



## Education Report: Advice on grandparent clauses and transitional arrangements in enrolment schemes

<b>To:</b>	Hon Chris Hipkins, Minister of Education		
<b>Date:</b>	9 April 2020	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1223696
<b>Drafter:</b>	Samantha Young	<b>DDI:</b>	§ 9(2)(a)
<b>Key Contact:</b>	Ben O'Meara	<b>DDI:</b>	§ 9(2)(a)
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### Purpose of Report

- This report responds to advice commissioned by Cabinet in October 2019, as part of the Tomorrow's Schools reforms, on whether grandparenting provisions should apply when new enrolment schemes are established or changes are made to existing enrolment schemes [SWC-019-MIN-0153 refers].
- We are seeking your agreement to amend legislation to provide for grandparenting provisions in relation to enrolment schemes.

### Summary

1. In October 2019, as part of the Tomorrow's Schools reforms, Cabinet commissioned advice on whether there should be legislative provisions for the use of grandparenting provisions when enrolment schemes are established or amended [SWC-019-MIN-0153 refers].
2. Grandparenting provisions currently act as a transitional arrangement that help to smooth the impact on families and school communities when an existing enrolment scheme home zone is amended to mitigate against actual or likely overcrowding. Typically, these have provided for the siblings of current students to retain the right to enrol at the school even if they no longer reside in-zone.
3. Though they are not provided for in the Education Act 1989, the Ministry's current operational approach, in some situations, is to use grandparenting. This is the result of advice to then Minister of Education, Hon Steve Maharey, in 2006 (attached as Annex 1). They are used by the Ministry on a case by case basis to manage local communities' expectations and concerns during an enrolment scheme change process.

4. Given that the creation or modification of enrolment schemes is a network management tool to prevent overcrowding in a school, there is a risk that, in some situations, the use of grandparenting can place additional pressure on the school's ability to initially prevent this from occurring.
5. Our analysis concludes that there is a case for amending legislation to provide for the use of grandparenting provisions when implementing or modifying an enrolment scheme, and at the Secretary for Education's discretion in accordance with the purpose and principles of enrolment schemes set out in the Education Act 1989 and the Education and Training Bill.
6. If you agree, there are two options for progressing legislative change. The first is through a Supplementary Order Paper to the current Education and Training Bill. The second is through a future legislative work programme.

## Recommended Actions

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The Ministry of Education recommends that you:

- a. **note** that this paper responds to advice commissioned by Cabinet as part of the Tomorrow's Schools reset on whether legislative provision for grandparenting arrangements should be made [SWC-019-MIN-0153 refers]

**Noted**

- b. **note** that grandparenting of enrolment schemes is not currently provided for in the Education Act 1989 s 9(2)(h)

**Noted**

- c. **note** that the Ministry's regional offices currently allow schools to implement grandparenting provisions on a case by case basis where it is needed to respond to community concerns about the impacts on families and schooling communities of amending an existing enrolment scheme

**Noted**

- d. **agree** that provision for the use of enrolment scheme grandparenting provisions for siblings of current students at the discretion of the Secretary for Education be included in legislation, where their use is considered to be consistent with the purpose and principles of enrolment schemes as set out in the Education Act 1989

**Agree** Disagree

- e. EITHER

- (i) **agree** that the Ministry seek legislative provision for the use of grandparenting in a Cabinet paper seeking approval to issue drafting instructions for Supplementary Order Papers for the Education and Training Bill (*Preferred*)

**Agree** Disagree

OR

- (ii) **agree** that the Ministry progress this work at the first legislative opportunity, expected to be in 2021

Agree ☒ Disagree

#### Proactive release recommendation

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- f. **agree** that this Education Report will **not** be proactively released at this time because final decisions are still to be made on the wider pieces of work relating to enrolment schemes.

