

Education Report: Assessment (including Examination) Rules for Schools with Consent to Assess 2021, Amendment No. 2.

Date:	29 October 2021	NZQA Priority:	High
Security Level:	In confidence	Report No.	CR22788

	Action Sought	Deadline
Minister of Education	<p>a. note that the Assessment (including Examination) Rules for Schools with Consent to Assess 2021, Amendment No. 2, was made pursuant to section 452(1)(m) of the Education and Training Act 2020 having been approved on 22 October 2021 by the NZQA Board Chair under delegated authority from the NZQA Board</p> <p>b. note that section 452(5) of the Education and Training Act 2020 provides that rules made under section 452(1)(m) do not require the approval of the Minister. However, they must be presented to the House through your office as required by section 452(7)</p> <p>c. note that on 26 October the Regulations Review Committee wrote to NZQA asking about rule 5 of the Assessment (including Examinations) Rules for Schools with Consent to Assess 2021, Amendment No.1, suggesting it possibly should have had Ministerial approval.</p> <p>d. note that NZQA is preparing a response to the Regulations Review Committee (see <i>paragraphs 7-9 below</i>).</p> <p>e. note that Amendment No.2 was legitimately made on 22 October and so must be presented to the House under</p>	For presenting to the House

	<p>section 452(7) - the letter from the Regulations Review Committee about Amendment No.1 does not change this,</p> <p>f. note that NZQA is confident its response to the Committee will provide a compelling explanation to the Committee that rule 5 of Amendment No.1 was validly made, and did not require Ministerial approval</p> <p>g. note that copies of these amendment Rules will be provided to the House Office for presenting to the House</p> <p>h. agree that this report is proactively released as part of the publication of documents.</p>	
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Enclosure/Appendix: Rules

Round Robin: No

Contact for Telephone Discussion (if required)

Name	Position	Telephone	Cellphone	1st Contact
Andrea Gray	Deputy Chief Executive, Assessment	04 463 4264	[REDACTED]	✓

Minister's Office to Complete:

- Noted
 Seen
 Approved
 Needs change
 Withdrawn
 Overtaken by Events

Referred to:

Comments:

Recommended Action

It is recommended that you:

- a. **note** that the attached Assessment (including Examination) Rules for Schools with Consent to Assess 2021, Amendment No. 2, made pursuant to section 452 (1) m of the Education and Training Act 2020 having been approved on 15 November by the NZQA Board Chair under delegated authority from the NZQA Board.
- b. **note** that section 452(5) of the Education and Training Act 2020 provides that rules made under section 452(1)(m) do not require the approval of the Minister. However, they must be presented to the House through your office as required by section 452(7).
- c. **note** that on 26 October the Regulations Review Committee wrote to NZQA asking about rule 5 of the Assessment (including Examinations) Rules for Schools with Consent to Assess 2021, Amendment No.1, suggesting it possibly should have had Ministerial approval.
- d. **note** that NZQA is preparing a response to the Regulations Review Committee (see paragraphs 7-9 below).
- e. **note** that Amendment No.2 was legitimately made on 22 October and so must be presented to the House under section 452(7) - the letter from the Regulations Review Committee about Amendment No.1 does not change this.
- f. **note** that NZQA is confident its response to the Committee will provide a compelling explanation to the Committee that rule 5 of Amendment No.1 was validly made and did not require Ministerial approval.
- g. **note** that copies of these amendment Rules will be provided to the House Office for presenting to the House.

Proactive release recommendation

NZQA recommends that you:

- h. **agree** that this report is proactively released as part of the publication of documents.

Agree/Disagree


Dr Grant Klinkum
Chief Executive
29 October 2021


Hon Chris Hipkins
Minister of Education

...8./12./21...

Education Report: Amendment to the Assessment (including Examination) Rules for Schools with Consent to Assess 2021S

Purpose of Report

1. This report notes that the Assessment (including Examination) Rules for Schools with Consent to Assess 2021, Amendment No.2 was approved by the NZQA Board Chair on 22 October 2021 (*under delegated authority from the NZQA Board*) and notes that copies will be provided to the House Office for presenting to the House of Representatives.

Background

2. The Government has made policy decisions on NCEA relating to the further disruption to teaching, learning and assessment following the national Alert Level 4 lockdown on 17 August 2021 that resulted from the re-emergence of COVID-19.
3. The amendments give effect to those decisions by allowing additional Candidate learning recognition credits for Tāmaki Makaurau students and students outside Tāmaki Makaurau whose face to face schooling was disrupted for 20 or more School days during the 2021 School year. The credits are used for the award of an NCEA qualification and Vocational Pathways.

