

s 9(2)(a) OIA



Education Report: Legal status of kindergartens

To:	Hon Chris Hipkins, Minister of Education		
Date:	6 December 2019	Priority:	High
Security Level:	In Confidence	METIS No:	1215402
Drafter:	Chris Jamieson	DDI:	439 6484
Key Contact:	Damian Edwards	DDI:	[REDACTED]
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

This paper seeks your direction to any amendments that may be needed in the Education Act 1989 and the Early Childhood Education (ECE) Funding Handbook in light of recent Crown Law Office advice on the legal status of kindergartens.

Recommended Actions

The Ministry of Education recommends you:

EITHER

- a. **agree** to urgent amendment of the Early Childhood Education (ECE) Funding Handbook to limit kindergarten funding rate eligibility to services under the control of existing kindergarten associations;

Agree / Disagree

OR

- b. **agree** to consider amendment to the ECE Funding Handbook to limit kindergarten funding rate eligibility to services under the control of existing kindergarten associations following Ministry consultation with stakeholders;

c. [REDACTED]

Agree / Disagree

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Proactive release

- d. **agree** that this report will not be proactively released at this time because it would convey privileged information

Agree / Disagree



Damian Edwards
Associate Deputy Secretary
Education System Policy

6/18/19

Hon Chris Hipkins
Minister of Education

1/1

Released under the Official Information Act 1982

s 9(2)(b)(ii) OIA

Background

1. In the Education Weekly Update (EWU) of 16 September, we alerted you to the case of [REDACTED]

2. The EWU outlined how on 13 September 2019, [REDACTED] applied to the Ministry to change their service provider from [REDACTED] That is, in their view, a change required to become a kindergarten association. s 9(2)(b)(ii) OIA

3. On 19 September 2019, the Ministry asked for details on the proposed operating model, including its rules and constitution, and the services that would be provided.

s 9(2)(h) OIA

4. This is the first time we are aware of that an organisation has sought to establish a completely new kindergarten association under the existing legal framework.

5.

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Confirmation of legal position

s 9(2)(f)(iv) OIA, s 9(2)(b)(ii) OIA

6. The application raised the obvious question: what is a kindergarten association? [REDACTED]

we instructed the Crown Law Office (Crown Law) in September for an opinion in order to provide greater certainty about the current legal framework. This opinion was provided to the Ministry earlier this week.

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s 9(2)(h) OIA

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s 9(2)(h) OIA

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s 9(2)(h) OIA

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Next steps

s 9(2)(h) OIA, s 9(2)(i) OIA

12.

Clarifying the status of kindergartens

s 9(2)(h) OIA

13.

Recently, the Ministry has also received correspondence questioning the legal status of kindergartens and the rationale behind kindergartens receiving higher funding rates than other education and care services, particularly community-based services. This opens up a significant fiscal risk, especially if fully realised. This could potentially be in the order of tens of millions of dollars per year.

14. Any service providers that become kindergarten associations would also need to abide by employer responsibilities under the State Sector Act 1988. It is possible that this may discourage a few service providers from applying for kindergarten association status, regardless of funding advantages.

Possible approaches

s 9(2)(f)(iv) OIA

15. There are two changes that we consider ought to be made to clarify the status of kindergartens and/or kindergarten associations. These involve amending the ECE Funding Handbook

16. We seek your agreement on which approach to take to these. The two approaches differ on how quickly change to the ECE Funding Handbook would be made.

Option one: Amend the ECE Funding Handbook as soon as possible

17. Under this option, we would amend the ECE Funding Handbook as soon as possible ie, without consultation. This could potentially be done as soon as Christmas. This would quickly limit access to kindergarten funding rates to existing kindergarten associations and the kindergartens under their control. This would prevent education and care service providers from becoming new kindergarten associations. This truncated approach has been used for some previous changes in the ECE Funding Handbook, for example, the recent increase to discretionary hours you agreed to in September.

18. This approach would confirm that kindergarten funding rates could only apply to kindergartens as generally understood, while not unduly preventing the expansion of existing kindergarten associations.

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s 9(2)(f)(iv) OIA

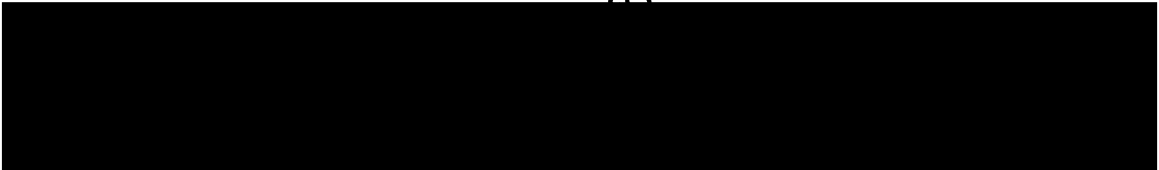
20. We note that this option does not involve consultation with kindergarten associations or other stakeholders, so we may be unaware of all possible consequences.

