

# Regulatory Impact Statement: Refocusing schools on the Government’s priorities

## Coversheet

Purpose of Document	
Decision sought:	<i>This regulatory impact statement was produced to inform Cabinet policy decisions on changes to school board objectives and statement of National Education Learning Priorities (NELP) provisions in the Education and Training Act 2020</i>
Advising agencies:	<i>Ministry of Education</i>
Proposing Ministers:	<i>Minister of Education, Hon Erica Stanford</i>
Date finalised:	<i>25 November 2024</i>
Problem Definition	
<p>The current school board governance objectives set out in section 127 of the Education and Training Act 2020 (the Act) and the statement of National Education and Learning Priorities (NELP) set out a large number of objectives and priorities. This makes it difficult for schools to know what the most important things are that they need to focus on, in turn diluting a school’s focus on student achievement.</p> <p>There is an opportunity to provide clarity to school boards about the most important things to focus on to lift student achievement and attendance by:</p> <ul style="list-style-type: none"><li>• aligning schools’ statutory objectives with the Government’s priorities; and</li><li>• reducing the number of mechanisms the Government uses to set these priorities.</li></ul>	
Executive Summary	
<p>The Government has a focus on lifting student achievement and attendance. As such, it is progressing a reform agenda designed to refocus schools on a few critical things and getting the basics right. The Government’s priorities relate to educational achievement, attendance, assessment and use of quality data.</p> <p>The Government wants school boards to:</p> <ul style="list-style-type: none"><li>• have a clear understanding of the Government’s strategic priorities when governing their schools; and</li><li>• implement and give effect to these priorities.</li></ul> <p>As noted above, the current objectives in section 127 and the priorities in the NELP do not fully and clearly reflect this Government’s small set of critical priorities for schools. In particular, section 127 does not reflect the National Party and ACT Party Coalition Agreement commitment to make educational achievement the primary or paramount objective for school boards. It also doesn’t reflect the Government’s attendance and assessment priorities.</p> <p>There is an opportunity to provide clarity to school boards about the most important things to focus on to lift student achievement and attendance by:</p> <ul style="list-style-type: none"><li>• aligning schools’ statutory objectives with the Government’s priorities; and</li><li>• reducing the number of mechanisms the Government uses to set these priorities.</li></ul>	

On 26 August 2024, Cabinet agreed to public consultation on specific proposals to amend the school board objectives in section 127 and to remove the NELP as a statutory tool [SOU-24-MIN-0101; CAB-24-MIN-0314].

The key objectives sought in relation to this policy are to:

- align the priorities and objectives for schools (specified through statutory mechanisms) with the Government's priorities for the schooling system;
- reduce confusion for schools so that they are clear about the most important things that they need to focus on, plan for and achieve; and
- remove unnecessary or potentially confusing statutory requirements or mechanisms.

The Ministry considered the following five options to meet the policy objectives:

1. retain the status quo;
2. use the NELP to clarify the current Government's priorities;
3. use section 127 to clarify the current Government's priorities;
4. simplify section 127 objectives by removing unnecessary priorities that are duplicated elsewhere in legislation; and
5. remove the NELP as a statutory mechanism for issuing priority statements so that boards only need to look at section 127 to understand the Government's priorities for them.

A combination of Options 3 and 5 are the preferred options. Option 3 refocuses schools on core priorities and Option 5 removes the NELP from the Act, thereby reducing the number of priorities schools must focus on and the number of places schools need to look to become clear on what they need to focus on. Section 127 is also a strong lever because schools must give effect to its provisions, unlike the NELP which schools are only required to consider.

Stakeholder submissions through the main consultation channel were unsupportive of change. The New Zealand School Boards Association (NZSBA) conducted a survey of its board members which showed a more balanced perspective. Many submitters were concerned about the way in which the Government's priorities would be reflected in section 127, including that making educational achievement the primary objective would deprioritise the other important objectives such as student safety, inclusion and giving effect to Te Tiriti.

Stakeholder concerns will be mitigated by expressing the non-primary objectives (e.g. student, safety, inclusion and giving effect to Te Tiriti) as necessary or essential to the achievement of the primary objective. The concerns many submitters made in consultation reflected their disagreement with the Government's priorities, rather than their concerns with the mechanisms being used to require schools to give effect to these priorities. However, we note that the priorities and proposed changes to section 127 largely reflect pre-existing regulatory requirements on schools and as such represent a change in focus rather than any new requirements on schools.

### Limitations and Constraints on Analysis

#### *Inadequate time for comprehensive consultation with Māori, iwi and hapū*

Resourcing and timing constraints did not allow time to engage fulsomely with Māori, iwi and hapū (beyond inviting key Māori education peak bodies to provide feedback). The Ministry notified the following Māori education peak bodies about consultation: Ngā Kura ā Iwi o Aotearoa (NKAI), Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa (TRN) and Mātauranga Iwi Leaders Group (MILG). MILG supported some of the proposed changes, but they were clear that their support is conditional on a concerted effort by the Crown,

through the Minister and officials, to uphold Te Tiriti by engaging with iwi and hapū prior to any changes to the Act being proposed in a Bill.