☒ Agree / ☐ Disagree



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

09/04/2020



Hon Chris Hipkins  
**Minister of Education**

13/ 4 /2020

## Background

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1. In October 2019, Cabinet agreed to the Government's reset of Tomorrow's Schools, *Supporting all schools to succeed: Reform of the Tomorrow's Schools system* [SWC-019-MIN-0153 refers].
2. As part of the Government's reset, Cabinet agreed that the responsibility for developing and consulting on enrolment schemes would be shifted from boards of trustees to the Secretary for Education. This work is being progressed through the Education and Training Bill, which is currently at Select Committee.
3. Cabinet also commissioned further advice from the Ministry as to whether:
  - a. The existing balloting criteria for out-of-zone enrolment practices set out in the Education Act 1989 and Education and Training Bill continue to be fit for purpose;
  - b. Grandparenting provisions should apply when new enrolment schemes are established or changes are made to existing enrolment schemes; and
  - c. State integrated schools should be required to use the same balloting criteria and processes as state schools use for non-preference students.
4. The Ministry has also been asked to provide advice on whether children and young people in state care should be exempt from enrolment scheme home zones (i.e. to allow them to enrol in a zoned school, even if they live outside the home zone)<sup>1</sup> [advice will be provided in a forthcoming paper].

## Purpose and operation of enrolment schemes

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5. There are a number of school network solutions the Ministry uses in order to respond to different growth pressures:<sup>2</sup>
  - a. Enrolment schemes – addressing or preventing overcrowding and managing available network capacity through the introduction of a home zone, or changes to the home zone through a home zone amendment;
  - b. Roll growth funding – building new classrooms/teaching space in existing schools (temporary or permanent);
  - c. Network restructure – mergers, relocations, or changing the school type across a community or catchment area;
  - d. Establishing new state or state integrated schools; and
  - e. Increasing the maximum roll of state integrated schools.
6. The purpose of an enrolment scheme for a state school as set out in S11A of the Education Act 1989 and clause 69 of the Education and Training Bill, is to:
  - a. Avoid overcrowding, or the likelihood of overcrowding, at the school;
  - b. Ensure that the selection of applicants for enrolment at the schools is carried out in a fair and transparent manner; and
  - c. Enable the Secretary to make the best use of existing networks of state schools.

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<sup>1</sup> This part of the enrolment work has not directly arisen from the Government's response to the Tomorrow's Schools reforms. This has been raised by Oranga Tamariki to respond to the enrolment issues faced by the vulnerable learners/ākonga in state care.

<sup>2</sup> The National Education Growth Plan to 2030

7. Enrolment schemes must ensure that as far as possible, the scheme does not exclude local students, and that no more students are excluded than is necessary to avoid overcrowding at the school.
8. Currently, enrolment schemes are developed by the school board of trustees, who are also responsible for consulting with their local community and any groups or people they deem appropriate. As noted in paragraph 2, these responsibilities are shifting to the Secretary for Education under the Education and Training Bill.
9. As at 19 November 2019, there were a total of 2,442 state and state integrated schools; of which 981 (40.17%) had an enrolment scheme, and 1,461 (59.83%) did not.
10. We are seeing a particular increase in the number of students in high growth areas of Auckland, Hamilton, Queenstown, and Tauranga.<sup>3</sup> This can be attributed to a variety of reasons, such as increased population density, particularly in cases of infill housing, higher birth rates, and increased levels of migration.
11. The Auckland region is experiencing the highest growth rates. There are currently 300 enrolment schemes out of 506 state and state integrated schools, and there are plans underway to implement and modify 135 schemes over the next three years in order to ensure every school has a tool to manage their rolls [METIS 1205721 refers].