Option two: Amend the ECE Funding Handbook following consultation

21. This option would include consulting stakeholders, particularly kindergarten associations, on the amendment to the Funding Handbook outlined in Option One. The soundings from these bodies would help us ascertain and mitigate risks associated with amendment to the Funding Handbook. We would report back to you after the consultation.
22. This option would take longer, meaning amendment would be unlikely until at least February next year. This would mean more education and care service providers could apply to become kindergartens associations, therefore increasing fiscal risk.

Relationship between education and care services and kindergartens

23.



s 9(2)(f)(iv) OIA

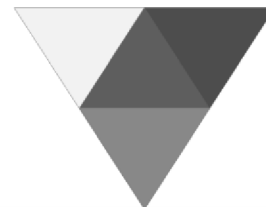
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Annex one: Crown Law Opinion – What is the definition of a Kindergarten?

[REDACTED]

s 9(2)(h) OIA

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s 9(2)(a) OIA

Education Report: Clarification of eligibility for kindergarten funding

To:	Hon Chris Hipkins, Minister of Education		
Date:	3 July 2020	Priority:	Medium
Security Level:	In Confidence	METIS No:	1230084
Drafter:	Graham Bussell	DDI:	63 2835
Key Contact:	John Brooker	DDI:	[REDACTED]
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

The purpose of this paper is for you to:

- **Note** the fiscal risk from service providers of education and care services potentially being able to claim kindergarten funding rates for those services as a result of lack of clarity in the ECE Funding Handbook;
- **Agree** for us to undertake targeted consultation with kindergarten associations or peak bodies, as appropriate, on the paper's proposal to clarify definitions of kindergarten and kindergarten association in the ECE Funding Handbook;

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- [REDACTED]
- [REDACTED]

Summary

1. The ECE Funding Handbook defines a kindergarten as a teacher-led centre-based service controlled by a kindergarten association. However, there is no definition of kindergarten association in the Handbook. This could enable any education and care service to be funded at higher kindergarten rates, if its service provider tells the Ministry it is a kindergarten association.
2. [REDACTED] (the Handbook is not legislation but is created under powers in the Act). Kindergartens and education and care services are not separately identified by the ECE licensing system – they fall

s 9(2)(f)(iv) OIA

under the same licensing category under the Act and its regulations (as teacher-led, centre-based services).

3. The most pressing issue is mitigating the fiscal risk from claiming of higher kindergarten rates. We propose clarifying the definition in the ECE Funding Handbook to be clear that kindergarten associations are associations that existed, or are continuously descended from those that did, under the now repealed Kindergarten Regulations 1959. This would create a closed class of associations, one that reflects associations the Ministry currently funds at kindergarten rates. Each of the currently known associations can also be traced through the Charitable Entities and Incorporated Society registers to their establishment or recognition while this legislation was in force.

s 9(2)(f)(iv) OIA

4.

5.

6. Subject to your agreement, we would conduct a targeted and confidential consultation with kindergarten associations and peak bodies before seeking your final approval to any changes.

7.

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Recommended Actions

The Ministry of Education recommends you:

s 9(2)(f)(iv) OIA, s 9(2)(h) OIA

a.

b.

- c. **agree**, in principle, to a kindergarten association being defined in the Handbook as a service provider that controls one or more kindergartens formerly recognised under the now repealed Kindergartens Regulations 1959, or that has formed from a free kindergarten association or associations that controlled kindergartens recognised under those Regulations;

☒ Agree ☐ Disagree

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d.

[REDACTED]

☒ Agree ☐ Disagree

e. **note** that the Ministry considers distinguishing kindergartens outside of the proposed approach to be particularly challenging in light of sector evolution over time;

f.

[REDACTED]

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g.

[REDACTED]

s 9(2)(f)(iv) OIA

☐ Agree ☒ Disagree

OR

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h.

[REDACTED]

☒ Agree ☐ Disagree

i.

[REDACTED]

j. **agree** that the Ministry conduct a targeted and confidential consultation on these changes with kindergarten associations or their respective peak bodies;

☒ Agree ☐ Disagree

k. **not release** this Education Report until a solution has been confirmed to address the fiscal risk identified in the report.