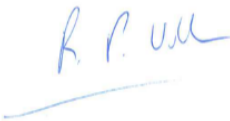
These constraints also meant that the consultation material was unable to be translated in any other language or provided in an accessible format.

*Options do not consider non-statutory mechanisms for refocusing schools on the Government's priorities*

The options only consider statutory mechanisms for directing the schooling sector in particular (noting that some options impact the ECE sector as well). This is because the objective is to align statutory priority and objective settings by requiring schools to give effect to them, so that non-statutory or non-compulsory mechanisms (communications tools or funding mechanisms, for example) are excluded from scope.

**Responsible Manager(s) (completed by relevant manager)**

Rachel Voller  
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25/11/2024

**Quality Assurance (completed by QA panel)**

Reviewing Agency: Ministry of Education

Panel Assessment & Comment: The Ministry of Education's Quality Assurance Panel has reviewed the Regulatory Impact Statement produced by the Ministry of Education and dated 25 November 2024. The panel considers that it meets the Quality Assurance criteria. It provides clear and convincing analysis to inform decisions on the regulatory changes that can best focus schools on the Government's education priorities.

**Section 1: Diagnosing the policy problem**

**What is the context behind the policy problem and how is the status quo expected to develop?**

**Government targets and priorities focus on lifting student achievement**

1. The Government has a focus on lifting student achievement and attendance. In line with this, it set two targets to drive system focus. These are:
  - *more students at expected curriculum levels*: 80% of year 8 students are at or above the expected curriculum level for their age in reading, writing and maths by December 2030; and
  - *increased student attendance*: 80% of students are attending more than 90% of the term by 2030.

2. To achieve these targets, the Government is progressing a reform agenda designed to refocus schools on a few critical things. This consists of six related and interdependent priorities:
  - *clearer curriculum*: Establishing a knowledge-rich curriculum grounded in the science of learning;
  - *better approach to literacy and numeracy*: Implementing evidence-based instruction in early literacy and maths;
  - *smarter assessment and reporting*: Implementing consistent modes of monitoring student progress and achievement;
  - *improved teacher training*: Developing the workforce of the future, including leadership development pathways;
  - *stronger learning support*: Targeting effective learning support interventions for students with additional needs; and
  - *greater use of data*: Using data and evidence to drive consistent improvement in achievement.
3. In addition, the Associate Minister of Education's areas of focus include lifting student attendance rates.

**The Government wants school governance to be focused on the Government's priorities**

4. The Government wants school boards to:
  - have a clear understanding of the Government's strategic priorities when governing their schools; and
  - implement and give effect to these priorities.
5. A clearer focus on a few critical priorities will mean schools are not distracted by a focus on other matters which less directly contribute to improving student outcomes. The Government can use several mechanisms to align the expectations on school boards with its priorities. In addition to the curriculum (which the Government is already refreshing to reflect its priorities), it can update the school board objectives in section 127 of the Act and/or issue a NELP.

*School boards' objectives when governing their school (section 127 of the Act)*

6. Section 127 sets out school boards' primary objectives when governing their schools. These are legislative provisions that school boards must give effect to. Once every three years, when developing their strategic plans, schools also need to develop their own strategic goals for meeting the section 127 objectives.
7. The most recent amendments to school board objectives were made in 2020 to:
  - refocus boards on a wider range of objectives so that educational achievement was no longer the sole primary objective; and
  - ensure school governance is underpinned by safety, student rights and te Tiriti o Waitangi/the Treaty of Waitangi.
8. Section 127 currently sets out a set of four primary objectives that school boards are required to meet. Annex One sets out section 127 in full. In summary, the current objectives for boards are to ensure that:
  - every student is able to attain their highest possible standard in educational achievement;
  - that the school is a safe place for students and staff; gives effect to relevant student rights in the Act, the New Zealand Bill of Rights Act 1990 (BORA) and the

Human Rights Act 1993 (HRA); and takes all reasonable steps to eliminate discrimination;

- the school is inclusive of, and caters for, students with differing needs; and
- the school gives effect to te Tiriti o Waitangi by working to ensure that its plans, policies and local curriculum reflect local tikanga, and te ao making instruction available in tikanga and te reo and achieving equitable outcomes for students.

#### *The statement of National Education and Learning Priorities*

9. Under section 5 of the Act, the Minister may issue a NELP for early childhood, primary and secondary education. School boards are not required to give effect to the NELP, they are only required to have “particular regard” to it when governing their schools. Once every three years, they are also required to consider the NELP when developing their own strategic goals as part of their strategic plans. However, school boards are not required to give effect to the NELP. This is also the case for early learning providers, who must have regard to the NELP in their self-review, internal evaluation and annual report processes, but do not have to give effect to it.
10. The current NELP outlines a broad range of priorities for both the schooling and early learning sectors (many of which duplicate the education and learning objectives in section 5(4) of the Act, the objectives in section 127 for school boards and the requirements set out in the national curricula). Extensive work was undertaken between 2018 and 2020 (including two public consultations) to develop the NELP. Neither schools nor early learning providers are required to give effect to it. The current NELP expires in November 2025.

