



## Education Report: Enabling students based offshore to continue their New Zealand schooling during the COVID-19 pandemic

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	3 April 2020	<b>Priority:</b>	High
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1225063
<b>Drafter:</b>	Miriam Pierard	<b>DDI:</b>	s 9(2)(a)
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<b>Messaging seen by Communications team:</b>	N/A		

### Purpose of report

In response to the issuing of a COVID-19 epidemic notice and related travel restrictions, this paper sets out a recommended approach to support domestic and fee-paying international students' continued access to New Zealand schooling and NCEA while they are stranded offshore.

### Summary

1. We recommend amending legislation to, as a temporary response in times of emergency:
  - a. enable state and state integrated schools to offer distance education to students based offshore on a case-by-case basis where approved by the Minister of Education; and
  - b. enable state, state integrated, and private schools to offer NCEA to students based offshore in accordance with Rules made by the NZQA.
2. This will require amendments to the Education and Training Bill including an exception to the ban on offering NCEA offshore, an amendment to NZQA's rule making power, and a power for the Minister of Education to approve state and state integrated schools to offer distance education to students based offshore on a case-by-case basis.
3. If you agree, these changes can be progressed through a Supplementary Order Paper to the Education and Training Bill currently being considered by the Education and Workforce Committee.

## Recommended Actions

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The Ministry of Education recommends that you:

- a. **note** that the travel restrictions established with the COVID-19 pandemic response have resulted in a number of domestic and international students being stranded offshore and unable to return to New Zealand to continue their education

**Noted**

- b. **note** that state and state-integrated schools, with the exception of Te Kura, cannot currently offer schooling to students based offshore because it is not within their stated roles and functions as set out in the Education Act 1989

**Noted**

- c. **note** that the Secretary for Education has created a new, temporary, government-funded dual-tuition gateway through the Gazette (17 February 2020) which allows domestic students stranded offshore to continue their education through Te Kura. The Secretary has also allowed international students affected by the travel restrictions to register for dual-tuition with Te Kura while still overseas

**Noted**

- d. **note** that for international students, this only provides a short-term solution as Te Kura cannot perform NCEA assessments for international students registered through the dual-tuition gateway while they are offshore

**Noted**

- e. **agree** to enable state and state-integrated schools to offer distance education to students based offshore, where approved by the Minister of Education as a temporary response in times of emergency, such as the COVID 19 pandemic

**Agree**  **Disagree**

- f. **agree** that the Minister of Education would approve state and state-integrated schools to offer distance education to students based offshore in the situations referred to in recommendation (e) above

**Agree**  **Disagree**

- g. **agree** to enable state, state-integrated, and private schools to offer NCEA by distance to students based offshore, as a temporary response in times of emergency, such as the COVID 19 pandemic

**Agree**  **Disagree**

- h. **agree** that NZQA would approve state, state-integrated, and private schools to offer NCEA by distance to students based offshore in the situations referred to in recommendation (g) above

**Agree**  **Disagree**

- i. **agree** that the provision of schooling and NCEA through offshore campuses would still be prohibited in such situations, and that the temporary arrangements would cover distance learning only

Agree  Disagree

- j. **agree** to seek Cabinet approval for this approach to be implemented through a Supplementary Order Paper to the Education and Training Bill, currently due to be reported back to the House by 4 May, to:

- Amend clause 423 to expand NZQA's rule-making power to prescribe the process for, and the information required in, an application for offering NCEA outside of New Zealand, and to prescribe the criteria that NZQA must apply when considering such an application; and
- Amend clause 426 to state that NCEA cannot be delivered outside New Zealand except in accordance with Rules made by NZQA under clause 423; and
- Insert a power for the Minister of Education to approve state and state integrated schools to offer distance education to students based offshore on a case-by-case basis

Agree  Disagree

#### Proactive Release Recommendation

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- k. **agree** that this Education Report is not proactively released until the Education and Training Bill has completed its passage through the House.

Agree  Disagree



Dr Andrea Schöllmann  
**Deputy Secretary**  
**Education System Policy**

03/04/2020



Hon Chris Hipkins  
**Minister of Education**

04/04/2020

While I agree with the above recommendations, as discussed at the recent Agency meeting, I'd like further analysis on how many students could be covered by the present crisis, and further information on how we will ensure this is limited only to times of crisis and an expectation doesn't develop that this could continue post-COVID19.

## Background

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### **Domestic and fee-paying international students are stranded overseas due to travel restrictions established in response to the COVID-19 pandemic**

1. The travel restrictions established with the COVID-19 pandemic response have resulted in a number of domestic students being stranded overseas and unable to travel to New Zealand to access their New Zealand education.
2. A number of fee-paying international students already enrolled in New Zealand schools are also stranded overseas and unable to come to the school they have enrolled in.
3. It is unclear how long these temporary travel restrictions will be in place. However, even when the current lockdown is lifted, it is likely that the COVID-19 pandemic will continue to cause significant disruption to international travel for a longer period – potentially 18 months to two years.
4. The Ministry of Education is considering how to best support these domestic students to access New Zealand education, and international students to continue their New Zealand education pathway, while they are unable to enter the country due to the pandemic response.

### **Currently, most New Zealand state schools cannot provide education to students based offshore**

5. New Zealand state schools, except for Te Aho o Te Kura Pounamu (Te Kura, the distance school), cannot offer education to students based offshore because to do so is not within their roles and functions as identified in the Education Act 1989.

