MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

Education Report: Westmount School's interest in offering NCEA offshore

To:	Hon Min Hipkins, Minister of Education		
Date:	4 May 2018	**Priority:**	Medium
Security Level:	In Confidence	**METIS No:**	1115424
Drafter:	Helen Walter	**DDI:**	s 9(2)(a) OIA
Key contact and number:	Ben O'Meara Group Manager, System and Schooling Policy 463 8704	**Round robin:**	No
Messaging seen by Communications team:	N/A		

Purpose of report

The purpose of this report is to:

- **Advise** you on the legal situation regarding Westmount School's ability to offer the National Certificates of Educational Achievement (NCEA) to students based offshore; and
- **Seek** your agreement for the Ministry to develop more detailed advice on the delivery of NCEA offshore, that can be considered, if appropriate, as part of the Education Act rewrite.

Summary

1. Westmount School, a private school with satellite campuses across New Zealand and Argentina, has written to you, requesting a meeting to discuss options for Westmount to offer NCEA offshore to students at its Argentinian campus.

2. There are no legislative or regulatory barriers to private schools or tertiary education providers with a consent to assess NCEA standards offering NCEA as a qualification overseas, because they are able to offer schooling offshore to international students.

3. Westmount School has a consent to assess for NCEA, and as a private school is legally able to offer NCEA to international students offshore.

4. Over recent years, other schools and providers have expressed interest in offering NCEA to students based offshore. If Westmount begins offering NCEA to students at its Argentinian campuses, other private schools or tertiary providers may also seek to offer NCEA offshore.

5. Te Aho o Te Kura Pounamu, the Correspondence School (Te Kura) has in the past expressed an interest in working with other sector agencies to explore the possibility of delivering NCEA to international students offshore. However, state and state integrated

schools are precluded from offering NCEA offshore, because it is outside their roles and functions under the Education Act.

6. This raises the question of whether Government should leave the current situation in place, or take steps to enable broader delivery of NCEA offshore.

7. Education New Zealand (ENZ) does not have a view around Westmount's proposal but is supportive of a pilot to test the provision of NCEA offshore by State schools or other providers that are signatories to the Code of Practice for the Pastoral Care of International Students (the Code), both as a product and as a pathway to tertiary education in New Zealand. ENZ notes that NCEA being made available offshore may assist in growing awareness of New Zealand as a quality education provider that prepares students for the future.

8. At this stage, the New Zealand Qualifications Authority (NZQA) can use its existing quality assurance arrangements to manage providers who choose to begin offshore delivery of NCEA. However, if the scale of offshore delivery of NCEA widens significantly, NZQA would need to consider how it could continue to ensure consistency of outcomes for offshore students undertaking NCEA.

9. The Ministry's view is that the widespread offering of NCEA offshore would present significant risks to the reputation of the NCEA qualifications, due to the difficulties in quality assuring and moderating the delivery of NCEA offshore.

10. Changes to the Act regarding offering NCEA offshore could be considered as part of the Education Act rewrite. We would like to discuss with you whether this is a priority for further policy work.

11. In the meantime, if Westmount school decides to proceed, NZQA will use its existing legislative tools to put arrangements in place, including fees, for quality assuring Westmount's offshore delivery.

Recommended Actions

The Ministry of Education recommends you:

a. **note** that Westmount School has requested a meeting to discuss their interest in offering NCEA offshore to students enrolled at their associated campuses in Argentina

Noted ✓

b. **note** that current legislation enables private schools and tertiary education providers with a consent to assess for NCEA to offer NCEA offshore, including Westmount School

Noted ✓

c. **note** that the widespread offering of NCEA offshore presents significant risks to the reputation of the NCEA qualifications

Noted ✓

d. **discuss with officials** whether more detailed policy work on the ability of New Zealand schools and tertiary education providers to offer NCEA to international students based offshore is a priority

(YES) NO

e. **note** that we do not recommend that you meet with Westmount School to discuss this issue

Noted

f. **refer** Westmount School's letter to NZQA for direct reply

Agree/Disagree

Proactive Release Recommendation

The Ministry of Education recommends you:

g. **agree** that this Education Report is not proactively released as part of the next publication of documents, due to the advice being under active consideration (section 9(2)(f)(iv) of the Official Information Act 1982).

Agree/Disagree

Dr Andrea Schöllmann
Deputy Secretary
Education System Policy

4/5/18

Hon Chris Hipkins
Minister of Education

20/5/18.

Background

Westmount School's request

1. Westmount School is an independent school that operates satellite campuses across New Zealand, and has a relationship with three Argentinian schools that it treats as satellite campuses. Westmount School reports that the New Zealand Curriculum is taught in these schools.

