



## 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>	9 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 fee-paying international students to continue their New Zealand education pathway, including NCEA, offshore.

### Summary

1. As a one-off, time-limited response to the COVID-19 pandemic and travel disruption, we recommend amending legislation to:
  - 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;
  - b. Enable state, state integrated, and private schools to provide NCEA to students based offshore in accordance with Rules made by NZQA; and
  - c. Enable NZQA to decide which NCEA standards can be offered offshore in these cases, in order to mitigate the challenges of managing assessment conditions, particularly for internally-assessed standards, from a distance.
2. This will require amendments to the Education and Training Bill. These amendments include an exception to the ban on providing NCEA offshore, amendments to NZQA's rule-making powers, and a power for the Minister of

Education to approve state and state-integrated schools to offer distance education to their students who are based offshore.

3. We recommend that these amendments are made as a one-off, temporary response to the current COVID-19 pandemic, and limited to a fixed term concluding at the end of the 2022 school year.
4. 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, and that it is considered likely that international travel will continue to be disrupted for a further 18 months, or longer

**Noted**

- b. **note** that this creates uncertainty for international students currently enrolled in New Zealand schools, and for those schools, as to whether those students will be able to continue their New Zealand education, if they return to their country of residence in the coming months

**Noted**

*Enabling state and state-integrated schools to offer distance education to students based offshore*

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

**Noted**

- d. **agree** to enable state and state-integrated schools to offer distance education to students based offshore, where approved by the Minister of Education, for a fixed term concluding at the end of the 2022 school year

**Agree**  **Disagree**

- e. **agree** to enable the Minister of Education to approve state and state-integrated schools to offer distance education to students based offshore under these arrangements

**Agree**  **Disagree**

*Enabling state, state-integrated and private schools to provide NCEA by distance to students based offshore*

- f. **note** that the Education and Training Bill, currently before Select Committee, contains a clause prohibiting the provision of NCEA offshore (with two exceptions)

**Noted**

- g. **agree** to enable state, state-integrated and private schools to provide NCEA by distance to students based offshore, for a fixed term concluding at the end of the 2022 school year

Agree  Disagree

- h. **agree** to enable NZQA to approve state, state-integrated, and private schools to provide NCEA by distance under these arrangements

Agree  Disagree

- i. **agree** to enable NZQA to approve the standards that may be assessed under these arrangements in order to mitigate the challenges of managing assessment conditions, particularly for internally-assessed standards, from a distance

Agree  Disagree

*Temporary arrangements will enable distance learning only*

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

Agree  Disagree

*Amendments to the Education and Training Bill*

- k. **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:

- Insert a time-limited power for the Minister of Education to approve state and state integrated schools on a case-by-case basis to offer distance education to students based offshore , with the power and the approval to expire by the end of the 2022 school year
- Amend clause 426 to state that NCEA cannot be delivered outside New Zealand except in accordance with Rules made by NZQA under clause 423 which will expire at the end of the 2022 school year
- Amend clause 423 to temporarily 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, with the additional power set to expire at the end of the 2022 school year; and
- Amend clause 423 to enable NZQA to approve standards that may be assessed by schools providing NCEA to students based offshore under the temporary additional rule-making power

Agree  Disagree

## Proactive Release Recommendation

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- I. **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**

09/04/2020



Hon Chris Hipkins  
**Minister of Education**

13/4/2020

All of the communications around this needs to make it clear that this temporary exemption is only available to domestic and international students based offshore who have an existing enrolment or relationship with a New Zealand school that has been disrupted due to COVID-19. This is not an invitation for providers to go recruiting new students to NCEA programmes during the exemption period.  
Chris Hipkins, 13.4.2020

## Background

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### COVID-019 disruptions to international travel are expected to continue for some time

1. A number of fee-paying international students already enrolled in New Zealand schools are currently stranded overseas and unable to come to the school they have enrolled in.
2. In addition, there are currently around 12,600 international fee paying students enrolled in NZ schools. These students currently face considerable uncertainty regarding the continuation of their study, if they return to their home countries later this year. They may be restricted from re-entering New Zealand due to ongoing disruptions to travel due to the COVID-19 pandemic. As the International Education Code of Pastoral Care requires primary-aged international students to have a parent in New Zealand, this situation is more likely to affect students in secondary schooling.
3. It is unclear how long these temporary travel restrictions will be in place, but it is likely that the COVID-19 pandemic will continue to cause significant disruption to international travel for a significant period – potentially 18 months.
4. This uncertainty about ongoing study in New Zealand will also impact on the schools that are hosting and educating these international fee-paying students. Many schools and communities generate significant income from hosting them.
5. The following table presents the numbers of international fee-paying students enrolled in New Zealand schools by year level, for the years 2016-2020.