Release ☒ Not release



John Brooker
Group Manager (acting)
Education System Policy

03/07/2020



Hon Chris Hipkins
Minister of Education

11/ 7 /2020

s 9(2)(f)(iv) OIA, s 9(2)(h) OIA

s 9(2)(f)(iv) OIA, s 9(2)(h) OIA

s 9(2)(b)(ii) OIA

s 9(2)(b)(ii) OIA

Background

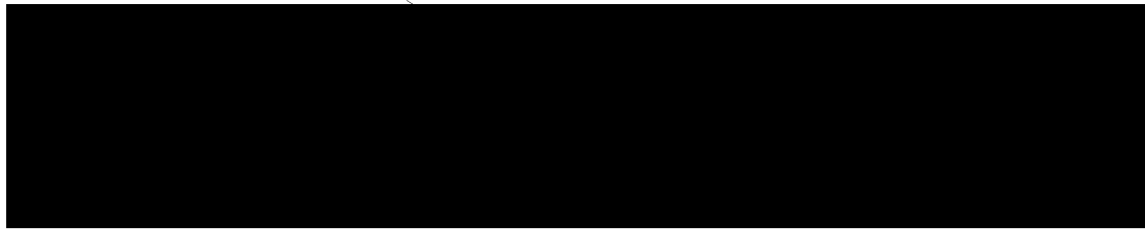
1. On 6 December 2019 we briefed you on an application from [REDACTED] [REDACTED] had applied to change its early childhood education (ECE) service provider categorisation from an education and care service to a kindergarten association [METIS 1215402 refers].
2. [REDACTED]
3. [REDACTED] They could then receive higher kindergarten funding rates for their teacher-led centre-based services.
4. It is unknown how many providers would attempt to be reclassified as kindergarten associations. Therefore it represents an unknown fiscal risk. The maximum risk is \$1 billion over the four years from 2020/21-23/24, if every education and care service immediately moved to kindergarten funding rates. s 9(2)(f)(i) OIA
5. [REDACTED]
6. [REDACTED] for the most part our focus is on more immediate ECE Funding Handbook changes. These would manage fiscal risk while still reinforcing the identity of existing services commonly known as kindergartens.
7. [REDACTED] the Ministry has had no other service provider specifically apply or request to change their classification to a kindergarten association. However, we have received correspondence, including official information requests, from sector interests asking how kindergartens and kindergarten associations can be formed and on what basis. This suggests there may still be interest from services in reforming as kindergarten associations or undertaking legal proceedings to clarify if it is appropriate for only existing kindergarten associations to be paid higher rates.
8. We also note kindergarten associations have acquired education and care services and sought to have them re-classified as kindergartens. The legislative framework, Funding Handbook and Ministry practice clearly allow this to occur. An example of this is the reclassification of Motueka Kindergarten in early 2020.

Licensing and funding of kindergartens and education and care services

9. Before outlining our proposed approach to limit eligibility for kindergarten funding rates, we wish to clarify the treatment of kindergartens and education and care services for licensing and funding purposes. [REDACTED]

The definition of a kindergarten for funding purposes is set in funding rules, not the legislative framework

10.



11. The terms kindergarten and kindergarten association are not mentioned in the early childhood education licencing legislation. This may appear surprising, given that kindergartens have been a part of New Zealand communities for over a century.

12. Instead, at the highest level of legislation, the Act defines the overarching term *early childhood service* as one of three service types:

- Early childhood education and care centre
- Home-based education and care service
- Hospital-based education and care service.

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13. These three types are defined in sections 309 and 310 of the Act. Section 317 then allows for licensing of service providers [redacted] in regulations.

14. Regulation 21 of the Education (Early Childhood Services) Regulations 2008 (the Regulations) subsequently mirrors the Act by specifying three kinds of licence ie, centre (centre-based), home-based or hospital-based.

15. The regulations create classes under the three licence types (r 22). The classes reflect the:

- permanency of the licence (probationary, transitional, full etc)
- duration of the licensed provision allowed (all day, sessional or mixed)
- provision provided by adults (teacher-led or parent led).

16. This is the limit of licence 'types' permitted by law. Kindergartens were not included as a kind of licence when the Act was passed. From a licensing perspective, kindergartens and education and care services are indistinguishable from each other. They are all teacher-led, early childhood education and care *centres* (not to be confused with education and care *services*), and almost all of them are licensed to operate all day (rather than seasonally).

The funding rules in the Funding Handbook define kindergartens and education and care services

s 9(2)(b)(ii) OIA

17. The change in service provider details sought by [redacted] is not a change that alters the licence classification of the services it operates. However, it does alter the funding categorisation of a provider's early childhood services.

