

Memo

Date:	17 August 2020
To:	Dr Ashley Bloomfield, Director-General of Health
From:	Maree Roberts, Deputy Director-General
Subject:	Exemption from restrictions on physical attendance for year 12 and 13 students
For your:	Decision / Action

Background

The new COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020 (the Order) came into effect from 11.59pm 12 August 2020. The Order imposes Alert Level 3 restrictions in the Auckland region and Alert Level 2 restrictions across the rest of New Zealand.

The purpose of the COVID-19 Public Health Response Act 2020 (the Act) (Section 4) is to support a public health response to COVID-19 that:

- (a) prevents, and limits the risk of, the outbreak or spread of COVID-19 (taking into account the infectious nature and potential for asymptomatic transmission of COVID-19); and
- (b) avoids, mitigates, or remedies the actual or potential adverse effects of the COVID-19 outbreak (whether direct or indirect); and
- (c) is co-ordinated, orderly, and proportionate; and
- (ca) enables social, economic, and other factors to be taken into account where it is relevant to do so; and
- (cb) is economically sustainable and allows for the recovery of MIQF costs; and
- (d) has enforceable measures, in addition to the relevant voluntary measures and public health and other guidance that also support that response.

The purpose of the Order (clause 3) is to prevent, and limit the risk of, the outbreak or spread of COVID-19.

Summary

This memorandum seeks your approval to issue an exemption notice under clause 27 of the Order which would permit registered schools to offer education to year 12 and 13 students by way of physical attendance, subject to the directions of the Secretary for Education. The proposed exemption notice for the Gazette is attached as Annex 1.

Under clause 11(1)(b)(ii) of the Order, education entities (including schools) are required to limit students' physical attendance to years 1 to 10.

The Prime Minister, Minister of Health and Associate Minister of Education Hon Tracey Martin have agreed to provide flexibility for students at years 12 and 13 to physically attend school by way of directions from the Secretary for Education under the Education and Training Act 2020. These directions are attached at Annex 2.

Rationale

The exemption is proposed to ensure that students in the Auckland region studying towards NCEA Level 2 and 3 qualifications or equivalent, who are unable to meaningfully learn remotely, have every opportunity succeed in their learning and attainment of NCEA qualifications.

The attainment or non-attainment of NCEA qualifications have a significant potential impact on the future life outcomes of students, including future wellbeing, employment status and income. The Ministry of Education has advised that distance learning should not be considered a substitute to physical attendance for all students in all cases, for example where students are vulnerable, or where educational facilities at school premises are required to make meaningful learning progress or submit assessments.

Absent exemptions to permit physical attendance, some Auckland students who might otherwise have attained an NCEA qualification may not, with attendant harms to their future outcomes.

Proposed scope

Year 12 or 13 students who will require physical attendance at a registered school to make progress with their education or to attain an NCEA qualification will likely be spread across schools in the Auckland region, so a more limited exemption would not suffice to ensure opportunities for educational success for all Auckland students.

It would be administratively burdensome for the Ministry of Health and for schools to seek individualised exemptions for relevant students, given the potential number of schools and students to whom the exemption may apply.

Risk assessment

There is some increased risk to the spread of COVID-19 created by permitting students who would otherwise be learning remotely to physically attend registered schools. However, we consider this risk to be relatively low and manageable by way of the below mitigations, given that:

- the exemption does not propose to permit transit between Alert Level 3 and Alert Level 2 regions
- affected registered schools are likely to already be open for physical attendance for year 9 and 10 students, and so will have established processes for mitigating the risk of COVID-19 spreading
- the Ministry of Education has advised us that under 10% of students in the Auckland region are currently physically attending school, and that they expect a lower proportion of senior secondary students to take up this option (to an estimated maximum of 4,000 students).

Mitigation measures

The Secretary for Education has issued directions, attached at Annex 2, which all registered schools offering physical attendance for year 12 and 13 students must comply with under the proposed exemption. These directions include strict requirements to mitigate the risk of any spread of COVID-19, including physical distancing, the organisation of student bubbles (to a maximum of 20 students) which are not to mix, and changes to timetabling and class sizes to facilitate compliance with those measures.

We consider that these mitigations are likely to limit the spread of COVID-19 in circumstances where a student attending school physically is COVID-19 positive, and to facilitate ready isolation, contact tracing and management of any outbreak which could result.