#### **Purpose of grandparenting provisions**

12. The need to manage overcrowding and available capacity has seen some schools needing to establish enrolment schemes and/or amend their existing schemes. Grandparenting provisions were first used in 2002, and again in 2006, based on previous advice to former Minister of Education, Hon Steve Maharey. This report is attached as Annex 1.
13. The Ministry acknowledged that this would set a precedent for future use and the use of grandparenting provisions has subsequently become more prevalent, particularly in high growth areas.
14. Typically, grandparenting provisions have acted as transition arrangements when an enrolment scheme is amended and the home zone is changed as a result. They have not, to our knowledge, been utilised when establishing an enrolment scheme for the first time. Almost all grandparenting arrangements provide for the siblings of current students (i.e. those enrolled at the time the enrolment scheme home zone amendment was being developed) to retain the right to enrol at the school when the new home zone amendment is adopted.
15. When a new scheme is implemented, or there is an amendment to the existing home zone, the local community can have a number of concerns around the impact of the changes proposed, including (but not limited to):
  - a. Families/whānau who have one or more learners/ākonga at a school and their remaining children will be out-of-zone after the new home zone adoption;
  - b. Families/whānau who have learners/ākonga who have yet to start school but who had anticipated their child/ren attending that school who will now be out-of-zone;
  - c. The perceived desirability of the school whose home zone is changing compared to other reasonably convenient schools in the area; and
  - d. The perceived or real loss in the value of their property.

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<sup>3</sup> Education Counts

16. For many families/whānau, preserving the ability for siblings to attend the same school is important to ensuring their best interests are being met. There are also other important considerations, such as not needing to engage and establish a connection with multiple schools, reducing school-related expenses by being able to hand uniform items down from one child to the next, and reducing transport costs or commuting times.
17. Some families/whānau have concerns about the desirability of the school they may be zoned for, should the school of their choice implement an enrolment scheme amendment. If they do not have a learner/ākonga already attending a school, they do not meet the grandparenting provision criteria (siblings of current students). However, the use of enrolment schemes as a network management tool to mitigate against overcrowding will always mean that some students who may have otherwise chosen to attend the school will no longer be able to.
18. For others, the perceived loss in their property value can cause significant resistance to change, or lobbying for an area amendment from other locations within the home zone. Property values are not within the scope of an enrolment scheme's purpose or principles as set out in the Education Act 1989, or the Education and Training Bill.

#### **Current practice**

19. Current grandparenting practices are derived from advice prepared in 2006 for then Minister of Education, Hon Steve Maharey (attached as Annex 1).
20. Once a grandparenting provision has been agreed with the Ministry, the day-to-day operation of the provision resides with the school. Students enrolled under the provision are recorded as in-zone, and the Ministry does not have visibility of how many children are accepted under these arrangements.
21. There is no nationally-held data on schools currently operating grandparenting or transitional arrangements, due to decisions being made at a regional level on a case by case basis.

s 9(2)(h)

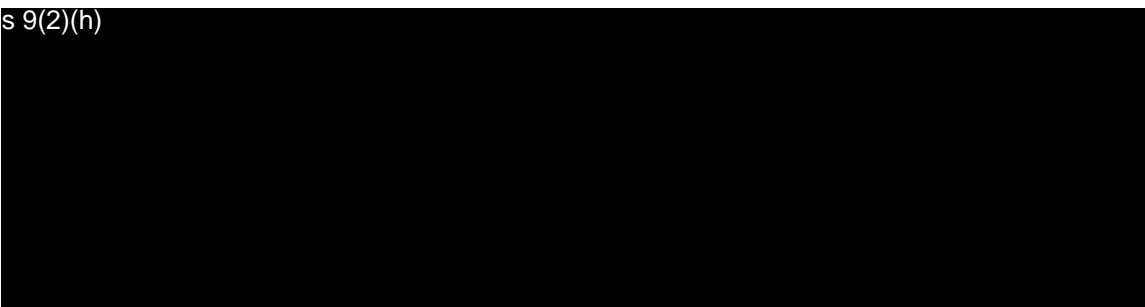
22. s 9(2)(h)

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24. s 9(2)(h)