18. Conditions relating to ECE funding are set out in the ECE Funding Handbook (the Handbook). The Handbook is not primary or secondary legislation. The power for the Minister of Education to set funding conditions is enabled through s 311 of the Education Act 1989.¹ Section 311(3)(a), in particular, states that:

¹ Also reflected in cl 516(3) of the Education and Training Bill.

“The Minister may from time to time determine the means by which the amounts of grants may be calculated or ascertained; and—

different means may be determined in respect of—

(i) grants of different classes or descriptions; and

(ii) licensed early childhood services of different classes or descriptions and certificated playgroups”

19. It is the determinations under s 311 that control funding eligibility for kindergartens and their associations. Section 311(3)(a) is used to create the following definition of kindergarten (essentially a class or description within the set of licensed early childhood services) in the Handbook’s glossary.

“A teacher-led centre-based service controlled by a kindergarten association.”

20. There is a corresponding definition of education and care service in the Handbook glossary (those teacher-led, centre-based services *not* controlled by a kindergarten association). However, there is no definition of a kindergarten association in the Handbook.

s 9(2)(f)(iv) OIA s 9(2)(h) OIA

21.

Approach to resolving uncertainty of kindergarten funding eligibility

A definition of kindergarten association is required

22. Our analysis of the Funding Handbook definition of kindergarten indicates that confirming the meaning of ‘kindergarten association’ is essential. Defining this would allow the existing Handbook definition of kindergarten to stand by itself. This would remove fiscal risk and the scope for challenging Ministry decisions on funding type categorisation and eligibility.

Kindergarten associations can be defined by historic legislative approvals

23. The Ministry considers [REDACTED] that it is not possible to define all 654 kindergartens via a set of characteristics unique to them. Kindergartens and education and care services contain too many shared characteristics to be distinguished in this way. These include:

- Operating on a not-for-profit basis (there are a high number of community based centres operating on this basis too)
- Employing and deploying only certificated ECE teachers (a number of centres do operate at 100% and more may move in this direction with the 100% funding band being reinstated)
- Operating to a particular philosophy or ethos (eg, Montessori and Rudolf Steiner services operate as education and care services and do not receive any distinct funding or licensing arrangements).

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24. Instead, we propose the most feasible approach to define existing kindergarten associations is to reference their link to the Kindergarten Regulations 1959. Prior to

1991, these now repealed regulations allowed the Minister of Education to recognise kindergartens and, by implication, their parent associations. The Regulations stated that only kindergarten associations formed for the purpose of establishing or maintaining a kindergarten or kindergartens could apply to form kindergartens.

25. This approach would be captured by inserting the following definition into the Funding Handbook, with an accompanying listing of currently operating associations that meet the definition. Only teacher-led, centre-based services controlled by these associations would be recognised as kindergartens for funding.

Kindergarten Association: *a service provider that controls one or more kindergartens formerly recognised under the Kindergartens Regulations 1959, or that has formed from a free kindergarten association or associations that controlled kindergartens recognised under those Regulations.*

26. We note that all current kindergarten associations existed as they do now or in a legally related antecedent entity before the repeal of the 1959 Regulations in 1991 (by the Education Amendment Act (No 4) 1991). This means they had at least one kindergarten recognised under the 1959 regulations. This would qualify them to be listed under the proposed definition.

Free associations

27. Our proposed approach would refer to kindergarten associations, rather than *free* kindergarten associations. Associations were historically constituted as 'free' kindergarten associations in recognition that it was illegal to charge fees for provision. This aspect was reflected in r 14 of the 1959 Regulations until its revocation in 1990. Since this revocation, many kindergarten associations have dropped 'free' from their name and the name of their individual kindergartens, while others have removed but then subsequently reinstated 'free' in their legal and/or trading name.

Use of an historic association name is not sufficient

28. We would be clear that a recognised kindergarten association could not just be an entity re-established using the same name as an association that existed under the 1959 Regulations, but had then been wound up. There would need to be the continuous operating and legal history evident since the association was originally licensed under the 1959 Regulations.

Advantages of the proposed approach

Flexibility to deal with changes in continuity of organisation

29. The proposed definition provides scope to deal with organisational changes through the connection to previously recognised associations. Several existing associations have amended their names or constitutions since the 1959 Regulations were in force. This is either as a result of amalgamation with one or more associations (eg, Taranaki Free Kindergarten Association joined North and South Taranaki associations together) or because of a decision to rebrand (eg, several have omitted 'free' from their association name).
30. The Ministry is aware that a group of associations are in the process of a merger in the near future. We understand the new association would continue to operate existing kindergartens continuously and so the Handbook could be amended to include the new entity when it forms.