#### *There is an opportunity to provide clarity to school boards about the most important things to focus on*

11. Together, section 127 and the NELP outline a large number of priorities for schools, in turn diluting each school's focus on student outcomes. The Government wants schools to focus on a few critical things to lift student achievement and to ensure that school boards successfully implement these priorities (and not be distracted by a range of other things they must pay attention to when governing their schools).
12. As part of this, the Government signalled in the National Party and ACT Party Coalition Agreement that it wishes to “enshrine educational attainment as the paramount objective for state schools”.
13. This would revert to the framing in the now repealed Education Act 1989 in which a board's sole primary objective was to ensure that every student at the school is able to attain their highest possible standard in educational achievement. To give effect to this objective, boards were required to meet several other supporting objectives.
14. In addition, the Government would like schools' governance focus to reflect the Government's attendance and assessment priorities by including these as additional objectives section 127.

#### **Public consultation on proposed changes to school board objectives and NELP provisions**

15. On 26 August 2024, Cabinet agreed to public consultation on the following proposals [SOU-24-MIN-0101; CAB-24-MIN-0314]:
  - make educational achievement the primary objective for school boards with the other current objectives expressed as necessary for the achievement of the primary;



- introduce a new objective for school boards to take all reasonable steps to ensure the attendance of the students enrolled in their school;
  - introduce a new objective for school boards to ensure that the school's principal and staff use good quality assessment and aromatawai information to monitor and evaluate students' progress and achievement, including from any assessment and aromatawai specified in a foundation curriculum policy statement;
  - remove the objective that requires school boards to give effect to relevant student rights set out in the Education and Training Act 2020, the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - moving the requirement for schools to achieve equitable outcomes for Māori students to the front of the Tiriti/Treaty clause in section 127;
  - strengthening the focus on the national curriculum by replacing the term 'local curriculum' in section 127; and
  - remove the Statement of National Education and Learning Priorities from the Act.
16. Public consultation took place from 2 September to 14 October 2024. The Ministry received 1381 submissions. These included 852 anonymous survey responses (unless submitters self-identified), 435 form-submissions on behalf of the Green Party and 94 email submissions. To inform its submission, te Whakarōputanga Kaitiaki Kura o Aotearoa | New Zealand School Boards Association (NZSBA), surveyed their school board members where they received 511 responses.
17. In general, school board members were more supportive of the proposed changes (as surveyed by NZSBA) and those who submitted to the Ministry were more critical of the proposals. For example, whilst 81% of submitters to the Ministry disagreed with making educational achievement the primary objective for school boards, NZSBA's responses showed overall support for this proposal (58.2% in agreement and 41.8% against).
18. Similarly, for the proposal to remove the NELP provisions from the Act, 78.3% of submitters to the Ministry disagreed with the proposal, but NZSBA members were more evenly divided (55% for the proposal and 45% against). NZSBA respondents commented that the NELP is so broad that it has little impact on board decisions and felt there is enough strategic direction in the Act and regulations to guide schools when governing their schools. Many submitters to the Ministry commented on the content of the current NELP (which was out of scope for this consultation) rather than the value of the NELP as a tool.
19. The proposal to remove the objective that requires school boards to give effect to "relevant student rights" set out elsewhere in legislation, received submissions (whether in support or otherwise) indicating the impact of the amendment would be the perception or risk that schools would no longer need to focus on supporting student or human rights. 81.3% of submitters to the Ministry disagreed with this proposal and want to keep student rights as a visible priority or objective for school boards. They indicated the removal of this objective would send a message that student rights are not important and that boards no longer need to focus on them. Many submitters explained how they've relied on this provision in section 127 when seeking to influence schools to support safety and inclusion and how this provision has made a material difference to them.
20. The NZSBA responses showed a more even split (49.4% in favour and 50.6% against). However, NZSBA themselves do not support this proposed amendment, noting that comments from board members in favour of the proposal thought it meant they'd no longer have to comply with student rights. They consider there's a risk that the proposal would erode student rights. Although the rights would continue to exist

elsewhere in legislation, school boards themselves tend to focus on what is specified in section 127.