## Case for change

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25. s 9(2)(h) 
26. Implementing enrolment schemes to help manage a school's capacity can create a tension between schools and communities, and between schools and the Ministry. The Ministry must balance how best to manage the schooling network and property (i.e. preventing overcrowding and/or additional property investments when there is capacity elsewhere in the network),<sup>4</sup> as well as consider what is best for learners/ākonga and their families/whānau.
27. Grandparenting provisions are considered to be a useful tool to support the transition process when an enrolment scheme is amended, as part of the wider school network planning and provisioning process.
28. While not all families will choose to send their children to the same school, the current use of grandparenting provisions and feedback received over the Tomorrow's Schools Review has demonstrated that choice (even perceived choice)<sup>5</sup> is viewed as a key tenet for families/whānau.
29. Feedback from the Tomorrow's Schools 2019 survey has indicated preferences for keeping siblings together when enrolment schemes are amended. Respondents widely cited that siblings attending school together provided greater support for learners/ākonga, their family/whānau, and overall wellbeing. This aligns with the "*Learners at the Centre*" education priority.

## Objectives and criteria

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30. Enrolment schemes are a demand management tool, typically governed by proximity and making best use of the schooling network. They are viewed by families/whānau as tools that enable or remove choice. This perception has fuelled some misconceptions about enrolment schemes and their purposes. Grandparenting provisions have emerged as a transition tool in response to enrolment scheme home zone amendments which are viewed as restricting choice and unsettling communities.
31. As stated earlier, the primary purpose of grandparenting has been to ensure children are able to attend the same school as their siblings when an enrolment scheme is amended. Other reasons a grandparenting provision has been used include:
- Alleviating community concern when an enrolment scheme home zone is reduced and making the transition smoother; and
  - Allowing enrolment schemes to be implemented more quickly. This reduces delays in implementation, giving certainty to families/whānau, and in some

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<sup>4</sup> In some cases, due to population growth, enrolment schemes only defer the need for property solutions to be put in place.

<sup>5</sup> Enrolment schemes do not increase parental choice, and real choice can differ from perceptions of choice.

cases, some schemes may not be implemented at all without these clauses due to significant community opposition, leading to poorer management of school capacity and/or across the network of schools.

32. If grandparenting provisions are to be provided for in legislation, they should align with the objectives of the broader enrolment scheme and balloting criteria:

- a. **To avoid overcrowding:** Grandparenting may lead to an increase in students in the short term, which may place pressure on schools that are close to capacity. Their use may not be viable in all situations, particularly in areas of rapid growth. However, there may be multiple solutions being put into place to help ease overcrowding and/or anticipated growth. For example, where a school is in close proximity to a significant housing development the solution is often an enrolment scheme amendment in conjunction with additional property provision.
- b. **Fair and transparent:** Both balloting criteria and grandparenting provisions must have a fair and transparent selection process for those that reside outside the home zone. Explicit provision for grandparenting should provide certainty for families/whānau as to who will be included and under what circumstances to ensure they are applied consistently.
- c. **Best use of the network:** The largest consideration with implementing grandparenting is the impact on the school capacity. There is the risk that they may not offer mitigation to the capacity issues being experienced at the school due to delayed impact on school rolls, and this may lead to increased demand for a property solution. Given the delay inherent in building physical capacity, this could be viewed as withholding much needed investment or as adding capacity too late. This again means that their use may not always be viable.

In some high growth areas, enrolment schemes are being put into place as best use of the schooling network rather than when a school is at risk of overcrowding. This proactive approach to managing the schooling network means that grandparented students can be managed within the school's existing capacity.

- d. **Not excluding more students than is necessary:** The Ministry and schools will need to have some indication of how many students will be enrolled under grandparent provisions in order to manage their rolls over time.

## Potential options

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33. Three potential options have been considered:

- a. Option 1: Provide for the continued use of grandparenting provisions in legislation
- b. Option 2: Status quo: Continue to use grandparenting at the Ministry's discretion without legislative backing
- c. Option 3: No longer approve any grandparenting provisions.

34. We do not recommend option two s 9(2)(h)

35. We do not think option three should be pursued either. Grandparenting provisions, on a case by case basis, have proven to be a pragmatic tool for both the Ministry and schooling communities to manage what can be a very challenging and unsettling process. As noted earlier, any decisions which are seen to be limiting or removing school choice from families/whānau are likely to be met with significant resistance and have a negative impact on relationships with the Ministry and the communities affected.