Recommended Approach

To this end, we propose that you make an exemption using clause 27 of the Order, exempting registered schools from clause 11(1)(b)(ii) in relation to the physical attendance of year 12 and 13 students, while they are compliant with the directions of the Secretary for Education attached at Annex 2.

This recommendation is on the basis that such an exemption would be compliant with the requirements of clause 27, and the purposes of the Order, particularly that the potential harm to affected students' educational and future outcomes from being unable to physically attend school would be disproportionate to the risk of the outbreak or spread of COVID-19, given the relative severity and mitigability of that risk.

You may make this exemption if you are satisfied that the exemption is necessary or desirable in order to promote the purposes of the Act and the Order, and to the extent that the exemption is not broader than reasonably necessary.

We propose that these exemptions will begin at 11.59pm on 17 August 2020 and cease at the expiry of the Order.

As required by section 27 of the Order, the exemptions will be published on the COVID-19 and Ministry of Health websites, and will be notified in the Gazette.

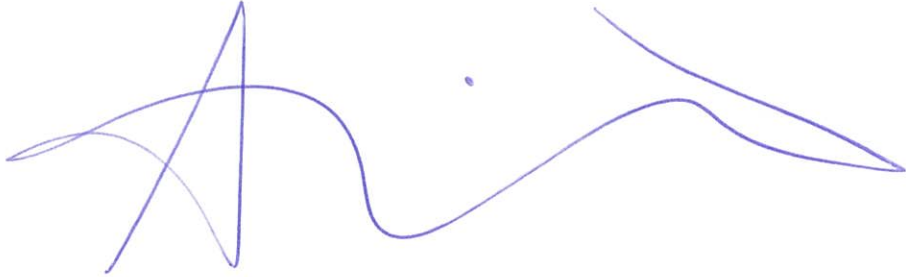
Action

Please sign below to indicate that you agree to the proposed exemption and agree that it begins at 11.59pm on 17 August 2020. Please also sign the attached Gazette Notice.

Recommendations

It is recommended that you:

1. Note	that you are being asked to exercise your powers to grant an exemption from the COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020	Yes/No
2. Agree	to sign this memo to indicate that you agree to the proposed exemption and its urgent introduction.	Yes/No
3. Agree	to sign the attached Gazette notice at Annex 1.	Yes/No
4. Note	that the attached Gazette notice will be published as soon as practicable.	Yes/No



Signature

Date: 17 August 2020

Dr Ashley Bloomfield
Director-General of Health

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Exemption of Education Entities From Requirements of the COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020

Pursuant to clause 27 of the COVID-19 Public Health Response (Alert Levels 3 and 2) Order 2020 ("Order"), I, Dr Ashley Bloomfield, Director-General, Ministry of Health, hereby declare that the following education entities are exempted from clause 11(1)(b)(ii) of the Order:

Registered schools which are offering education to year 12 and/or 13 students by way of physical attendance

The exemption is subject to the following conditions, provided for under sections 27(1) and 27(2) of the Order:

The registered school must be at all times compliant with the directions of the Secretary of Education, issued under clause 3 of Schedule 25 to the Education and Training Act 2020, to the governing bodies of registered schools which offer education at Years 12 and 13 in Alert Level 3 areas.

The exemption will begin at 11.59pm on 17 August 2020 and cease at the expiry of the Order.

Dated at Wellington this 17th day of August 2020.



DR ASHLEY BLOOMFIELD, Director-General of Health.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study, including a comparison of the different methods and techniques used. It also discusses the implications of the findings and the potential applications of the research.

4. The fourth part of the document discusses the limitations of the study and the need for further research. It also includes a conclusion and a list of references.

5. The fifth part of the document is a list of references, which includes a variety of sources, including books, articles, and online resources. It provides a comprehensive overview of the current state of the field and identifies areas for future research.

6. The sixth part of the document is a list of appendices, which includes a variety of supplementary materials, including data tables, figures, and additional text. It provides a detailed look at the raw data and the analysis performed.

7. The seventh part of the document is a list of figures, which includes a variety of charts, graphs, and tables. It provides a visual representation of the data and the results of the study.

8. The eighth part of the document is a list of tables, which includes a variety of data tables and summary tables. It provides a detailed look at the data and the results of the study.

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