

Hon Chris Hipkins

MP for Remutaka

Minister for COVID-19 Response
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1 October 2021

Jenn Bestwick
Chair
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Dear Jenn

Determination of Design of Funding Mechanism: Student Achievement Component Levels 1 and 2

I am writing to advise you of a determination of the design of a funding mechanism, under section 419 of the Education and Training Act 2020 (the Act), for the Student Achievement Component Levels 1 and 2.

The new determination is set out in the appendix to this letter. The determination covers the funding of Student Achievement Component Levels 1 and 2 provision delivered from 1 January 2022. The new determination includes a 1.2 percent increase to all funding rates specified in the determination.

Under section 422 of the Act, it is the Tertiary Education Commission's (TEC) responsibility to develop the details needed to implement my determinations for the design of funding mechanisms.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CH', written over a light blue horizontal line.

Chris Hipkins
Minister of Education

DETERMINATION OF DESIGN OF FUNDING MECHANISM: STUDENT ACHIEVEMENT COMPONENT – PROVISION AT LEVELS 1 AND 2 ON THE NEW ZEALAND QUALIFICATIONS FRAMEWORK

PRELIMINARY PROVISIONS

Statutory authority

1. This funding determination is made under section 419 of the Education and Training Act 2020 (the Act), and specifies the design of the funding mechanism for:
 - a. Student Achievement Component (SAC) provision at levels 1 and 2 on the New Zealand Qualifications Framework (NZQF); and
 - b. special supplementary grant (SSG) funding for special education.

Purpose

2. SAC funding contributes to the provision of teaching and learning services for enrolled students at tertiary education organisations (TEOs).
3. The SAC comprises the following two funds:
 - a. provision at levels 1 and 2 on the NZQF; and
 - b. provision at levels 3 and above on the NZQF.
4. The objectives of foundation-level tertiary education (levels 1 and 2 on the NZQF) are to:
 - a. provide people who do not already have essential foundation skills with access to a low cost way to gain those skills;
 - b. provide progression to higher level study and skilled employment;
 - c. build the literacy and numeracy skills of eligible students;
 - d. enable students to learn English or Te Reo Māori; and
 - e. encourage TEOs that are best able to meet the needs of foundation education students.
5. SSG funding is to fund additional tutor support for special education in TEOs.
6. In this funding mechanism, all references to SAC funding exclude SSG funding, unless specified otherwise.

On-plan funding

7. The Tertiary Education Commission (TEC) must pay funding allocated under this funding mechanism in accordance with section 425 of the Act.

PART ONE: THE FUNDING MECHANISM

General parameters

Effective period

8. This funding mechanism applies to the funding of eligible programmes and training schemes that are delivered from 1 January 2022 to 31 December 2022.
9. The TEC may exercise any of its administrative functions outside those dates as required to give effect to this funding mechanism.

Available funding

10. The total amount of Government funding that can be spent under this funding mechanism will be set through the Government's annual budget processes.

TEC administrative responsibilities in the case of under-funding

11. If a TEO receives funding under this funding mechanism that is less than it should have been, or that it was entitled to receive, the TEC must pay the amount of the under-funding as soon as reasonably practicable.

Specific parameters

Funding formula and rates

12. The TEC must calculate SAC funding paid under this funding mechanism based on a metric comprising:
 - a. the number of valid domestic tertiary student enrolments, measured in equivalent full-time students (EFTS); and
 - b. the qualification or training scheme in which eligible students are enrolled.

Valid domestic enrolments

13. For the purpose of calculating SAC funding paid under this funding mechanism, the term "valid domestic enrolment" refers to the enrolment of a student who is:
 - a. a domestic tertiary student¹; and
 - b. either
 - i. aged 16 years and over; or
 - ii. aged under 16 years and meets the criteria determined by the TEC; and
 - c. studying in New Zealand, unless the student meets criteria established by the TEC.

¹ For the definition of domestic tertiary student, refer to section 10(1) of the Act.

14. The TEC must establish criteria for determining under which circumstances a student can be considered to be a valid domestic enrolment, where they are aged under 16 years.
15. The TEC must establish the requirements that TEOs must comply with to verify each student's identity and to confirm that a student is a valid domestic enrolment.

