

28 February 2012

National Office

Schooling Group
New Zealand

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Sir John Hansen

Convenor

Canterbury Earthquake Recovery

Review Panel

C/- Canterbury earthquake

Recovery Authority Private Bag

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CHRISTCHURCH 8140

Dear Sir John

Canterbury Earthquake (Education Legislation) Order 2012

Proposal

Attached for the Review Panel's consideration is a draft Order in Council to amend education legislation under the Canterbury Earthquake Recovery Act 2011. It replaces the Canterbury Earthquake (Education Act) Order 2011 which expires on 1 April 2012.

The proposed Order contains those provisions from the earlier Order that need to continue for another year and three new provisions that will help ensure a smoother recovery and renewal process for the schooling and early childhood education networks in Canterbury. The new Order in Council covers the period from 2 April 2012 to 1 April 2013.

Background

The physical damage to the infrastructure of the education network in Canterbury is significant. 207 of the 215 state and state integrated schools in greater Christchurch were damaged to varying degrees by the earthquakes. Twenty-nine early childhood services are closed, have suspended licences, or are in temporary locations.

Two levels of work are underway for restoring education in Christchurch. An Education Renewal Plan will set the long-term direction over the next five to twenty years. Within the next two years, there will need to be an immediate reorganisation of the most affected parts of the schooling network that may see significant restructuring, including mergers and closures of schools. Owners of some early childhood services will also decide about relocating, rebuilding or closing.

There are two main factors causing volatility for the early childhood and schooling sectors in Christchurch. The first is the choices that parents are making about where to enrol their children. People are still moving within Christchurch; some permanently and some

temporarily while waiting for their homes to be rebuilt. Rolls of many schools and early childhood services are likely to fluctuate for the next year at least.

The second factor is the longer-term process around rebuilding the education network in Christchurch. For early childhood services, these decisions are still pending for some service owners. Once building assessments and the geotechnical surveys are completed, decisions will need to be made about rebuilding the network of schools. These will need to take into account not only the condition of sites and the demographic changes, but also economic considerations necessary in a time of fiscal constraint.

Change is inevitable. Some schools may never reopen on their old sites; some may be closed or merged; some may need to take students from a wider or smaller age range. Some schools may be on temporary sites or using temporary buildings for some time to come. Schools that are relatively unaffected by the earthquake may nevertheless be affected by the situation of neighbouring schools. There are significant decisions to be made, both for communities and for the Government.

Although the picture is still far from clear, the Ministry of Education needs to be in a position to make changes to the network of schools over the next two years with relative speed, or schools' performance will spiral down in a climate of uncertainty.

Policy Objectives

The Government's objective is to rebuild the early childhood and schooling network in Christchurch, taking the opportunity to look at it afresh in a fiscally responsible manner.

It wishes to ensure fair treatment for students, schools and early childhood services in unusual circumstances because of the earthquakes.

The proposals take the following considerations into account:

- the amended powers will only be used as a last resort
- the amended powers are not permanent. The Order is only to be in force for 12 months
- the amendments maintain the current level of decision-making. For example, powers that are for the Minister of Education remain with the Minister
- the amendments do not take any decision-making powers away from Boards of Trustees or the management of early childhood services although they do allow the earthquakes to be a reasons for replacing a Board of Trustees that is not performing.

Content of the Order

The table below sets out the proposed provisions and their effect.

Provision	Effect	Status (New, Repeated)
Modification of school enrolment scheme (Clause 5)	Allows a student who was living in the home zone of a school on 22 February 2011 to be enrolled at that school even though he or she may have moved away temporarily.	Repeated from 2011 Order
Special enrolment schemes (Clauses 6-7)	Allows the Secretary to quickly put in place an appropriate enrolment scheme (or modify an existing scheme). This would be used if a school's roll became unstable during the year or if unplanned increases incur the provision of extra property while wider network rebuilding decisions are pending.	Repeated from 2011 Order
Variation of the meaning of "half-day" (Clause 8)	Schools are required to work a certain number of half-days, including time in the morning and the afternoon. Rebuilding may mean that a school has to share buildings with another school temporarily, or work an extended morning or afternoon so that building work can be safely carried out on an empty site. The clause allows the Minister to vary to meaning of "half-day" without the usual consultation to allow work on rebuilding to proceed expeditiously.	Repeated from 2011 Order
Adding to the reasons for putting a statutory intervention in place in a school (Clauses 9-10)	Schools that are underperforming can have a number of statutory interventions applied to them. These range from producing an action plan to replacing the board of trustees with a Commissioner. The reasons for a statutory intervention relate only to risks to an individual school. The rebuilding phase in Canterbury will be concerned with reconstruction of the schooling <u>network</u> . Situations may arise where a school may be loath to act in the interests of the network. This provision allows risk to the network and its students to be an additional reason for a applying statutory intervention.	Repeated from 2011 Order
Submission of 2010	Two schools have still not submitted their	Repeated from

reporting requirements (Clause 11 (1) (a))	2010 annual and audited financial reports. This may be because records have been lost by the schools or their auditors or because they have been focussed on other issues. They are exempt from meeting the timelines in the Act and are required to report as soon as reasonably practicable.	2011 Order
Submission of 2011 reporting requirements (Clause 11 (1) (b))	Schools must submit their 2011 annual reports and audited financial statements to the Ministry by 31 May 2012. Some schools may be unable to meet these requirements. This provision allows schools identified by the Secretary of Education to have an extra 6 months to do so.	New
Relocation of school (Clause 12)	A school is established by publishing a Gazette notice detailing, amongst other things, its location. If a Canterbury school is required to re-locate either temporarily or permanently, this provision makes it clear that the school is not required to be closed.	New
Exemption of early childhood centres from paying a relicensing fee (Clause 13)	Early childhood centres that reopen in new premises have to pay a relicensing fee of \$2,817.50 (GST incl). At most, 29 centres may be in this position. This provision exempts them from the requirement to pay the re-licensing fee. The possible small loss in revenue can be managed within baselines.	New

The following provisions that were in the previous Order are no longer required because they were designed to help schools and early childhood services cope in the immediate aftermath of the earthquakes and the need for them no longer exists:

- the ability for the Secretary for Education to require Boards to follow an action plan designed to manage risk resulting from the earthquake.
- the power to permit two home-based early childhood carers to provide education and care for up to 9 children in one home
- the ability to exempt early childhood services from the provisions of another enactment
- the ability to modify the requirements for a temporary relocation licence for an early childhood centre.

If the Review Panel has any questions, please do not hesitate to contact me by phone [(04) 463 8692] or by email frances.kelly@minedu.govt.nz

Yours sincerely

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