



## **Amended SDR001 conditions for PTEs, with tracked changes – August 2016**

### ***TEO to supply information and report to the TEC***

Pursuant to section 159YC(1) of the Education Act 1989, it is a condition of a TEO receiving funding under section 159YA or section 159ZC that the TEO will supply to the TEC or the Ministry of Education, from time to time as required by the TEC or the Ministry of Education, and in the form specified by the TEC or the Ministry of Education, any financial, statistical, or other information that the TEC or the Ministry of Education requires the TEO to supply.

### ***TEO to supply enrolment information to the TEC***

The following conditions are imposed to ensure that the TEC and the Ministry of Education obtain information about all confirmed students valid student enrolments (for the April and August 2016 SDRs) or confirmed student enrolments (for the December 2016 SDR and subsequent SDRs), whether or not fees are charged, and regardless of the funding source. Your SDR returns must include students who have withdrawn, unless they withdrew before becoming a confirmed student valid student enrolment (for the April and August 2016 SDRs) or a confirmed student enrolment (for the December 2016 SDR and subsequent SDRs). If you have any doubts as to whether a student should be included in the SDR, please contact your Investment Manager or the Sector Helpdesk.

1. For SAC, Youth Guarantee and Trade Academies funding purposes and in relation to the April and August 2016 SDRs, the TEO must supply information to TEC and/or the Ministry about each “valid student enrolment”, meaning, regardless of whether fees apply, that:
  - a) the student and the TEO have entered into an enrolment or tuition contract or arrangements and the student has paid for committed to pay his or her fees (if fees apply); and
  - b) a specified period has passed or, a student has attended for greater than the specified period in which a student can withdraw and receive a full refund of tuition fees/course costs. Where a TEO does not set a defined period for changes of enrolment, including withdrawals, domestic students will count for tertiary tuition calculations after they have completed 10% or one month of the course for which they have enrolled, whichever is the smaller.
2. For non SAC, Youth Guarantees or Trades Academies funding, a valid student enrolment is where a student has completed the enrolment process and one or both of 1(a) or 1(b) above has occurred.
3. For SAC, Youth Guarantee and Trade Academies funding purposes and in relation to the December 2016 and subsequent SDRs, the TEO must supply the following information to TEC and/or the Ministry about each “confirmed student enrolment”, meaning:

## a) if fees apply:

- (i) a student and [athe](#) TEO have entered into an enrolment or tuition contract or arrangement and the student has paid or committed to pay his or her fees; and
- (ii) the period during which the student is entitled to withdraw from a course, programme or training scheme and receive a full refund of fees (less any applicable administration fee) has passed; or

## b) if fees do not apply:

- (i) a student and [athe](#) TEO have entered into an enrolment or tuition contract or arrangement; and
- (ii) the student has not withdrawn from a course, programme or training scheme by the withdrawal date ~~(as specified in [Withdrawal of enrolments](#) below)~~.

~~2.4.~~ The TEO must not alter the data submitted in the SDR based on any subjective assessment of a student's performance, participation or attendance.

**SAC3+ Withdrawal of enrolments**

1. A “withdrawal” means the withdrawal of a [valid student enrolment \(for the April and August 2016 SDRs\)](#) or confirmed student enrolment [or valid student enrolment \(for the December 2016 and subsequent SDRs\)](#) from a course, programme or training scheme, by notice from the student to the TEO or as a result of non-attendance or non-participation by a student at the TEO for any reason, and whether or not the student has been refunded any fees.
2. If a student is enrolled for all or part of a programme or training scheme that is of more than three months duration, the withdrawal date and refund period entitlements are set out in sections 234C to 235D of the Education Act 1989.
3. If a programme or training scheme is less than three months duration, the TEO must set a withdrawal date for each course in the programme or training scheme, up to and including which a student is entitled to a full refund of fees and course costs. The withdrawal date for each course must be no earlier than the date at which 10% of the course for which a student is enrolled has passed.
4. Completing the SDR does not discharge TEOs’ other obligations to report withdrawals. These obligations include reporting (where applicable) to: Immigration New Zealand (for international students), Ministry of Social Development (for Student Loan and Student Allowance recipients) and Trustees administering fee protection mechanisms (for International students and all PTE students).
5. If fees are to be refunded to a student, the TEO must, as soon as reasonably practicable, pay the refund:
  - a) to the Ministry of Social Development, if the student paid the fees using the Student Loan Scheme; or
  - b) directly to the student.