### **We currently have around 12,600 international students in NZ schools**

6. There are currently around 12,600 international students in New Zealand and enrolled in NZ schools. These students currently face considerable uncertainty regarding the continuation of their study. If they do return home, they may not be able to return to NZ, or they may be nervous about doing so given COVID-19.
7. This uncertainty about ongoing study in NZ will also impact on the schools that are hosting and educating these students. Many schools and communities generate significant income from hosting these students.
8. There is currently no legislative barrier prohibiting private schools and Tertiary Education Organisations (TEOs) from providing NCEA offshore, but, as noted above, state and state integrated schools cannot do so. Te Kura's ability to offer NCEA to students based offshore is very limited, and does not extend to international fee paying students based offshore.

### **The Education and Training Bill contains provisions to prohibit the provision of NCEA to students based offshore**

9. Clause 426 of the Education and Training Bill, which is currently before the Education and Workforce Committee, prohibits the provision of NCEA to students based on assessment standards undertaken outside New Zealand, with two exceptions:
  - a. NCEA can continue to be provided by distance schools (Te Kura) to domestic students based offshore under the circumstances set out in its enrolment policy;

- b. NCEA can continue to be offered in countries with which New Zealand has cross-government agreements enabling this, with support from NZQA. Currently only Niue and the Cook Islands have this agreement.
10. The current COVID-19 pandemic has highlighted the need for greater flexibility regarding the ability for state and state-integrated schools to offer a continuing education for the international students currently enrolled with them. Greater flexibility regarding offshore provision will be needed if state and state integrated schools are to continue to support any of their current students who cannot return to New Zealand following a period in their home country.

### **Proposed amendments to Education and Training Bill**

11. We recommend amending legislation to enable schools to offer distance education, including the provision of NCEA, on a case-by-case basis to students based offshore as a temporary response in times of emergency, such as the COVID-19 pandemic. This will require amendments to the Education and Training Bill, including an exception to the ban on offering NCEA offshore, an amendment to NZQA's rule making power, and a power for the Minister of Education to approve state and state-integrated schools to offer distance education to students based offshore on a case-by-case basis.
12. Under this approach, State and state-integrated schools would be allowed to provide distance schooling offshore on a case-by-case basis, where approved by the Minister, in situations, such as the current pandemic, when there is widespread disruption to travel. This would be limited to situations where a current student enrolled at a New Zealand school is unable to return to New Zealand due to travel restrictions.
13. The provision of NCEA to students based offshore would also be allowed on a case-by-case basis in such situations. This would be decided by NZQA in accordance with Rules.
14. We recommend that NZQA also be given authority to approve which specific NCEA standards can be offered offshore in order to mitigate the challenges of managing assessment conditions, particularly for internally-assessed standards, from a distance.
15. The purpose of this approach would be to enable any students who have started a New Zealand schooling pathway to complete that pathway with the minimum possible disruption to their learning. It would also be to enable any students based offshore who as citizens or residents have a right to access New Zealand education to do so.
16. Outside of emergency situations such as the COVID-19 pandemic, state and state-integrated schools would not be allowed to provide schooling to students based offshore. Similarly, the provision of NCEA to students based offshore would also still be prohibited outside of emergency situations. These rules would also apply to Te Kura, the distance school.
17. We recommend that the provision of schooling and NCEA through offshore campuses would still be prohibited in such situations. The temporary arrangements would cover distance learning only.
18. Enabling NZQA to approve the offering of NCEA offshore is consistent with their role in approving schools and some TEOs to provide NCEA in New Zealand. NZQA considers that it is likely to be able to support this arrangement through existing resources as it is

temporary, and relates to students who are already enrolled with New Zealand secondary schools.

19. All of these changes could be implemented through a Supplementary Order Paper to the Education and Training Bill to:
  - a. Add a provision that enables the Minister of Education to authorise schools to provide distance education to students based offshore in emergency situations;
  - b. Amend clause 423 to expand NZQA's rule-making power to prescribe the process for, and the information required in, an application for offering education and/or NCEA outside of New Zealand, and to prescribe the criteria that NZQA must apply when considering such an application; and
  - c. Amend clause 426 to state that NCEA cannot be delivered outside New Zealand except in accordance with Rules made by NZQA under clause 423.

**We also considered the option of an ongoing change to the ability of schools to offer schooling and NCEA offshore**

20. We considered an option which would enable state and state-integrated schools, including Te Kura, and private schools to offer schooling and NCEA by distance to students based offshore, on an ongoing basis and not limited to students already enrolled.
21. However, the previously identified risks and challenges related to the provision of NCEA offshore remain.
22. Balancing these risks and challenges against the benefits of international education will require further consideration and analysis, which we have not had the opportunity to do in the limited timeframe required to have an SOP ready for the Education and Training Bill. If necessary, this issue could be considered again, when more is known about the long term impact of the pandemic on the international education sector.

**Financial implications**

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23. There may be some financial implications of enabling domestic students based offshore to access Te Kura through Government funded gateways. We have not been able to estimate the costs of this in the time available, but a relatively small number of students have needed Te Kura support as a result of COVID-19 at this stage.

**Next steps**

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24. If you agree with the proposed approach, we will include this proposal in the Cabinet paper currently being prepared, seeking agreement to a range of SOPs to the Education and Training Bill.