### **How is the status quo expected to develop?**

21. As outlined above, the Government wants school boards to focus on the Government's priorities for the schooling system which are intended to improve student outcomes. The current objectives in section 127 and the priorities in the NELP do not fully and clearly reflect this Government's small set of critical priorities for schools. In particular, section 127 does not reflect the National and ACT Party Coalition Agreement commitment to make educational achievement the primary or paramount objective for school boards. It also doesn't reflect the Government's attendance and assessment priorities.
22. Without change, section 127 will continue to state multiple primary objectives that school boards must give effect to when governing their schools, diluting their focus on lifting student achievement. Whilst the Government has signalled to schools that attendance and assessment are key priorities, these would not be reflected in section 127 which is the key provision that sets out what boards should be focussing on when governing their schools.
23. The current NELP will expire in November 2025, unless the Minister of the Education issues a new one or withdraws it earlier. The Minister has decided against withdrawing the current NELP earlier as this would require consultation with the sector which would have both time and resource implications for the sector and the Ministry. Instead, the current NELP will be allowed to expire.
24. The Minister does not wish to issue a new NELP to replace the current one as there are more directive mechanisms available to embed the Government's priorities, such as the curriculum statements and the changes to section 127.
25. Without change, even if the Minister does not issue a new NELP, the references to the NELP in the Act and regulations will remain. This would create confusion for school boards and give rise to an expectation for a new NELP. It would mean school boards are focused on a broad range of priorities rather than a tight focus on what the Government expects school boards to do to lift student achievement.
26. Leaving the provisions in the Act would also enable a future Government to issue a NELP which 55% of NZSBA survey respondents wanted removed as:
  - it has little effect on boards' decisions;
  - there is sufficient strategic direction in the legislation;
  - having to align many different priorities makes strategic planning and reporting overly complicated; and
  - a number of respondents also commented that they do not use the NELP.
27. As schools are not required to give effect to a NELP, its existence would therefore detract from the focus and effort that would otherwise be directed towards section 127 objectives (which unlike the NELP, are obligations on schools).

### **What is the policy problem or opportunity?**

28. As described above, the current section 127 school board governance objectives and the NELP set out a large number of objectives and priorities that are not closely and clearly aligned with the Government's priorities for the schooling system. The Government would like to ensure schools are required to give effect to their priorities.

29. There is an opportunity to provide clarity to school boards about the most important things to focus on. This will help schools to concentrate their focus and resources on lifting student achievement. This clarification can be achieved by:

- aligning school's statutory objectives with the Government's priorities; and
- reducing the number of mechanisms the Government uses to set the strategic direction and focus of school boards.

### **What objectives are sought in relation to the policy problem?**

30. The key objectives sought in relation to this policy are:

- align the priorities and objectives for schools (specified through directive/compulsory statutory mechanisms) with the Government's priorities for the schooling system;
- reduce confusion for schools so that they are clear about the most important things that they need to focus on, plan for and achieve; and
- remove unnecessary or potentially confusing statutory requirements or mechanisms.

## **Section 2: Deciding upon an option to address the policy problem**

### **What criteria will be used to compare options to the status quo?**

31. We assessed the options against the following criteria:

- clarity and focus for schools i.e., schools are clear on what their priorities are and where they can find them;
- directiveness of the tool i.e., the extent to which schools must give effect to the Government's strategic priorities;
- impact on student outcomes;
- upholding te Tiriti o Waitangi/ the Treaty of Waitangi;
- impact on schools i.e., the extent of change and disruption for schools; and
- cost, including in relation to regulatory burden for schools and the Ministry.

32. We have weighted these criteria equally.

### **What scope will options be considered within?**

33. We have considered statutory mechanisms for directing the schooling sector in particular (noting that some options impact the ECE sector as well). This is because the objective is to align statutory priority and objective settings, so that non-statutory mechanisms (communications tools or funding mechanisms, for example) are excluded from scope.

### **What options are being considered?**

34. The Ministry considered five options to meet the policy objectives.

35. The five options are:

- retain the status quo;
- use the NELP to clarify the current Government's priorities;
- use section 127 to clarify the current Government's priorities;
- simplify section 127 objectives by removing unnecessary priorities that are duplicated elsewhere in legislation; and



- remove the NELP as a statutory mechanism for issuing priority statements so that boards only need to look at section 127 to understand the government's priorities for them.

36. Some of the options are not mutually exclusive (e.g., options 3 and 5) and can therefore be progressed together as part of the preferred way forward. Other options are mutually exclusive, such as options 2 and 5.

### **Option One – Retain the status quo.**

#### *Option description*

37. Under this option, in governing their schools, boards will not be required to have a primary focus on educational achievement, nor a focus on attendance or assessment. Equitable achievement for Māori students will not be as prominently stated for boards. The NELP will continue to exist as a tool in the Act that the Government of the day can use to provide further statements of priority for school boards to consider (albeit not statements they must comply with) leaving the potential for further confusion about what is most important for schools to focus on. Under this option, the objectives stated in section 127 would not align with the Government's priorities.

#### *Option analysis*

38. There was a high level of support for retaining the status quo:

- 80.5% of submitters to the Ministry did not want to make educational achievement the only primary objective for school boards for reasons including that the change is unnecessary since educational achievement is already a primary objective for boards and that the current objectives reflect a holistic view of education. However, 58.2% of NZSBA's respondents showed support for changing the objectives so that there is only one primary objective for school boards; and
- 78.3% of the submitters to the Ministry disagreed with the proposal to remove the NELP from the Act. Many of these submitters commented on the content of the NELP rather than its value as a tool. 55% of NZSBA submitters agreed with the proposal, noting that the NELP has little impact on school boards' decisions and that instead the legislation contains the strategic direction that informs school governance.