Inducements

16. Even if a student meets the criteria specified in paragraph 13, the enrolment is not a valid domestic enrolment for the purposes of this funding mechanism if it has been secured by way of an inducement.
17. An inducement may include a financial incentive or on-going personal possession of physical items where they induce a student to enrol.
18. The TEC must establish criteria for determining what constitutes an inducement.

The metric

Measurement of enrolments

19. The TEC must measure valid domestic enrolments in units of EFTS. One (1.0) EFTS unit is defined as the student workload that would normally be carried out by a student enrolled full-time in a single academic or calendar year.
20. The EFTS value of a qualification represents the TEC's assessment of the normal minimum time for a successful full-time student to complete the qualification. In addition, the credit value assigned to the qualification by either the New Zealand Qualifications Authority (NZQA) or the New Zealand Vice-Chancellors Committee must be a part of the EFTS metric.
21. The TEC must consider qualifications that the TEO has disaggregated into component courses. The TEC must assign each course an EFTS factor that represents the proportion of the whole qualification that the course constitutes.

Funding rates

22. The TEC must apply the funding categories and per-EFTS funding rates for TEOs to deliver provision to the student, as set out in Appendix 1, Table 1.

TEO eligibility

23. The TEC may only fund a TEO under this funding mechanism if the TEO is one of the following:
 - a. Te Pūkenga - The New Zealand Institute of Skills and Technology (Te Pūkenga)²;
 - b. a wānanga;

² This reference to Te Pūkenga includes any Te Pūkenga subsidiary as defined in section 10(1) of the Act.

- c. a university; or
- d. a private training establishment (PTE).

TEO quality assurance

24. To be eligible for funding under this funding mechanism, a TEO must be quality assured as follows:
- a. if the funding is for delivery by Te Pūkenga or one or more of the subsidiaries of Te Pūkenga, Te Pūkenga or the relevant subsidiaries of Te Pūkenga are quality assured by the New Zealand Qualifications Authority (NZQA);
 - b. if the TEO is a wānanga or a PTE, the TEO is quality assured by NZQA; or
 - c. if the TEO is a university, the TEO is quality assured by the New Zealand Vice-Chancellors' Committee.

Eligibility of students

25. The TEC must ensure that the funding that is allocated to a TEO under this funding mechanism is only used for valid domestic tertiary student enrolments, as defined by paragraphs 13 and 16.
26. The TEC must take into account a TEO's enrolment practices for students with prior qualifications, as set out in paragraph 27.

Students with prior qualifications

27. The TEC must establish processes to prevent a TEO from receiving SAC funding under this funding mechanism in relation to a student enrolled in a programme or training scheme if:
- a. that student has already achieved a qualification at Level 2 or higher on the NZQF; and
 - b. 10% of the students for which the TEO receives SAC funding paid under this funding mechanism in the calendar year had, at the time of their enrolment, already achieved a qualification at Level 2 or higher on the NZQF.
28. The TEC must measure the limit on enrolments with a prior qualification:
- a. by excluding enrolments in qualifications in English for Speakers of Other Languages (ESOL) or Te Reo Māori;
 - b. by excluding qualifications achieved five years or more prior to the current enrolment; and
 - c. according to any other methodology set by the TEC.
29. The TEC may recover funding if a TEO exceeds the prior qualification limit.

Programmes and qualifications

Eligible programmes and training schemes

30. The TEC must ensure that funding allocated under this funding mechanism is only used for provision that:
- a. meets the objectives of foundation-level tertiary education (as set out in paragraph 4);
 - b. is one of the following:
 - i. part of a programme that:
 - A. leads to the award of a qualification (of 40 credits or more) at level 1 or 2 on the NZQF; and
 - B. has been quality assured by either NZQA or the New Zealand Vice-Chancellors' Committee (where appropriate); or
 - ii. part of a training scheme that:
 - A. leads to an award with a credit value at least 20 credits; and
 - B. has been quality assured by NZQA; or
 - iii. part of a programme that leads to the award of the National Certificate of Educational Achievement (NCEA) at level 2 that is aligned with one or more of the Vocational Pathways;
 - c. includes embedded literacy and numeracy provision (except for qualifications in ESOL or Te Reo Māori);
 - d. includes an assessment process, under which students are assessed using the Literacy and Numeracy for Adults Assessment Tool (except for qualifications taught predominantly in Te Reo Māori);
 - e. involves synchronous learning (delivered in real time to the student);
 - f. may be delivered extramurally, with prior approval from the TEC; and
 - g. is provided by tutors who are appropriately qualified³.