## Options assessment

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### Option 1 Provide for the use of grandparenting provisions in legislation (Recommended)

36. Option one is to provide for the use of grandparenting provisions explicitly in legislation. This will give the Secretary for Education (through the Ministry's regional offices) the ability to utilise these provisions at their discretion and ensure a consistent approach to considering their use is taken in all situations.
37. Under this option, legislation would be amended to provide that the Secretary for Education could use grandparenting provisions at their discretion, where their use was considered to be consistent with the purpose and principles of enrolment schemes as set out in S11A of the Act and clause 69 of the Education and Training Bill.
38. Further details about the operation of grandparenting provisions would be provided in the Secretary's Guidelines for the development and operation of enrolment schemes.

#### Benefits and advantages

- a. s 9(2)(h)  
[Redacted]
- b. **Places learners/ākonga at the centre by giving these families/whānau the reassurance siblings can remain at the same school:** Grandparenting supports learner/ākonga wellbeing by providing assurance and certainty for families/whānau living in the old home zone, that their children can attend the same school as their siblings.
- c. **Provides a tool to help manage the transition to new enrolment scheme:** As noted earlier, enrolment scheme amendments can be difficult for communities. There can often be concern about a proposed amendment for a variety of reasons, and grandparent provisions can help a community manage the change process and make the amendment process much quicker and smoother.
- d. **Ensures grandparent clauses will be applied lawfully, consistently and in accordance with the purpose and principles of enrolment schemes:** Providing for grandparenting in legislation will provide a transparent national framework that can be applied lawfully, consistently, and fairly.

#### Costs and risks

- a. **Enrolment schemes have a delayed impact at reducing overcrowding:** All grandparenting provisions will reduce the initial impact of an enrolment scheme on reducing overcrowding, with longer periods of time required to see significant reductions. The extent to which grandparenting will impact an enrolment scheme will depend on the size of the grandparented area, and the number of siblings within these areas. Effective schooling network management can mitigate this risk.
- b. **School capacity pressure:** Grandparenting may offer limited mitigation to the capacity issues experienced at the school over the short term. This is because of the delayed impact on school rolls as grandparented students pass through the school. There is a risk that this would lead to increased demand for a property solution. However, this risk will be mitigated by providing the Secretary with

discretion to ensure they are only used in situations where capacity concerns can be effectively managed.

- c. **Equity implications:** Grandparent provisions have generally only been used when there is significant community concern over a proposed zone amendment. This means less empowered communities may not feel comfortable voicing their concerns about a proposed zone amendment. However, this risk could be managed through the policies and practices that the Ministry puts in place around the setting and amending of enrolment zones.

**Option 2 Status quo: Continuing to use grandparenting provisions at the Ministry's discretion without providing for them in legislation (Not recommended)**

39. Option two is to continue with the status quo, s 9(2)(h)

**Benefits and advantages**

As for option one.

**Costs and risks**

The same costs and risks for option one apply. In addition:

- s 9(2)(h)
- **Potential inconsistency in their application:** The ad hoc nature of their development will lead to different grandparent provisions being implemented, s 9(2)(h)

**Option 3 No longer approving any grandparenting provisions (Not recommended)**

40. Option three rejects further use of grandparenting provisions. Any decisions which are seen to be limiting or removing school choice from families/whānau will be met with significant pushback. This carries political risk, as well as a deterioration in relationships with the Ministry and the communities affected.
41. Within this option, there are two further main considerations:
- a. **Removing all existing grandparenting provisions:** This option will cause the most resistance from communities, where these clauses have already provided reassurance during the change process. Removing them will remove this reassurance and damage the relationship between communities and the Ministry.
  - b. **Allowing existing grandparenting provisions to continue, but refuse the use of grandparenting on future amendments:** This may make some contentious zone amendments more difficult to implement. The Ministry may also be subject to lobbying from communities who view the refusal of implementing a grandparenting provision as 'unfair'.