Ability of associations to operate different licensing types

31. Several existing kindergarten associations also operate at least one of the other two broad licence types – home-based and hospital-based. The proposed changes would not affect an association from operating services under any of these two licence types.

Restriction on new providers of kindergartens

32. The approach proposed would prevent the inclusion of new associations without any existing links to the kindergarten movement. This would prevent the kindergarten movement from creating entirely new associations, although we note that no new associations have formed for over 30 years. In the last 10-20 years, kindergarten operating arrangements, such as limited opening hours, appear to have restricted growth of kindergartens and their parent associations.

Recognised associations could still open new kindergartens

33. The proposed solution only stops new associations from opening that do not have links to existing kindergartens. Associations on the named list would still be able to open or close kindergartens, as they have done until now.

Issues

34. The proposed historic link approach may be seen as convoluted. The adopted definition may limit addition of individual kindergartens as it will stop newcomer associations with the resources and motivation to add to the stock of kindergartens.
35. A functional approach to defining kindergartens would be clearer and more focused on the essence of kindergartens. But, a functional approach does not seem possible when teacher-led, centre-based services display so many shared features.

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37.

s 9(2)(f)(iv) OIA, s 9(2)(h) OIA

38.

s 9(2)(f)(iv) OIA

s 9(2)(f)(iv) OIA

s 9(2)(f)(iv) OIA

39.

40.

s 9(2)(b)(ii) OIA

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s 9(2)(f)(iv) OIA

Implementation

s 9(2)(b)(ii) OIA

42. The implementation requirements for the proposed change would be relatively straightforward. The key step is to clarify the definition in the Handbook and promulgate this through *He Pānui Kōhungahunga* - Early Learning Bulletin. The change should have limited operational impact

43.

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Consultation

s 9(2)(g)(i) OIA

44. At this stage the Ministry has not consulted with affected kindergarten representatives on the proposed changes. We have briefed Jill Bond, Chief Executive of New Zealand Kindergartens, about the situation that exists and a broad outline of how the funding risk could be managed.

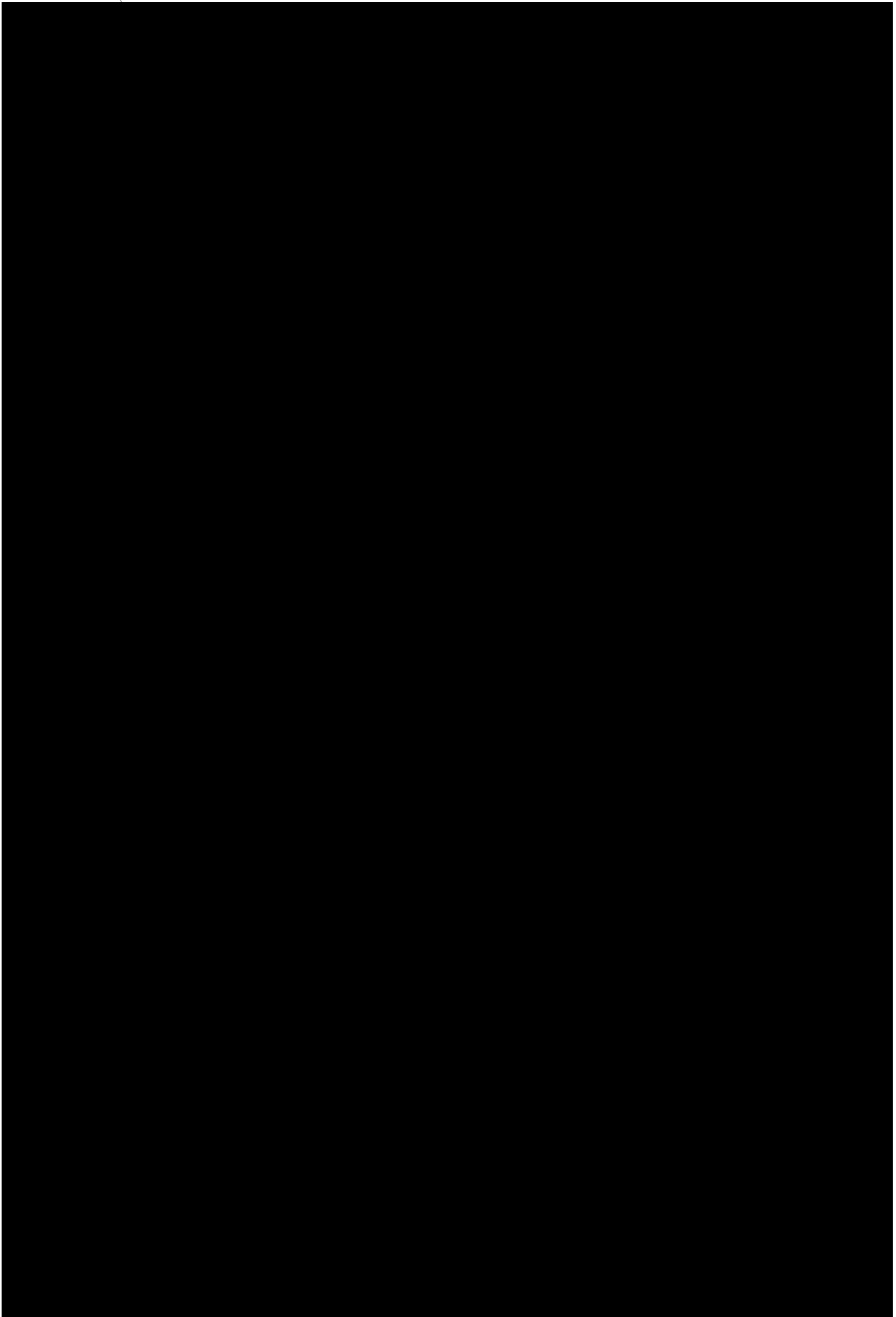
45. Following your consideration of this report, we propose a short targeted and confidential consultation on the proposal with the peak bodies for kindergarten associations and any associations not currently represented by those bodies.