Numbers of IFP students by year level, 2016-2020<sup>1</sup>

Calendar Year	Student Year Level						All Year Levels
	1-8	9	10	11	12	13	
2020	2395	619	1196	2443	2906	3037	12596
2019	1775	445	701	1075	2898	5205	12729
2018	1368	353	507	1234	2316	6794	12572
2017	2017	248	441	1013	2079	7137	11946
2016	819	221	376	935	1837	6495	10683

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<sup>1</sup> Data is based on students enrolled with a first day of attendance on or before 02 April each year, and a last date of attendance missing, or greater than 02 April each year. So these numbers are essentially a snapshot as at 02 April each year. Note that:

- Data has been extracted from a live database view on 2 April 2020. Future extractions for the same dates are subject to change.
- Guidance was provided to schools to input a last day of attendance which was the same as the first day of attendance for those students who did not make it into the country for COVID-19 related reasons. In theory they should have been removed prior to this extract. However, we do not know how well schools followed this advice.

**Currently, most New Zealand state schools cannot provide education to students based offshore, and the provision of NCEA offshore will soon be prohibited**

6. State and state-integrated 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.
7. There is currently no legislative barrier prohibiting private schools and Tertiary Education Organisations (TEOs) from providing NCEA offshore, but state and state integrated schools cannot do so.
8. 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.

**COVID-19 has rapidly changed the situation for the continued education of international students**

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9. 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.
10. For example, a student who is currently enrolled in NCEA level 1 may have reasonably expected to return to New Zealand in 2021 for NCEA level 2 and in 2022 for NCEA level 3. The current travel restrictions may interrupt this educational pathway.
11. We have therefore considered options for enabling the continuing education of this cohort of students, for the benefit of both the students and their host schools. In considering these options, we have sought to maintain the overall framework for distance education offshore that is in the current Education and Training Bill for the medium term, because the approach in the Bill has been subject to public consultation and Select Committee consideration.

**Proposed transitional approach for current international students**

12. We recommend enabling state and state-integrated schools, on a case-by-case basis, to offer distance education to students based offshore until the end of the

2022 school year, as a temporary response to the COVID-19 pandemic, with the Minister of Education enabled to provide this authorisation.

13. This can be done through amending the Education and Training Bill to add a provision that enables the Minister of Education to authorise schools to provide offshore distance education to currently enrolled international students, until the end of the 2022 school year.
14. We also recommend enabling schools, on a case-by-case basis, to provide NCEA to students based offshore until the end of the 2022 school year, as a temporary response to the COVID-19 pandemic, and enabling NZQA to authorise schools to do this.
15. We recommend that NZQA also be given authority to approve NCEA standards that may be offered offshore in these cases, in order to mitigate the challenges of managing assessment conditions, particularly for internally-assessed standards, from a distance.
16. Enabling NZQA to approve the provision 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.
17. Outside of this response to the current COVID-19 pandemic, the basic policy principles relating to state and state-integrated schools not being allowed to provide schooling to students based offshore still apply. Similarly, the policy reasons for prohibiting the provision of NCEA to students based offshore are also unchanged. So we propose that the response to the COVID-19 pandemic is adopted as a one-off, fixed term measure.
18. We recommend that these arrangements expire at the end of the 2022 school year on the basis that the COVID-19 pandemic is likely to continue to cause significant disruption to international travel, potentially for 18 months or longer, meaning that any students who travel outside New Zealand during that time could face delays in getting back. This expiry date will enable students who have begun their NCEA pathway at Level 1 this year to complete the qualification through to Level 3, even if they are unable to re-enter New Zealand because of travel restrictions associated with the current COVID-19 pandemic.
19. We recommend that the provision of schooling and NCEA through offshore campuses would still be prohibited in this approach. The temporary arrangements would cover distance learning only.
20. All of these changes could be implemented through a Supplementary Order Paper to the Education and Training Bill to:
  - a. 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, with the power and the approval to expire at the end of the 2022 school year;

- b. Amend clause 426 to state that NCEA cannot be delivered outside New Zealand except in accordance with Rules made by NZQA under clause 423;
- c. 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 during the current COVID-19 pandemic, and to prescribe the criteria that NZQA must apply when considering such an application; and
- d. Amend clause 423 to enable NZQA to approve achievement standards to be assessed by schools providing NCEA to students based offshore.

#### **Other options considered and discounted**

- 21. We considered an option that would enable state and state-integrated schools and private schools to offer schooling and NCEA by distance to students based offshore in any emergency situation, with emergency situations to be designated by the Minister.
- 22. We also considered an option that would enable state and state-integrated schools 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.
- 23. However, the previously identified risks and challenges relating to quality assuring the provision of schooling and of NCEA offshore remain.
- 24. Addressing these risks and challenges would 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.
- 25. 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.

#### **Next steps**

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