## Benefits and advantages

**Management of the schooling network:** Enrolment schemes will reduce the school's roll over a shorter period of time.

## Costs and disadvantages

- a. **Local community resistance which may delay implementing new schemes or amendments:** Enrolment schemes and their amendments can be contentious and controversial. In these cases, it may take longer for the Ministry, schools, and local communities to come to an agreement on any new changes.
- b. **May result in some families/whānau being separated as a result of not gaining enrolment through the ballot:** This may occur if a school is so over-subscribed that they cannot accept any out-of-zone enrolments and their learner/ākonga must attend a different school. For these families/whānau, this may cause some anguish and may not be in the best interests for that learner/ākonga.
- c. s 9(2)(h)  
[Redacted]  
[Redacted]  
[Redacted]
- d. **Political risk:** The timing of these changes will occur before the next general election, and removing the option of the Ministry being able to use grandparenting provisions will likely be unpopular with schools and communities. There is a risk of alienating these families/whānau which may have a negative impact.

## Key design considerations

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42. While there is variability in how grandparenting provisions have been implemented to date, there are a number of design considerations being utilised operationally that we consider should remain unchanged:
  - a. The Ministry has discretion to use grandparenting provisions when it considers it is in the school and local community's best interest and can be managed within the school's capacity and schooling network. They are not utilised in all enrolment scheme implementations and amendments;
  - b. They apply to families/whānau living at a given address; if these families/whānau decide to move elsewhere, they are no longer eligible to be grandparented; and
43. We have analysed who should be included in a grandparenting provision, and when they should be applied in further detail below:

### ***Who should be included?***

#### *Siblings*

44. It is proposed that only siblings of current students are included. Under current legislation, siblings of current students are priority 2 under the out-of-zone balloting criteria, behind priority 1 applicants who are applying under a school's special programme. Not all schools operate approved special programmes, and siblings of current students are given first priority in most instances.
45. Schools are generally aware of approximately how many siblings (of current students) may enrol, and some schools may use this when determining the number of out-of-zone

places. However, this approach does not guarantee enrolment if there is no available capacity, and risks underproviding places, i.e. if the school underestimates the number of siblings that may want to enrol at the time of setting the number of out-of-zone places.

46. In this instance, having a grandparent arrangement could provide certainty for families/whānau that were previously assured enrolment under the old enrolment scheme. We would also anticipate that this would affect a fraction of the overall number of siblings applying for out-of-zone enrolment due to its tight geographic concession. Grandparenting in these situations would acknowledge that these families/whānau have made a commitment to a school by residing within their home zone, and establishing a day-to-day connection through their child's enrolment.
47. To date, grandparent provisions have not been applied to siblings of former students. We consider that this should continue as not providing for these younger siblings would not split families/whānau up as the elder sibling has already left the school.

#### *First or eldest children*

48. We did consider whether grandparenting provision should also be made for families with eldest children who are due to start school shortly after the proposed enrolment scheme is implemented.
49. We consider that extending grandparenting provisions to these families/whānau is contrary to the original policy intent of the balloting criteria, where the strength of a family's/whānau's day-to-day connection with a school is the basis for their priority for enrolment, as opposed to a geographic connection.
50. We also note that including these children in any grandparenting arrangements risks exceeding the capacity of the school, and further delay the impact of the new enrolment scheme. It is also difficult to determine the number of families/whānau that would make use of the grandparent clause and make network management more difficult.
51. On balance, we do not consider that grandparenting should be extended towards these families/whānau. Enrolment schemes are subject to change and the Ministry is required to ensure that all families/whānau in a community have access to at least one reasonably convenient school. Allowing families/whānau that have bought or rented property within a school's home zone but whose eldest child is not yet enrolled gives little visibility of the potential new entrant students a school may receive, making it more difficult for schools to plan for staffing and teaching space provision as well as determine the number of out-of-zone places they may offer (if any).