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46. We anticipate that there will be broad comfort from these entities with an approach preventing new associations joining the kindergarten association stable.

47. We would report back to you on consultation findings, and a proposed final approach for you to consider for inclusion in the Handbook.

Financial Implications

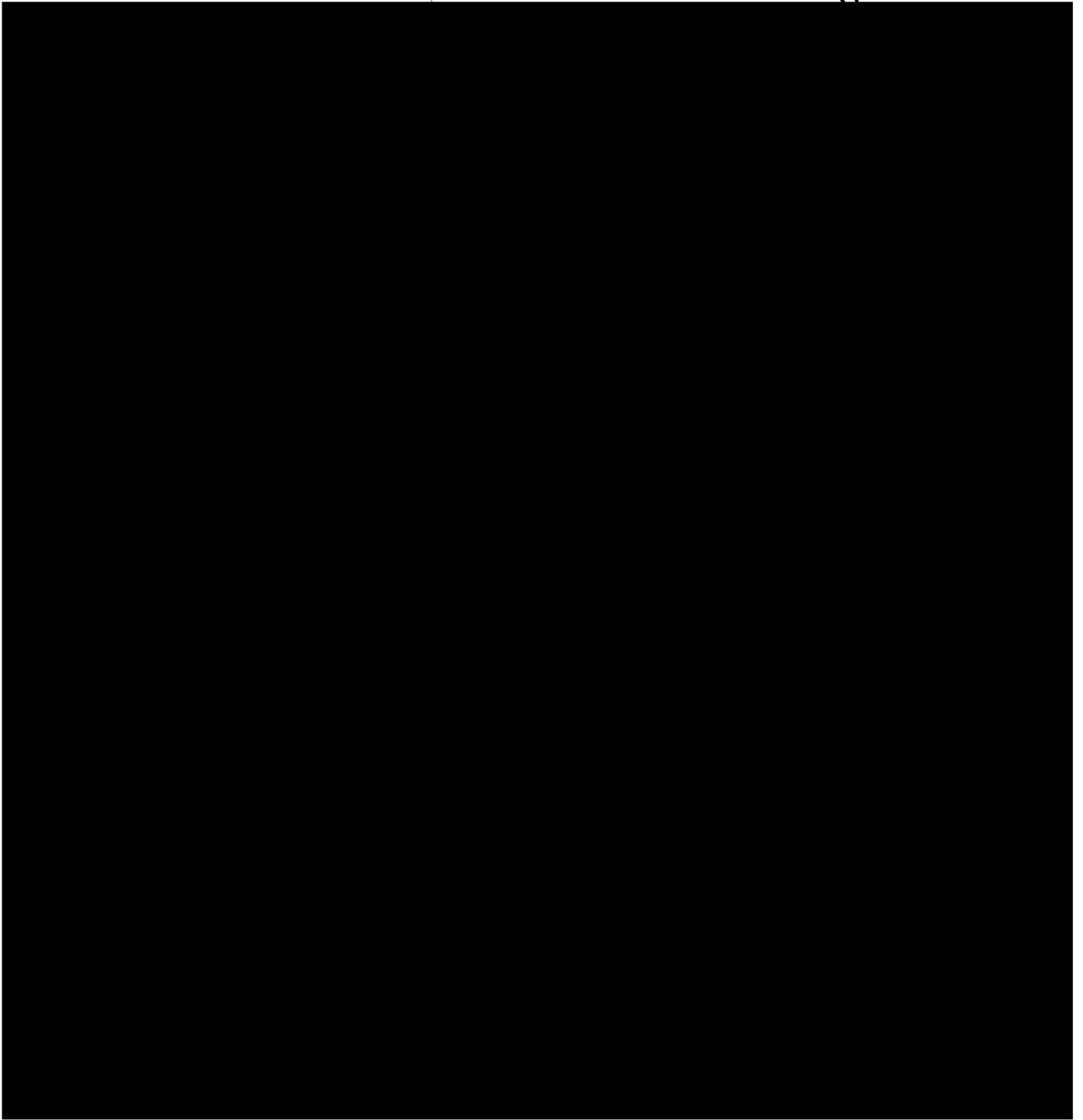


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Long term position

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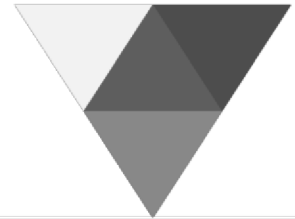
Next Steps

64. Pending your in principle agreement to Handbook changes, we intend contacting heads of kindergarten associations or their respective peak bodies to discuss this approach.

Proactive release of Education Report

65. We recommend the report is not released at this time. This is because it would alert service providers not currently classified as kindergarten associations about how to take advantage of a loophole in the ECE Funding Handbook. This would then increase the fiscal risk to government.
66. Instead, we propose releasing the report once the fiscal risk has been clearly addressed through Handbook changes.

Released under the Official Information Act 1982



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Education Report: Clarification of kindergarten funding rate eligibility

To:	Hon Chris Hipkins, Minister of Education		
Date:	14 August 2020	Priority:	High
Security Level:	In Confidence	METIS No:	1238377
Drafter:	Graham Bussell	DDI:	463 2835
Key Contact:	John Brooker	DDI:	[REDACTED]
Messaging seen by Communications team:	No	Round Robin:	No

Purpose of Report

The purpose of this paper is for you to:

Note the feedback received from kindergarten associations or their peak bodies in response to consultation on proposed changes to the definition of kindergarten contained in the ECE Funding Handbook

Agree that the ECE Funding Handbook be amended to include a definition of kindergarten association as consulted on.

Summary

- 1 We recently briefed you on a proposal to clearly define which services are able to access higher kindergarten funding rates [METIS 1230084 refers]. This was primarily to limit a potentially immediate and significant fiscal risk.
