sup> Section 34 (previously section 8 of the Education Act 1989, with one amendment to clarify the child's right to attend all hours that the school is open).

<sup>3</sup> [Circular 2018/01 – Payments by parents of students in schools](#)

donation (e.g. by withholding information or privileges, alienating students because of a lack of payment, or using debt collection methods).

8. School boards of decile 1–7 State and State-integrated schools and kura have been able to opt into the school donations scheme since the 2020 school year. The scheme allows schools to choose to receive funding of \$150 per student, per year, if they agree not to ask parents and caregivers for donations, except for overnight camps. This initiative is designed to alleviate pressure and expectation on parents. If a school has opted in to the school donations scheme, they cannot request donations for learning support, including teacher aides.

***School boards may receive unsolicited donations and decide how this funding is used***

9. School boards (including those who have opted in to the donations scheme) may receive unsolicited donations from parents, caregivers, family and whānau, or other donors. The donor may request that the donation is used for a specific purpose (e.g. teacher aides). However, the school board has the authority to decide whether to meet this request in full, in part, or not at all.
10. When making decisions about how to allocate resources, including teacher aide support, school boards must consider their objective under the Education and Training Act 2020 to ensure that every student at the school is able to attain their highest possible standard in educational achievement, irrespective of whether their parents can afford to pay for additional support, and that the school is inclusive of, and caters for, students with differing needs.
11. It is likely that a board would comply with requests for a donation to be used in a specific way because a donor who has their requests ignored is less likely to donate again. However, there have been some media reports of donors or benefactors who are disappointed that their donation or gift has not been used in the way they intended.<sup>4</sup>

***It is not desirable for parents to fund a teacher aide by employing them directly***

12. All teacher aides should be employed by the school board. While there is no legal prohibition on parents directly employing teacher aides for their child to work on the school site, there are a number of issues with this arrangement.
13. The school is responsible for meeting legal obligations under the Health and Safety at Work Act 2015, Children's Act 2014 (e.g. safety checking), and the Education and Training Act 2020. Enabling parents to employ teacher aides to work in a school would complicate responsibilities for student and staff safety and education outcomes.
14. There are also important equity considerations. Enabling parents to employ teacher aides for their own child would lead to different levels of support being provided for students depending on their parents' ability to pay, rather than need, and would undermine the system of free education.
15. There is also a risk that enabling parents to directly employ teacher aides would lead to poorer practice in the provision of learning support. Teacher aides are not always the best way of meeting a learner's needs. For instance, international evidence shows that while teacher aides can have a positive impact on learners' progress, common ways of using teacher aides, where they are assigned to individual learners in an instructional role, can in fact have a negative impact. If teacher aides do have an instructional role it

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<sup>4</sup> <https://www.stuff.co.nz/national/education/125323950/benefactor-crushed-school-selling-valuable-building-she-gifted>

should be to supplement rather than replace the teacher, and they need to be well-trained and supported to work effectively together. This could be more challenging to achieve if teacher aides were directly employed by parents.

**We do not recommend making changes to the settings around parental contributions**

16. We believe that the current system provides sufficient flexibility for parents and caregivers to contribute to learning support funding through donations while protecting the right to free education and promoting equity and best practice in learning support provision. We therefore do not recommend any system changes to how parents or caregivers could contribute to learning support funding.
17. There are a range of supports available to aid the diverse learning needs of students, however, we know there is always demand for more or different support. The demand for learning support is increasing nationally due to population growth and increasing complexity of needs. Since 2018, the Government has invested an additional \$1.1 billion in learning support and published the Learning Support Action Plan 2019 – 2025 to drive progress towards an inclusive education system. We are continuing to review and strengthen our approaches to supporting students in their local school.