2. In recent years, Westmount School has been in contact with NZQA and the Ministry of Education about offering NCEA in their three satellite campuses in Argentina. Westmount has now written to you seeking a meeting to discuss this issue.

3. The Ministry of Education has consulted with NZQA, ERO, and ENZ in developing this advice.

Current availability of NCEA offshore

4. NZQA has received several enquiries about offering NCEA offshore from schools and tertiary education providers, both in New Zealand and overseas.

5. State and state integrated schools are not enabled by the Education Act to offer schooling offshore[1]. This means that state and state integrated schools cannot offer NCEA to students based offshore.

6. There is limited information on the potential demand for NCEA from offshore learners, whānau, schools and providers.

7. NZQA has not granted approval to assess for NCEA to any schools based offshore, except for schools in Niue and the Cook Islands. Both of these countries are self-governing countries in free association with New Zealand, whose citizens are New Zealand citizens and considered domestic students. NCEA is offered in these countries due to New Zealand's special, protectorate relationship with these countries.

8. Te Aho o Te Kura Pounamu | the Correspondence School (Te Kura) is also able to offer NCEA to a small number of New Zealand students based offshore. Te Kura does not offer NCEA to international students who are not based in New Zealand, but has previously expressed interest in working with other sector agencies to explore the possibility of doing so.

9. Some schools and providers enrol international students and bring them to New Zealand in order to sit NCEA assessments and to gain an NCEA qualification. All providers enrolling international students, whether onshore or offshore, must be signatories to the Code.

Ability of private schools and tertiary education providers to offer NCEA offshore

10. There are no legislative or regulatory barriers to private schools or tertiary education providers offering NCEA offshore, as long as they meet consent to assess requirements and Code responsibilities.

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[1] Clause 14 (1) of Schedule 6 of the Education Act 1989 clarifies that boards of trustees must act in accordance with what the Education Act 1989 allows. The Education Act 1989 does not authorise school boards of trustees to operate offshore.

11. All schools and tertiary education providers must apply to NZQA for consent to assess before they can offer NCEA as a qualification. Having obtained consent to assess, they must comply with the Consent to Assess Against Standards on the Directory of Assessment Standards Rules (CAAS Rules).

12. Providers with consent to assess against standards can administer NCEA, subject to the scope of the consent granted to them.

13. Therefore, if an independent school or tertiary provider has a consent to assess for NCEA, it may offer NCEA to students based offshore, within the scope of the consent granted and in compliance with NZQA requirements.

NZQA's ability to monitor NCEA offshore

14. NZQA and ERO monitor schools with consent to assess to ensure that they:

    a. Have adequate and appropriate governance and management systems to achieve their aims, objectives, directions and targets and recruit, manage and develop staff to achieve these.

    b. Have adequate and appropriate physical and teaching and learning resources.

    c. Provide adequate and appropriate information and support services to students.

15. NZQA also conducts a regular Managing National Assessment School Assessment Systems check to ensure that the school:

    a. Has adequate and appropriate systems of assessment and moderation to meet the expected outcomes of learning programmes; and

    b. Appropriately designs, develops, delivers and reviews its teaching and learning programmes consistent with its aims, objectives, directions and targets.

16. NZQA is able to place conditions on an independent school's consent to assess, or issue compliance notices, if it has concerns about the school meeting the CAAS Rules. These provisions would be able to be used in relation to any offshore delivery of NCEA, and could be used to prevent offshore delivery of NCEA if NZQA had concerns about the quality.

Westmount School's ability to offer NCEA to students based offshore

17. As an independent school with a consent to assess for NCEA, Westmount school is able to offer NCEA to students enrolled at its Argentinian satellite campuses.

18. Because Westmount School already operates a satellite campus model, NZQA's quality assurance of Westmount is focused on the primary campus. NZQA notes that it has confidence in the infrastructure and quality assurance systems in place at Westmount school and the satellite campuses. This means that NZQA would not incur significant additional costs for quality assurance and moderation in relation to Westmount School's offshore delivery of NCEA.

19. NCEA assessment and standards might need to be modified to be appropriate and relevant for learners in Argentina. However, as Westmount School is currently using the New Zealand Curriculum, assessment standards are likely to be relevant and not require significant modification.

20. As noted above, the provision for NZQA to put conditions on a consent to assess, or to issue compliance notices, would be able to be used if NZQA had concerns with Westmount School's offshore delivery of NCEA.

21. As a school enrolling international students, Westmount is required to sign the Code, whether or not it is offering NCEA. NZQA will ensure that Westmount is aware of this obligation.

Benefits and risks of offering NCEA offshore

22. As noted above, over recent years, a number of other schools and providers have expressed interest in offering NCEA to students based offshore.