- 2 The proposal had two parts: s 9(2)(f)(iv) OIA
 - adding a definition of kindergarten association into the ECE Funding Handbook [REDACTED]
- 3 We have consulted with kindergarten associations on these proposed changes.
- 4 The consultation revealed unanimous support for adding a definition of kindergarten association. We recommend adding this definition, as consulted on, into the Funding Handbook immediately. This change alone is sufficient to manage the fiscal risk.

5 [REDACTED]

Recommended Actions

The Ministry of Education recommends you:

- a. **agree** that, in keeping with the definition consulted on with kindergarten associations, a kindergarten association be defined in the Funding Handbook as “a service provider controlling one or more kindergartens formerly recognised under the Kindergarten Regulations 1959, or is a service provider that has formed from a free kindergarten association or associations that controlled one or more kindergartens recognised under those Regulations”

☒ **Agree** / ☐ **Disagree**

- b. **note** that the Funding Handbook would also include an exhaustive listing of the kindergarten associations meeting the new definition at any one time

- c. **agree** the Ministry may inform kindergarten associations of changes prior to communicating these more widely

☒ **Agree** / ☐ **Disagree**

- d. **agree** that this report is proactively released once changes to the Funding Handbook are communicated, with any information which may need to be withheld being done so in line with the provisions of the Official Information Act 1982

☒ **Release** / ☐ **Not release**


John Brooker
Group Manager (Acting)
Education System Policy

20 / August / 2020


Hon Chris Hipkins
Minister of Education

27/8/2020

__/__/__

Background

- 1 We recently briefed you on a proposal to amend the definition of kindergarten in the ECE Funding Handbook [METIS 1230084]. This would limit a potentially significant fiscal risk.
- 2 Given the significance of a proposal that sought to define a set of organisations, you agreed that we should consult with kindergarten associations to ensure they were comfortable with the proposed approach.