#### ***When should grandparent clauses be applied?***

52. To date, grandparenting provisions have only been used when amending an existing enrolment scheme. They have not (to our knowledge) been used when a school is implementing an enrolment scheme for the first time.
53. As noted earlier, the Ministry has implemented a number of enrolment schemes in high growth areas in order to make best use of the schooling network, for example when a significant housing development is underway. These schools may not be at immediate risk of overcrowding, and grandparenting in these instances would not put the school's capacity at risk.
54. We consider that the Ministry having the discretion to approve grandparenting provisions when a new enrolment scheme is being implemented to provide certainty to

families/whānau that siblings of current students will be able to attend the school is appropriate.

## Conclusion

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55. s 9(2)(h) grandparenting provisions have primarily been used to manage local communities' expectations and concerns during the enrolment scheme change process and ensure that siblings can remain enrolled together at the same school. However, depending on the number of siblings who are grandparented, this can place additional pressure on the school's existing capacity.
56. Our review concludes that there is a case for change and we recommend that there should be provision for grandparenting of enrolment schemes in legislation, at the Secretary's discretion on a case by case basis.
57. Further detail on the key considerations to determine when this will be approved can be included in further detail in the Secretary's Guidelines.

## Next steps

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58. Should you decide to pursue legislative change, there are two options:
  - a. Seek change through a Supplementary Order Paper to the Education and Training Bill (Recommended); or
  - b. Seek change through the next set of legislative amendments which are likely to occur in 2021 (Not recommended).
59. Should you decide to seek change through the next set of legislative amendments, the Ministry will continue with its current operational approach to considering grandparenting provisions on a case by case basis.

## Annexes

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- Annex 1: Education Report: Transitional Arrangement for Siblings following a Reduction of Enrolment Scheme Home Zone, 19 July 2006, prepared for Hon Steve Maharey, Minister of Education. *(attached separately)*

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**Education Report: Transitional Arrangement for Siblings following a Reduction of Enrolment Scheme Home Zone**

Date:	18 July 2006	Education Priority:	Medium
Security Level:	In Confidence	METIS No:	141700

**Action Sought**

Action Sought		Deadline
Minister of Education	Agree	19 JUL 2006

**Contact for Telephone Discussion**

Name	Position	Telephone	1st Contact
Neville Smith	Manager Network Provision	s 9(2)(a)	✓
Murray Aitken	Drafter		
Marta Besier	Peer reviewer		

Enclosure: No

Minister's Office to Complete:

- ☐ Noted
 ☐ Seen
 ☒ Approved
- ☐ Needs change
 ☐ Withdrawn
 ☐ Overtaken by Events

Comments:





19th July 2006

IO31/52/00/3

**Education Report: Transitional Arrangement for Siblings  
following a Reduction of Enrolment  
Scheme Home Zone**

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**Recommended Actions**

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We recommend that the Minister of Education:

- a. **agree** that the Ministry of Education exercise its own judgement with regard to transitional arrangements for siblings at the time of amending an enrolment scheme.

☒ ~~DISAGREE~~  
AGREE/

*Kathy Phillips*

**Kathy Phillips**  
Senior Manager  
National Operations



**Hon Steve Maharey**  
Minister of Education

*27/06*

## Education Report: Transitional Arrangement for Siblings following a Reduction of Enrolment Scheme Home Zone

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### Purpose of Report

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1. This report seeks your agreement on a transitional arrangement around the treatment of siblings of families with students attending a school, when a school makes an amendment resulting in a reduction of its home zone.

### Background

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2. There are several primary school networks within Christchurch city where a change in the home zones of the enrolment schemes would benefit the wider network of schools.
3. In these cases, the school site is either reaching the maximum site capacity and further in-zone growth is projected, or a degree of parental choice sees the roll growing. The ministry has discussed with various boards of trustees the need to reduce the size of the home zone boundary in order to avoid the likelihood of overcrowding.
4. Understandably, any proposal to remove an area from within a school's enrolment scheme home zone generates considerable local debate, particularly where parental perception of the neighbouring school's performance may be lower than the school their children currently attend.
5. Boards are concerned about the effect the reduced home zone would have on the most vocal group of opponents. These are the families who live in the area identified for removal from the home zone, and already have a child attending the school with siblings yet to enrol.
6. The boards would advise these families that their children who are siblings of existing students would have first priority among out of zone students, but they can give no guarantee that there will be room to enrol them when they turn five.