39. Overall, the status quo fails to meet all three policy objectives identified in paragraph 29. The status quo does not fully reflect the Government's education priorities, nor does it improve clarity for schools about what their focus should be. It also retains the NELP which is an unnecessary statutory mechanism whose remaining references throughout legislation are likely to create confusion (by outlining additional Government objectives or priorities which distract from the most critically important priorities outlined in section 127).

### **Option Two – Use NELP to clarify the current Government's priorities**

#### *Option description*

40. Under this option, the Minister of Education would issue a new NELP under section 5(1) of the Act. As required by section 5(6) the Minister would first have to consult with a wide range of education stakeholders including children and young people and national bodies representing the interests of teachers, principals, parents, the disability community, Māori and Pacific education organisations etc.

### *Option analysis*

41. Whilst this option could provide a clear statement about the Government's priorities, schools would still have to consider the NELP alongside the objectives in section 127 and curriculum statements. Therefore, this does not help clarify for schools what their absolute key areas of focus should be. There is also no guarantee that schools and ECEs will align their activities to the Government's priorities for the sector as they are only required to consider the NELP rather than give effect to it. Therefore, this option also fails to meet the policy objectives.
42. As noted above, many submitters who wished to retain the NELP were supportive of the current content rather than commenting on the use of the NELP as a tool for setting strategic direction and priorities. The existing NELP was developed by the previous Government and under this option, the content would change to reflect the current Government's priorities.
43. The PPTA considered that an attendance priority would be better suited for inclusion in a NELP rather than amending section 127 as it's likely to be temporary and achieved in the medium term.
44. Submitters that supported the proposal commented that:
  - the NELP is so broad that it has no effect on board decisions;
  - the Act provides a sufficient statement of priority and strategic direction; and
  - the NELP makes complicated strategic planning.
45. Others thought that the NELP was helpful to provide uniformity and consistency for schools across the country. They also found the level of detail and guidance in the NELP helpful as it was more informative than the high-level section 127 objectives or the very detailed curriculum requirements.

### **Option 3 – Use section 127 to clarify the current Government's priorities**

#### *Option description*

46. Under this option, the school board objectives in section 127 would be amended to clarify the current Government's priorities for the schooling sector by:
  - making educational achievement the primary objective for school boards. To comply with the primary objective, school boards would be required to meet the other objectives in section 127;
  - adding a new objective to section 127 for school boards to take all reasonable steps to ensure the attendance of the students enrolled in their school;
  - adding an objective to section 127 for school boards to ensure that the school's principal and staff use good quality assessment and aromatawai information to monitor and evaluate students' progress and achievement;
  - shifting the requirement that schools achieve equitable outcomes for Māori students to the substantive part of Te Tiriti clause in section 127 to increase its visibility and strengthen schools' focus on Māori students' achievement; and
  - strengthening the focus of schools on the national curriculum by replacing the term 'local curriculum' with 'teaching and learning programmes' in section 127.

#### *Option analysis*

47. This option strongly aligns school board priorities and objectives with the Government's priorities. It:

- gives effect to the National Party and ACT Party Coalition Agreement commitment to make educational achievement the paramount objective for school boards;
- reflects and supports the Government's achievement and attendance targets; and
- reflects and supports the Minister's priorities relating to assessment and use of data and the national curriculum.

48. Bringing together in one place the critical priorities for school boards will help to reduce confusion and provide clarity about the key things that the Government expects schools to focus on, plan for and achieve. And, unlike Option 2, because school boards are required to comply with the legal requirements set out in section 127, the Government would have greater confidence that school boards are giving effect to these critical priorities.

49. This option therefore meets the first two policy objectives. The third policy objective does not apply.

50. A key concern for submitters was that by making educational achievement the only primary objective for school boards, this would deprioritise the other objectives such as those relating to safety and wellbeing and that it would undermine the requirement for school boards to give effect to te Tiriti. Submitters were particularly concerned about the impact of this proposal on te Tiriti objective.

51. The concerns expressed by submitters will be mitigated by explicitly referencing the other objectives as "essential supporting objectives", or obligations required to support the primary objective. These obligations are necessary prerequisites for student achievement, schools will still need to comply with, and pay a high level of, attention to providing a safe and engaging environment for their students and that give effect to te Tiriti.

52. Annex One provides more detailed information about the public feedback received on these proposals.

#### **Option 4 – Simplify section 127 objectives by removing unnecessary priorities that are duplicated elsewhere in legislation**

##### *Option description*

53. Under this option, section 127 (1)(b)(ii) which requires schools to give effect to relevant student rights set out in the Act, the New Zealand Bill of Rights Act 1990 (BORA), and the Human Rights Act 1993 (HRA), would be removed.