Ineligible programmes and training schemes

31. The TEC must ensure that SAC funding paid to a TEO under this funding mechanism is not used for programmes of study or training schemes where the TEC considers on reasonable grounds that a majority of the programme of study or training scheme relates to health and safety or regulatory compliance.

³ The appropriateness of qualified tutors relates to the foundation education qualification being delivered, including specialist areas, such as ESOL, Te Reo Māori and supported learning, as well as capability around the delivery of embedded literacy and numeracy (see paragraph 30(c)).

Special supplementary grant for special education

32. The TEC may provide funding for additional tutor support for special education in TEOs that have previously delivered provision to students requiring increased assistance.
33. The TEC must establish an allocation process for the provision of SSG funding.

PART TWO: FUNDING CONDITIONS

34. The TEC must impose the following conditions on the relevant funding provided to each TEO under this funding mechanism.

TEOs

35. The TEC must attach to funding, a condition that a TEO that receives SAC funding under this funding mechanism must, for the length of the funding period, continue to meet all the eligibility criteria specified in paragraphs 23 and 24 of this funding mechanism.
36. The TEC must attach to funding, a condition that a TEO that receives funding under this funding mechanism must:
 - a. not subcontract any of the funded activities without the prior written consent of the TEC;
 - b. comply with any conditions imposed by the TEC on a consent to subcontract;
 - c. ensure that a subcontracted party does not further subcontract any functions; and
 - d. remain accountable for the use of the funding.

Students and enrolments

37. The TEC must attach to funding, a condition that a TEO that receives SAC funding under this funding mechanism must ensure that each eligible student meets and continues to meet the criteria specified in paragraph 25 of this funding mechanism.
38. The TEC must attach to funding, a condition that a TEO that receives SAC funding under this funding mechanism must not:
 - a. restrict enrolment in eligible qualifications and training schemes funded under this funding mechanism on the basis of private advantage (for example, enrolment being restricted to the TEO's employees only); or
 - b. secure or seek to secure a valid domestic enrolment through offering of an inducement.
39. The TEC must attach to funding a condition that a TEO that receives SAC funding under this funding mechanism must limit enrolments with prior qualifications, as specified in paragraphs 27 and 28.

40. The TEC must attach to funding, a condition that a TEO that receives SAC funding under this funding mechanism must verify a student's identity, and confirm that a student is a valid domestic enrolment, in accordance with the requirements developed by the TEC.

Reporting withdrawals to Ministry of Social Development

41. The TEC must attach to funding, a condition that a TEO that receives SAC funding under this mechanism must report the withdrawal of students to the Ministry of Social Development within five working days of each withdrawal. This is to enable student loans and student allowances to be cancelled as soon as possible.

Programmes and qualifications

42. The TEC must attach to funding, a condition that a TEO that receives SAC funding under this funding mechanism must ensure that a programme or training scheme in which an eligible student is enrolled meets and continues to meet the criteria specified in paragraph 30 of this funding mechanism.
43. The TEC must attach to funding, a condition that a TEO that receives funding under this funding mechanism, for provision as set out in paragraph 30, must have in place an effective assessment process for identifying a student's initial literacy and numeracy needs, and measure their progress, using the most appropriate version of the Literacy and Numeracy for Adults Assessment Tool.⁴
44. The TEC must attach to funding, a condition that a TEO that receives funding under this funding mechanism must ensure that a majority of the programme or training scheme in which an eligible student is enrolled does not relate to health and safety or regulatory compliance learning.