### Possible Solution

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7. The Ministry of Education feels their arguments relating to fairness, social justice, family expectations and parental commitment to the school are relevant in this situation. In reducing an enrolment scheme home zone, a board would be taking away a right to enrol which the current scheme guarantees.
8. It is proposed that transitional arrangements could be made which would allow siblings of currently enrolled pupils from within the area to be removed from the current home zone, to be enrolled as 'in-zone' pupils.



9. The transitional arrangement would be worded as follows:

***Transitional Arrangement***

*The following addresses shall be deemed to be in-zone, but only for as long as they contain children who, at the time of enrolment, are the siblings of current students.*

Address A  
Address B  
Address C  
etc

10. Note that this is a very tightly defined concession. It would not apply to:
- a. children of parents who move into the discarded area subsequent to the adoption of the enrolment scheme boundary amendment; and
  - b. children of parents currently living in the discarded area and who move out of the area subsequent to the adoption of the enrolment scheme boundary amendment.
11. The former Minister of Education, agreed to this type of transitional arrangement for Maungawhau School in Mt Eden, Auckland in November 2002. The former Minister preferred this approach rather than considering legislative amendments.
12. Section 11E of the Education Act 1989 states that *"a state school's home zone must be defined by geographic boundaries, and must be described in such a way that any given address is either within or outside the home zone."* The listing of the addresses in the enrolment scheme of those families concerned (as above), is defining a location as 'in zone'.

**Risks**

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13. By approving the proposed transitional arrangement, precedent would be set for future reductions in home zones. This could be mitigated by limiting the decision to situations where existing enrolment scheme home zones needs to be reduced (as in the case for Maungawhau School).
14. School boards are aware of the current legislation and policy regarding the status of siblings that are out of zone. They have stated to the ministry that they are philosophically opposed to the splitting of families that results from the legislation, and are motivated to raise the profile of the issue with the community.

**Conclusion**

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15. To make the amendment of home zones less contentious, the ministry (applying discretion) with the support of relevant boards of trustees recommends the use of the transitional arrangement for families with siblings yet to enrol. This arrangement benefits the ministry, in making best use of the existing networks of schools.

## SUBMISSION CHECK SHEET (For MOE Use)

This submission has addressed implications for improving Maori education outcomes:

- ☐ Improving the responsiveness of education providers and education services to Maori
- ☐ Improving the involvement of Maori in design and delivery of education – Kaupapa Maori /Mainstream
- ☐ Improving relationships between education providers and Maori
- ☐ Maori education policy template applied (for policy review and development)

This submission has addressed implications for improving Pacific education outcomes:

- ☐ Improving the responsiveness of education providers and education services to Pacific peoples.
- ☐ Improving the involvement of Pacific peoples in design and delivery of education.
- ☐ Improving relationships between education providers and Pacific peoples
- ☐ Contributes to the goals of the Pasifika Education Plan

**CONSULTATION (Please record which of the following have been consulted):**

- |  |  |
|--|--|
| <input type="checkbox"/> Maori (specify)                       | <input type="checkbox"/> Pacific Education (specify)       |
| <input type="checkbox"/> Policy Implications (specify)         | <input type="checkbox"/> Resourcing Implications (specify) |
| <input type="checkbox"/> Implementation Implications (specify) | <input type="checkbox"/> Property (specify)                |
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**Peer Review:** This paper meets the performance measures for Output as set out in the current Departmental Forecast Report, page subject to the specific context in which the paper was completed. Completed by:

*Maria Deneer*

*Advisor*

*MA*

*18/7/06*

Name

Position

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