##### *Option analysis*

54. The rights specified in the Act, the HRA and BORA already apply to school boards. The intention of this proposal is to remove duplication, streamline section 127 and reduce confusion about what the most important priorities are for boards to focus on. These obligations would continue to apply even if these references are removed from section 127.

55. 81.3% of submitters to the Ministry disagreed with this proposal and want to keep student rights as a visible priority or objective for school boards. Submitters noted that:

- the removal of this objective would send a message that student rights are not important and that boards no longer need to focus on them. Some board members that responded to NZSTA's survey had assumed that this proposal would mean they would no longer need to comply with student rights;
- they've relied on this provision in section 127 when seeking to influence schools to support safety and inclusion and how this provision has made a material difference to them; and
- school boards consist of parent and community volunteers, many of which are not legal experts. Although these requirements would remain in other legislation, the risk to student rights would be too great if not specified in section 127.

56. 51% of NZSBA survey respondents disagreed with this proposal. This relatively low level of opposition to the proposal prompted NZSBA to clarify that the NZSBA itself opposes the proposal, and that respondents' answers confirmed the risk to student rights.

57. This option does not align the Government's priorities with school board objectives as none of the Government's priorities relate to this (policy objective 1) and confusion for school boards would arguably increase as key requirements would be scattered across various pieces of legislation (policy objective 2). This option meets the third policy objective as it removes an arguably unnecessary and duplicative requirement.

**Option 5 –Remove the NELP as a statutory mechanism for issuing priority statements so that boards only need to look at section 127 to understand the Government's priorities for schools.**

#### *Option description*

58. Under this option, the NELP would be removed from the Act, regulations and ECE licensing criteria. This would mean that schools and early learning providers would not need to consider a NELP when undertaking their functions. Instead, for schools, section 127 and the curricula would set out what they must give effect to. Early learning services would refer to Te Whāriki and licensing criteria to know what the Government considers is most important for them to focus on.

#### *Option analysis*

59. As outlined in Option 2, the NELP is not directive and will therefore not meet the Government's desire to ensure that school boards are focusing on the Government's priorities. The NELP is also unnecessary as the Government has more directive ways of setting and clarifying its priorities. Unlike Option 2 (in which the NELP would be retained in the Act) under this option the NELP would be removed from the Act to address any remaining confusion caused by references to a NELP in the Act. This may also help to address any lingering expectation for a NELP and, in line with regulatory stewardship principles, would remove unnecessary aspects of the legislation.

60. 78.2% of submitters did not support the proposal to remove it. However, 55% of NZSBA respondents did support it removing the NELP from the Act. As noted above, many submitters commented on the content of the NELP rather than its usefulness as a priority and strategic direction setting tool. Many of these submitters were concerned about the potential loss of protections for vulnerable students that the current NELP provides.

61. Those that commented on a NELP's usefulness noted that it can help provide consistency and detail that sits between the high-level section 127 objectives and the

detailed curriculum requirements. NZSBA survey respondents that supported its removal considered that the legislation provides sufficient direction and that the NELP makes planning and reporting complicated.

62. Overall, this option meets policy objective three, as it would remove unnecessary and potentially confusing statutory requirements and mechanisms. It also meets policy objective two by helping to reduce confusion for schools and ECEs who would have less priorities and less places to look at to understand what Government expects them to focus on and give effect to. This option also helps to reduce regulatory burden and compliance for the early learning and schooling sectors, which progresses the Government's desired to reduce compliance costs. Policy objective one is not applicable.



## How do the options compare to the status quo/counterfactual?

	Retain the status quo	Use the NELP to clarify the current Government's priorities	Use section 127 to clarify the current Government's priorities	Simplify section 127 objectives by removing unnecessary priorities that are duplicated elsewhere	Remove the NELP as a statutory mechanism for issuing priority statements so that boards only need to look at section 127
<b>Clarity and focus for schools</b>	0	<p>+</p> <p>Would provide greater clarity and focus but could still be confused with section 127 objectives.</p>	<p>++</p> <p>This option creates focus by establishing one primary objective for school boards and specifies in one place the most important priorities for school boards to focus on.</p>	<p>-</p> <p>Removing the references to student rights from section 127 could create confusion. Whilst these obligations would continue to exist even if references from section 127 are removed, schools may be unaware of their existence or their applicability and importance.</p>	<p>++</p> <p>Removing the NELP will reduce the number of mechanisms that Government uses to set its priorities. This will improve clarity and focus for schools that would now only need to look at section 127 to know what their priorities are. It will ensure section 127 objectives are treated as the most important priorities.</p> <p>Expectations and obligations for ECEs will also be streamlined and reflected in licensing criteria and the curriculum.</p>
<b>Extent to which schools must give effect to Government priorities</b>	0	<p>0</p> <p>Schools are only required to consider the NELP, not give effect to it.</p>	<p>++</p> <p>Schools must give effect to section 127 objectives.</p>	<p>0</p> <p>This option would have no change from the status quo.</p>	<p>0</p> <p>Criterion not applicable to this option.</p>
<b>Impact on student outcomes</b>	0	<p>+</p> <p>Could impact student outcomes where schools use the NELP to inform</p>	<p>+</p> <p>Schools will be required to focus on student outcomes.</p>	<p>-</p> <p>This option could harm minority students such as</p>	<p>+</p> <p>With boards having fewer distractions they can prioritise</p>