**SAC3+: Use of SAC funding**

1. The TEO must ensure that SAC funding is only used for the relevant programmes and activities at level 3 and above on the NZQF which are specified in a TEO’s proposed investment plan (unless exempt). For the purposes of calculating the amount of SAC funding to be allocated to the TEO, TEC uses a metric comprising:

- a) the number of valid domestic enrolments (as described in SAC3+), measured in equivalent full-time students (EFTS); and
  - b) the qualifications, and their component courses, in which students are enrolled, and the assigned course classifications, funding categories, and funding rates of those qualification.
2. The TEO may only claim funding for a student who is:
- a) a [valid student enrolment \(for the April and August 2016 SDRs\) or a confirmed student enrolment \(for the December 2016 and subsequent SDRs\)](#); and
  - b) a valid domestic enrolment (as described in SAC3+ Valid domestic enrolment below); and
  - c) the student has ~~completed~~ [studied at the TEO for 10% of the course](#) or one month ~~of the course for which they have enrolled, whichever is the earlier~~ [for a full-year course](#).

### **SAC3+: Valid domestic enrolment**

1. A “valid domestic enrolment” is the enrolment of a student who:
- a) is one of the following:
    - (i) a domestic student<sup>1</sup>; or
    - (ii) an Australian citizen or Australian permanent resident currently residing in New Zealand; or
    - (iii) an international student involved in postgraduate research as described in paragraph 2 below; and
  - b) is either:
    - (i) aged 16 years and over; or
    - (ii) aged under 16 years if the student meets the criteria established by the TEC as described in paragraph 3 below; and
  - c) is studying in New Zealand or the student meets the criteria established by the TEC as described in paragraph 4 below; and
  - d) has paid or committed to pay his or her fees (if fees apply), or, if the student has not paid fees, the student meets the criteria established by the TEC as described in paragraph 5 below.

#### *An international student involved in postgraduate research*

2. An international student involved in post graduate research is a valid domestic enrolment if the programme of study in which he or she are enrolled is:
- a) level 9 or higher on the NZQF (Masters level or higher); and
  - b) wholly research (for example, 120 point thesis).

#### *Students aged under 16 years*

3. A student aged under 16 years is a valid domestic enrolment if:
- a) at the commencement of the programme of study or training at which the student is enrolled, the student was aged under 16 years; and
  - b) the TEO is satisfied that the student is capable of completing the academic requirements of the programme in which the student is enrolled; and

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<sup>1</sup> As defined in section 159 of the Education Act 1989.

- c) the TEO has ensured that the student has a school exemption certificate from the Ministry of Education; and
- d) if the student is, or will be, enrolled in secondary school at the time the programme of study or training starts, the TEO has ensured that the student's principal has signed a letter that approves the programme of study or training, and that either specifies that:
  - (i) the student is not required to be absent from school during school hours; or
  - (ii) if the student is required to be absent from school during school hours for more than five hours per week, the school will seek reduced funding for the student; and
- e) if the student is, or will be, home schooled at the time that the programme of study or training starts, the TEO has ensured that the parent of the student who is primarily responsible for the student's home schooling has signed a letter that approves the study or training.

#### *Students studying outside New Zealand*

4. A student studying outside New Zealand is a valid domestic enrolment if:
  - a) the student is:
    - (i) enrolled in a course(s) leading to the award of a recognised qualification offered by a New Zealand TEO; and
    - (ii) enrolled at a New Zealand campus of a New Zealand TEO; and
  - b) the student is not:
    - (i) resident overseas and enrolled at an overseas campus established by a New Zealand TEO; or
    - (ii) a domestic student<sup>2</sup> who is travelling overseas and enrolled with an overseas tertiary education provider; or
    - (iii) resident overseas and receiving tuition primarily through an overseas site of a TEO, regardless of the site at which the student is enrolled.

#### *Students who have not paid fees*

5. A student who has not paid his or her fees (if fees apply) is a valid domestic enrolment if the TEO pays for a student's fees through a scholarship.

When a [valid student enrolment or](#) confirmed student enrolment is not a valid domestic enrolment for tertiary tuition calculations

1. A [valid student enrolment or a](#) confirmed student enrolment is not a valid domestic enrolment if the enrolment has, or continuation of study has been, secured by way of an inducement.
2. To avoid doubt, a student remains a valid domestic enrolment if a student withdraws from a course after the withdrawal date and does not receive a full refund of fees and course costs.

<sup>2</sup> As defined in section 159 of the Education Act 1989.