Fees and associated course costs

45. The TEC must attach to funding, a condition that a TEO that receives funding under this funding mechanism must not charge a fee to a student enrolled in a programme, training scheme or qualification that is funded under this funding mechanism.
46. For the purposes of the condition in paragraph 45, the term "fee" includes the following items: tuition fees, compulsory course costs, examination fees, costs of materials, costs of field trips, costs associated with the compulsory purchase of equipment or books through a TEO, and other charges associated with a course that is part of a qualification.
47. For the purposes of the condition in paragraph 45, the term "fee" does not include compulsory student services fees or fees for student identification cards.

⁴ Including Adult, Youth, Te Ata Hāpara and Starting Points, as appropriate.

48. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism:
- a. must pay for the necessary equipment, infrastructure and hardware required to deliver a particular course or qualification⁵; and
 - b. in relation to the provision of essential equipment, including computers, diving hardware, and chainsaws, must not require the costs to be met through the “course-related costs” component of the Student Loan Scheme, as a condition of enrolment for students.

TEO responsibilities

49. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism must meet minimum performance standards specified by the TEC.

No other funding

50. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism (including SSG) must:
- a. not (without the TEC’s prior written consent) seek or obtain funding from any Crown source other than the TEC to fund provision which is funded under this funding mechanism; and
 - b. notify the TEC immediately if it becomes aware of any circumstances that might result in a breach of sub-paragraph (a) of this condition.

Responsible use of funding

51. The TEC must attach to funding a condition that a TEO that receives funding under this funding mechanism (including SSG) must use the funding:
- a. lawfully, responsibly, and for the purposes for which it is provided; and
 - b. in a manner consistent with the appropriate use of public funds.

Recovery of over-funding

52. The TEC must attach to funding, a condition that if a TEO receives funding under this funding mechanism (including SSG) that is greater than it should have been, or that it was not entitled to receive, the TEO must treat the amount of the over-funding as a debt due to the Crown that:
- a. is repayable on demand; and
 - b. may be set-off against all or any funding, or any sum of money payable by the TEC to the TEO.

⁵ The phrase “equipment, infrastructure and hardware” refers to those items that can be used by successive intakes of students. It does not include personal items which are provided for individual student use and which the TEO does not retain for the next intake of students.

53. The TEC must provide the TEO with reasonable notice before exercising its right to demand repayment or set-off the debt against all or any funding.
54. For the purposes of this condition, a TEO will have received funding that was "greater than it should have been" if the total dollar value of the SAC provision funded under this funding mechanism that is delivered by a TEO within a funding year is less than 99% of the total dollar value for the SAC provision paid to the TEO under this funding mechanism.
55. In that situation, the percentage of funding that is repayable is equal to the difference between the bottom of the tolerance band (99%) and the percentage value of the provision that was delivered.

Repayment of funding following revocation of funding approval

56. The TEC must attach to funding a condition that if, in accordance with clause 16, Schedule 18 of the Act, the TEC suspends, revokes or withdraws some or all of a TEO's funding paid under this funding mechanism (including SSG) before that funding provided has been used or contractually committed towards the purposes for which that funding was provided, then the TEO must treat the unexpended or uncommitted portion of the funding as a debt due to the Crown and:
 - a. is repayable on demand; and
 - b. may be set off against all or any funding, or any sum of money payable by the TEC to the TEO.

Disclosure of data from Statistics New Zealand's Integrated Data Infrastructure

57. The TEC must attach to funding a condition that a TEO consents, for the purposes of section 37A(a) of the Statistics Act 1975, to Statistics New Zealand disclosing information to the Ministry of Education and the TEC from its Integrated Data Infrastructure that identifies, or may identify, the TEO.
58. The TEC must inform TEOs that the Statistics Act 1975 does not constrain the ongoing use or sharing of the TEO-level data once it is disclosed.

APPENDIX 1: CALCULATION OF SAC LEVEL 1-2 FUNDING

Table 1: SAC Level 1-2 classification of qualifications and training schemes for funding

| SAC Level 1-2 classification of qualifications and training schemes | Funding rate/EFTS (GST Excl) |
|--|-------------------------------------|
| Te Reo Māori | \$8,373 |
| English for Speakers of Other Languages | \$8,373 |
| Supported Learning | \$13,607 |
| Trades | \$13,607 |
| Services | \$9,421 |
| General Foundation Education | \$8,896 |