		their governance decisions.		disabled or rainbow students.	student achievement as an objective.
<b>Upholding te Tiriti o Waitangi</b>	0	0 This option would have little impact on upholding te Tiriti.	- Giving effect to Te Tiriti remains an objective, with arguably a greater focus on equitable outcomes for Māori. Whilst under this option it would be expressed as essential to meeting the primary objective, it would no longer be a primary objective in its own right.	0 This option would have no impact on the extent to which te Tiriti is upheld.	0 This option will have no impact on the extent to which Te Tiriti is upheld.
<b>Impact on school workload</b>	0	- Assuming the NELP would be issued before its expiry in November 2025, this would impact schools' strategic planning and reporting.	- Where schools are not already focused on achievement, attendance and assessment, the change of focus may impact on school workload. If they're already focused on these things, the impact will be minimal.	0 This option wouldn't change the workload of boards as they still have to comply with student rights.	+ Schools will no longer need to assess and describe how their school's strategic goals reflect the NELP priorities.  The regulatory compliance burden for ECEs will also be reduced as they would no longer have to have regard to the NELP in their self-reviews, internal evaluations and annual plans.

Cost – for schools and Ministry	0	- Consultation on the NELP will take time and effort. But arguably a tighter focus on fewer priorities will reduce costs.	0 Arguably a tighter focus on fewer priorities will reduce schools spending time and effort on less important priorities.	0 This option removes an objective for boards, but they still need to comply with student rights and so no impact is made.	+	The NELP is a costly and administratively heavy process.
Overall assessment	0	- The Ministry does <b>not</b> recommend we proceed with this option.	+	-- The Ministry does <b>not</b> recommend we proceed with this option.	++	The Ministry <b>does</b> recommends proceeding with this option.

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

63. A combination of Options 3 and 5 are the preferred options. Option 3 refocuses schools on the Government's core priorities for schools. Option 5 removes the NELP from the Act, thereby reducing the number of priorities that school board must focus on and the number of places they need to look to in order to understand what to focus on when governing their school. Option 3 is also an effective lever for Government to direct schools, ensuring that schools are actively implementing the Government's priorities for the schooling system.
64. Together, Options 3 and 5 meet the policy objectives outlined in paragraph 29 best. These two options also score highest against the options criteria.

## What are the marginal costs and benefits of the preferred option?

Affected groups (identify)	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option compared to taking no action			
Regulated groups: School board members and schools	<p>Schools will need to revisit their governance decisions and priority focus areas in their school to determine if they align with the new objectives in section 127. There may be some additional costs for those schools needing to implement new programmes if they determine they are not already focused on the new priorities proposed for inclusion in section 127.</p> <p>However, schools will also eventually be focused on fewer strategic priorities with the removal of the NELP as a tool. In addition, schools will not need to reconsider their strategic plans and priorities (nor be consulted by the Ministry and Government) every time a new Government decides to issue a new NELP.</p>	Low	High
Regulators: Ministry of Education and Education Review Office (ERO)	<p>There will be low cost for the Ministry in providing support. This could be through providing advice to schools and updating guidance and web material. Monitoring implementation in schools is unlikely to be expensive as we will use existing reports and communication channels.</p> <p>There will be a low cost to ERO for updating the Board Assurance Statement and training Evaluation Partners about any change.</p>	Low	High
Others: Students, parents, caregivers, whānau, stakeholder groups such as teacher unions and charity groups e.g., InsideOUT	<p>No additional costs placed through changes to section 127. Some would argue that the removal of the NELP means they have one less tool to use to advocate to a school that the school should provide for</p>	Low	High



	priorities (where these are included in the current NELP for example but not in section 127).		
<b>Total monetised costs</b>	\$0	Low	High
<b>Non-monetised costs</b>	Small amount of time and effort required to get to grips with changes in section 127.	Low	High
<b>Additional benefits of the preferred option compared to taking no action</b>			
Regulated groups: School board members and schools	Schools will have greater clarity of the objectives they should be focusing on. With the removal of the NELP schools will also save money and time reviewing their strategic plans against the NELP.	Low	High
Regulators: Ministry of Education and ERO	By removing the NELP the Ministry will be simplifying legislation making it easier to assess whether schools are focused on student achievement and the other section 127 objectives.	Low	High
Others: Students, parents, caregivers, whānau, stakeholder groups such as teacher unions and charity groups eg., InsideOUT	Student rights and human rights will remain an objective in section 127, enabling stakeholders to advocate to their school board on behalf of student rights.	Low	High
<b>Total monetised benefits</b>	\$0		
<b>Non-monetised benefits</b>	Removal of the NELP and stating all key objectives and priorities in one place in section 127 save schools time in figuring out what they need to focus on and will give the Government greater confidence that schools are focusing on its priorities for the schooling system.	Low	High

