



## Education Report: Secondary school attendance in Auckland under Covid Level 3

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
	Rt Hon Jacinda Ardern Prime Minister		
	Hon Tracey Martin Associate Minister of Education		
<b>Date:</b>	17/08/2020	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1238437
<b>Drafter:</b>	Stephen Sullivan-Tham	<b>DDI:</b>	s 9(2)(a)
<b>Key Contact:</b>	Ben O'Meara	<b>DDI:</b>	
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

The purpose of this paper is to provide you with advice on how to provide flexibility so that schools can bring back some senior students under Covid Level 3 in Auckland.

### Summary

- 1 Under Covid Level 3 in Auckland, students in years 11-13 are required to learn from home.
- 2 In an oral item at Cabinet on Monday 17 August you asked Cabinet to allow for flexibility for schools to seek exemptions for senior secondary school students in Auckland year levels 12-13 to attend school, where desired.
- 3 You have asked the Ministry to advise how this flexibility can be enacted.
- 4 We advise that this flexibility can be enacted through a direction from the Secretary for Education under the Education and Training Act 2020.
- 5 We recommend that a direction through the Education and Training Act be used to enable this flexibility.

### Recommended Actions

The Ministry of Education recommends you:

- a. **note** that you have asked the Ministry to advise how flexibility can be enacted to allow for flexibility for schools to seek exemptions for senior secondary school students in Auckland at year levels 12-13 to attend school during Level 3

**Noted**

- b. **agree** that this flexibility may be enabled through a direction from the Secretary for Education under the Education and Training Act 2020

Agree / Disagree  
Rt Hon Jacinda Ardern

**Agree / Disagree**  
Hon Chris Hipkins

**Agree / Disagree**  
Hon Tracey Martin



Iona Holsted  
Secretary for Education

17/08/2020



Rt Hon Jacinda Ardern  
Prime Minister

18/8/20

Hon Tracey Martin  
Associate Minister of  
Education

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Hon Chris Hipkins  
Minister of Education

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**Agree / Disagree**  
Rt Hon Jacinda Ardern

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Hon Chris Hipkins

**Agree / Disagree**  
Hon Tracey Martin



Iona Holsted  
Secretary for Education

17/08/2020

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Hon Chris Hipkins  
Minister of Education

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- a. **note** that you have asked the Ministry to advise how flexibility can be enacted to allow for flexibility for schools to seek exemptions for senior secondary school students in Auckland at year levels 12-13 to attend school during Level 3

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- b. **agree** that this flexibility may be enabled through a direction from the Secretary for Education under the Education and Training Act 2020

**Agree / Disagree**  
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Hon Tracey Martin



Iona Holsted  
Secretary for Education

17.08.2020

Rt Hon Jacinda Ardern  
Prime Minister

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Hon Chris Hipkins  
Minister of Education

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Hon Tracey Martin  
Associate Minister of  
Education  
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## Background

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- 6 Under Covid Level 3 in Auckland, students in years 11-13 are required to learn from home.
- 7 Secondary school principals in Auckland are concerned about this as some of their students have thrived in remote teaching and learning but others have found it difficult.
- 8 Previously principals have sought flexibility for students who:
- a. Were vulnerable – those considered to be at risk of mental health across year levels;
  - b. Were disconnected from teachers and from online learning/and or who had not submitted any work;
  - c. Whose subjects required practical laboratory and/or portfolio work.
- 9 You are particularly concerned how learning from home could affect students who are close to Level 2 or Level 3 NCEA exams.
- 10 In an oral item at Cabinet on Monday 17 August you asked Cabinet to allow for flexibility for schools to be able to bring some senior school students back under Level 3 in Auckland at year levels 12-13.
- 11 You have asked the Ministry to provide options on how to achieve this flexibility (whether through an updated Health Order, a delegation from the Director-General of Health to the Secretary for Education under the Existing Order, or through the new powers of direction that the Secretary for Education has under the Education and Training Act 2020).
- 12 We advise that this flexibility be enacted through the powers of direction that the Secretary for Education has under the Education and Training Act and we seek your agreement to this approach.
- 13 We have drafted a direction under the Education and Training Act to achieve this flexibility and a copy is attached to this report.



**Direction under the Education and Training Act 2020 to all registered schools offering education to Years 12 and 13 in the COVID-19 Alert Level 3 area**

**Direction**

Under clause 3 of Schedule 25 to the Education and Training Act 2020 I direct the governing bodies of all registered schools who offer education at Years 12 and 13 in the Alert Level 3 area to comply with the following requirements:

1. Students at Year 12 and 13 must be learning from home unless the following conditions can be met;
  - A In the opinion of the principal or professional leader (as the case may be) of the school, there is an educational need for a student or students in Year 12 or 13 to physically attend the school; and
  - B Where students at year levels 12 and 13 need to physically attend school, the governing body of the school ensures that numbers are kept as low as possible and:
    - (a) Physical distancing is observed at all times – 1m inside and 2m outside
    - (b) Students are organised into bubbles of no more than 20 with one teacher
    - (c) The student make-up of each bubble does not change throughout Alert Level 3
    - (d) Bubbles do not mix with each other inside or outside in the school grounds
    - (e) A teacher is not associated with more than one bubble of students (but a bubble of students can have more than one teacher throughout Alert Level 3).
    - (f) Rigorous hand washing and drying is adhered to and hand sanitiser is available at the entrance to classrooms
    - (g) Students and teachers are asked to go home if they are unwell
    - (h) Where necessary, changes are made to usual timetabling and class sizes to support (a)-(g) above; and

C The governing body of the school has caused to be sent to me in a form I have provided, an attestation that the above requirements have been met.

2. Every governing body of a registered school must ensure that their school complies with the COVID-19 Public Health Response (Alert levels 3 and 2) Order 2020 in all other respects.

I am satisfied that the making of this direction is reasonably necessary to manage adverse effects, mitigate the consequences and facilitate co-ordination of senior secondary education in response the outbreak of COVID - 19 in the Alert Level 3 area.

### **Interpretation**

In this direction:

**Alert Level 3 area** has the same meaning as defined in clause 4 of the COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020.

Terms in this direction that are defined in the Education and Training Act 2020 have the same meanings defined in that Act.



Iona Holsted  
Secretary for Education