4. The additional credits are calculated as follows:

Group 1 Candidates: one Candidate learning recognition credit at any NCEA level for every 4 credits the student achieves at that level through internal or external assessment, up to the following maximums:

- a. for the award of Level 1 NCEA, no more than 16 Candidate learning recognition credits in total
- b. for the award of Level 2 NCEA, no more than 12 Candidate learning recognition credits at level 2 NCEA or above
- c. for the award of Level 3 NCEA, no more than 12 Candidate learning recognition credits at level 3 NCEA or above.

Group 2 Candidates: one Candidate learning recognition credit at any NCEA level for every 5 credits the student achieves at that level through internal or external assessment, up to the following maximums:

- a. for the award of Level 1 NCEA, no more than 8 Candidate learning recognition credits in total
- b. for the award of Level 2 NCEA, no more than 6 Candidate learning recognition credits at level 2 NCEA or above
- c. for the award of Level 3 NCEA, no more than 6 Candidate learning recognition credits at level 3 NCEA or above.

Group 3 and 4 Candidates: one Candidate learning recognition credit at any NCEA level for every 5 credits the student achieves at that level through internal or external assessment, up to the following maximums:

- a. for the award of Level 1 NCEA, no more than 10 Candidate learning recognition credits in total
- b. for the award of Level 2 NCEA, no more than 8 Candidate learning recognition credits at level 2 NCEA or above
- c. for the award of Level 3 NCEA, no more than 8 Candidate learning recognition credits at level 3 NCEA or above.

Group 5 and 6 Candidates:

Upon application to NZQA SQAL, the response for these individual Candidates will be either:

Option A: one Candidate learning recognition credit at any NCEA level for every 4 credits the student achieves at that level through internal or external assessment, up to the following maximums, and

- a. for the award of Level 1 NCEA, no more than 16 Candidate learning recognition credits in total
- b. for the award of Level 2 NCEA, no more than 12 Candidate learning recognition credits at level 2 NCEA or above
- c. for the award of Level 3 NCEA, no more than 12 Candidate learning recognition credits at level 3 NCEA or above.

Or

Option B: one Candidate learning recognition credit at any NCEA level for every 5 credits the student achieves at that level through internal or external assessment, up to the following maximums, and

- d. for the award of Level 1 NCEA, no more than 10 Candidate learning recognition credits in total:
- e. for the award of Level 2 NCEA, no more than 8 Candidate learning recognition credits at level 2 NCEA or above
- f. for the award of Level 3 NCEA, no more than 8 Candidate learning recognition credits at level 3 NCEA or above.

5. Affected students in Groups 1,3,4,5 and 6 are also given a reduction in the number of credits required to gain Certificate endorsement, Course endorsement and University Entrance.

Authority for making the Rules

6. Section 452 (5) of the Education and Training Act 2020 provides that rules made under section 452(1)(m) may be approved by the Board but do not require the approval of the Minister. The Board has delegated the approval authority to the Board Chair. Once made, they need to be presented to the House of Representatives as required by section 452(7), and ten copies will be provided to the House Office for this purpose.

Regulations Review Committee letter

7. The Regulations Review Committee (RRC) wrote to NZQA on 26 October about rule 5 of the Assessment (including Examinations) Rules for Schools with Consent to Assess 2021, Amendment No.1, relating to credits for NCEA course endorsement for eight of the Te

Marautanga o Aotearoa subjects. The RRC considered that rule 5 appeared to fall within the scope of section 452(1)(n), which would require Ministerial approval but it was not obtained. Section 452(1)(m) and (n) allow rules to be made:

(m) providing for the conduct of assessments and examinations relating to any qualifications or awards:

(n) prescribing details for credits, cross-credits, recognition of prior learning, and moderation:

8. NZQA will provide your office with a copy of our response to the Regulatory Review Committee (RRC) in due course. In essence NZQA will be pointing out that clause 5 of Amendment No.1 clearly relates to assessment and examination for NCEA under 452(1)(m). While credits are an outcome from assessment and examination, clause 5 was not a rule about credits under section 452(1)(n) but rather a rule that provides for what counts and what does not within assessment and examination towards course endorsement in the eight Te Marautanga o Aotearoa subjects. There are no external assessment standards for those subjects, so the rule recognises this and through that recognition removes the previous inequity that meant students enrolled in those subjects prior to 2021 were unable to gain course endorsement in those subjects.
9. Amendment No.2 was legitimately made on 22 October so it is required to be presented to the House under section 452(7). The RRC letter does not change this. Amendment No.2 also refers to credits, as does every rule set for NCEA since NCEA began, so the RRC questions on Amendment No.1 would also apply to all other relevant rule sets. NZQA is confident that its response to the RRC will provide a compelling explanation that rule 5 of Amendment No.1 was validly made and did not require Ministerial approval.