Proposal to define kindergarten associations

- 3 The main change proposed was to include a definition of kindergarten association. The Funding Handbook defines kindergartens as a teacher-led centre-based service controlled by a kindergarten association, but does not currently define a kindergarten association.
- 4 The definition of an association was proposed as:

a service provider that controls one or more kindergartens formerly recognised under the Kindergarten Regulations 1959, or that has formed from a free kindergarten association or associations that controlled kindergartens recognised under these Regulations.
- 5 This approach refers to regulations that have been repealed. We took this approach because we could not discern a unique set of operating characteristics for services currently recognised as kindergartens for funding purposes. The definition would be accompanied by a list of kindergarten associations that meet this definition.
- 6 This amendment would mean the Funding Handbook would clearly codify which teacher-led centre-based services can be classified as kindergartens for funding purposes, and which would be education and care services. The Ministry has, to date, classified kindergartens as teacher-led centre-based services operated by a number of longstanding 'known' kindergarten associations. This classification approach results in the same associations that would be listed under the proposed definition.
- 7 The uncertainty about what a kindergarten association is means that any service provider operating teacher-led centre-based services could apply and receive higher kindergarten rates. If this occurred, it would increase cost to government, including for services that do not offer the Kindergarten Teachers, Head Teachers, and Senior Teachers Collective Agreement (KTCA). The cost associated with the KTCA needing to be met by government was the basis on which Cabinet agreed to distinguish kindergarten rates from education and care service rates in the first place.

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Results of consultation with kindergarten associations

- 12 We canvassed the proposed changes with the three peak bodies representing all but one of the 29 kindergarten associations. The peak bodies are:

- ECL (Early Childhood Leadership)
- New Zealand Kindergartens
- Kindergartens Aotearoa.

Membership of each is in Annex 1.

- 13 Our discussions with the peak bodies included representatives from most of the associations as well. We also consulted separately with the Gisborne Kindergarten Association and Dunedin Kindergarten Association, neither of which were represented by the peak bodies at the time (although Dunedin has now joined New Zealand Kindergartens).

Inclusion of a definition of kindergarten association in the Funding Handbook

- 14 There was unanimous agreement with the proposed definition of kindergarten association. Associations agreed that it was not practically possible to distinguish a kindergarten from other teacher-led centre-based services based on operating characteristics such as opening hours. s 9(2)(f)(iv) OIA

Recommended amendment to the Funding Handbook

- 18 Given the feedback and sector interest noted below, we recommend you agree to the inclusion of the proposed definition of kindergarten association in the Funding Handbook now to limit the fiscal risk. This is the same definition as was consulted on with associations. s 9(2)(f)(iv) OIA

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Sector interest

- 21 In our previous briefing, we noted that there was sector interest in the possibility of education and care funded services being able to move to kindergarten rates under current Funding Handbook rules. This interest continues. We consider the recommended amendment will clarify the situation and mean higher rates are clearly only available to services covered by the KTCFA.
- 22 Some of the sector will not be comfortable with the closure of the apparent loophole, as it was seen to be a solution for enabling pay parity between teachers in education and care services and kindergartens.

Next steps

- 23 Should you agree to our recommendations, we intend amending the Funding Handbook as soon as possible. We would advise the sector through *He Pānui Kōhungahunga* / *The Early Learning Bulletin* as is standard practice around funding rule changes.
- 24 We also seek your agreement to inform kindergarten associations as to what changes are being made prior to wider dissemination in the *Early Learning Bulletin*.

Proactive Release

- 25 We recommend that the paper be proactively released once the change is communicated through the *Early Learning Bulletin*. Any information which may need to be withheld will be done so in line with the provisions of the Official Information Act 1982.

Annex 1: Kindergarten association peak body membership

New Zealand Kindergartens	Kindergartens Aotearoa	Early Childhood Leadership (ECL) Group	Independent (not affiliated to a peak body)
Ashburton Kindergarten Association	Auckland Kindergarten Association	Waikato Kindergarten Association	Gisborne Kindergarten Association
Dannevirke Kindergarten Association	Kaitiaki Kindergartens	Counties Manukau Kindergarten Association	
Dunedin Kindergarten Association	Inspired Kindergartens	Central Kids Kindergartens	
Geraldine Kindergarten Association	He Whānau Manaaki o Tararua Free Kindergarten Association Incorporated		
Heretaunga Kindergarten Association	Kidsfirst Kindergartens		
Hutt City Kindergarten Association	Kindergarten Taranaki		
Marlborough Kindergarten Association	Napier Kindergartens		
Nelson Tasman Kindergarten Association	South Otago Kindergartens		
Oamaru Kindergarten Association			
Ruahine Kindergarten Association			
South Canterbury Kindergarten Association			
Kindergartens South (Southland)			
Te Aroha Kindergarten Association			
Westport Kindergarten Association			

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