23. It is possible that, if Westmount begins offering NCEA to students at its Argentinian campus, other independent schools or providers could establish similar models to offer NCEA to students based offshore. This presents both benefits and risks.

Benefits of NCEA being made available offshore

24. As New Zealand qualifications are valued, being able to market and offer NCEA qualifications offshore could provide opportunities for schools and tertiary providers to earn additional revenue. However, as noted above, there is limited information on the potential demand for NCEA from offshore students and their families.

25. Quality and seamless pathways between education sectors, countries and academic systems are critical for international education to prosper. Offering NCEA offshore may strengthen the pathway to a New Zealand tertiary qualification for international students.

26. Education New Zealand (ENZ) does not have a view around Westmount's proposal but is supportive of a pilot to test the provision of NCEA offshore by State schools or other providers that are signatories to the Code of Practice for the Pastoral Care of International Students (the Code), both as a product and as a pathway to tertiary education in New Zealand. ENZ notes that NCEA being made available offshore may assist in growing awareness of New Zealand as a quality education provider that prepares students for the future.

27. ENZ supports a managed pilot, where selected schools with Code signatory status would be able to offer NCEA offshore. This would provide information and understanding about the delivery of NCEA offshore, which could be used to inform a wider rollout of NCEA offshore, and to provide improved information on the demand for NCEA offshore.

Risks

28. ERO's power to enter and inspect school premises in New Zealand does not extend to private schools or education provided offshore.

29. NZQA considers it has the relevant legislative tools to manage providers who may choose to begin offshore delivery of NCEA, whether under an existing consent to assess or through new applications that may be made. The Westmount proposal appears manageable under the current arrangements. However, if the scale of NCEA delivery offshore increases significantly, it could impact on NZQA's ability to carry out the necessary monitoring and ensure consistency of outcomes.

30. Wider delivery of NCEA offshore would create risks in maintaining the quality of provision of NCEA overseas, including by non-New Zealand trained teachers, and in relation to

quality assurance and moderation processes. While NZQA is able to intervene if there are concerns with the quality of provision of NCEA offshore, it may be difficult to provide this level of intervention for a large number of schools and providers offering NCEA offshore.

31. The Ministry of Education considers that offering NCEA offshore carries risks to New Zealand's educational reputation and perceptions of the quality of the NCEA qualifications, both in New Zealand and offshore. NCEA is based on standards-based assessment, with an increasing proportion of internal assessment. This requires high levels of quality assurance and moderation for standards-based assessments, and works in the context of teachers trained in teaching and assessing under the National Curriculum. When NCEA is offered offshore, the school or provider's connection with this broader system could become more tenuous, creating risks to the quality and consistency of teaching and assessment.

32. If NCEA qualifications are delivered in a way that does not meet quality standards, offshore international students may access a lower quality qualification. This may impact on the actual and perceived quality of NCEA, and education more generally, in New Zealand and internationally.

33. This could have an impact on the number of international students who wish to come to New Zealand. There may also be a negative impact on the ability of domestic students to undertake further study or employment offshore, or on the demand for NCEA as a qualification within New Zealand. The Ministry of Education's position is that the protection of the quality and the reputation of NCEA is paramount.

34. It is important for state school boards of trustees to maintain a focus on their primary objective under the Education Act – to ensure that every student at the school (including international students enrolled in NZ) is able to attain his or her highest possible standard of educational achievement. Investing in the offshore delivery of education, including NCEA, has the potential to distract state schools from this focus. As the owner of state schools, the Crown could incur liabilities from schools' establishing offshore delivery.

Next steps

Offering NCEA offshore

35. We would like to discuss with you whether the Ministry, in consultation with NZQA, ERO, and ENZ, should develop more detailed advice on the ability of New Zealand schools to offer NCEA offshore. If this is a priority, we could provide this advice ahead of the Education Act rewrite so that any legislative changes can proceed as part of this process. This advice would include consideration of any intellectual property issues related to having NCEA delivered offshore.

Westmount School

36. We recommend that you refer Westmount's letter to NZQA for direct reply.

37. NZQA will inform Westmount that it is able to offer NCEA at its Argentina campuses, but will not encourage them to proceed. NZQA will also ensure that Westmount is aware of the obligation to sign the Code, if it is enrolling international students.

38. If Westmount decides to go ahead, NZQA will make arrangements for ongoing monitoring of Westmount's delivery of NCEA offshore, using its current regulatory tools and fee setting powers.

39. We do not recommend that you meet with Westmount School to discuss this issue.

Proactive release of report

40. We do not recommend proactive release of this Education Report, due to the issue still being under active consideration (section 9(2)(f)(iv) of the Official Information Act 1982).