## Section 3: Delivering an option

### How will the new arrangements be implemented?

65. These proposals will be included in the Education and Training Amendment Bill No. 2 (ETAB2). It is proposed that the new arrangements will come into force after the Bill is enacted. This could be as early as late 2025.
66. Delayed commencement of the provisions is not necessary. Educational achievement is already one of four primary objectives for school boards (and it was the only primary objective before 2020). The new objectives are existing requirements

elsewhere in the Act and regulations. The order and prominence of these requirements would change but schools' familiarity with them means that they will be well placed to implement the proposed changes.

67. Once the new requirements come into effect (this will be communicated to the sector via the Ministry's regular channels, including the early learning and schooling bulletins), school boards will be responsible for their implementation. Schools will have to ensure that they are prioritising student achievement while still complying with the other objectives outlined in section 127 of the Act.
68. School boards develop strategic plans for their schools every three years. Their next strategic plan will need to reflect the updated objectives in section 127. Schools provide their strategic plans to the Ministry and are required to make them available to their school communities. The ERO regularly undertakes reviews of schools and as they do so, they connect in with each school's strategic planning and reporting cycle. ERO prepares statements for our school reports about Board Assurance of compliance with Regulatory and Legislative Requirements.
69. School boards are accountable to their school communities and to the government. Where issues are raised with the Ministry, including via the Ministry's own interactions with schools, via ERO review, or via parent/community complaints, the statutory interventions framework (in section 171 of the Act) will apply.

#### *Implementation risks and mitigations*

70. NZSBA proposed that implementation of changes to section 127 should not require out of cycle updating of strategic plans<sup>1</sup>. As long as changes are signalled to the sector in a timely way, NZSBA was of the view that these could be implemented via annual reports and school reporting until the next strategic plan cycle occurs in 2029.
71. There is, however, a possibility that Ministers would like schools to update their strategic plans as soon as the Bill is enacted. The Ministry will advise the Minister on options for doing this. This may require changes to regulations that set out the timing and content of school board strategic plans.

#### **How will the new arrangements be monitored, evaluated, and reviewed?**

72. The proposed changes are intended to focus school boards, in their governance decisions and strategic planning, on what matters the most. We anticipate school board strategic plans will be more tightly focused on the objectives set out in section 127 of the Act.
73. Schools will show, through their strategic plans, that they have greater clarity on what to focus on and that their strategic goals are closely aligned to the Government's priorities for the schooling system.
74. The Ministry of Education will monitor and evaluate the impact of the proposal on school boards and the wider school community. The Ministry has a number of channels for this, such as seeking feedback in Ministry publications, setting up face to face meetings with key stakeholders such as the NZSBA and issuing new and better guidance.

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<sup>1</sup> Schools' next strategic plan is due in January 2026. Development of the strategic plans starts around 5 to 6 months before then. As the ETAB2 is expected to come into force around the end of 2025 or beginning of 2026 ie. after most schools have developed and submitted their plans, the Government's changes to section 127 would not have been reflected in the plans.

## Annex One: Summary of submission feedback on Option 3 proposals

Proposal	Submission data	Submission feedback
Make educational achievement the primary objective for school boards.	<b>Submissions to Ministry (1266):</b> <ul style="list-style-type: none"> <li>15.1% (191) agreed.</li> <li>80.5% (1019) disagreed.</li> <li>4.4% (56) neutral/unsure.</li> </ul> <b>NZSBA survey:</b> <ul style="list-style-type: none"> <li>58.2% agree.</li> <li>41.8% disagree.</li> </ul>	<ul style="list-style-type: none"> <li>Many submitters expressed concern this would deprioritise the other objectives such as those relating to safety and wellbeing and undermine the requirement to give effect to te Tiriti.</li> <li>Some thought a focus on achievement is too narrow and other objectives are critical for child development.</li> <li>Others noted that educational achievement won't happen without a clear focus on wellbeing and inclusion.</li> <li>Some felt that educational achievement is already a key focus of schools and their core responsibility.</li> </ul>
New objective for school boards to take all reasonable steps to ensure the attendance of the students enrolled in their school.	<b>Submissions to Ministry (816)</b> <ul style="list-style-type: none"> <li>29.5% (241) agreed.</li> <li>57.8% (472) disagreed.</li> <li>12.7% (103) neutral/unsure.</li> </ul> <b>NZSBA survey:</b> <ul style="list-style-type: none"> <li>47.4% agree.</li> <li>52.6% disagree.</li> </ul>	<ul style="list-style-type: none"> <li>Many submitters felt attendance is a complex societal issue that is beyond the scope of a school board's responsibilities.</li> <li>Submitters wanted the Government to invest more support and resources for schools to take on this new objective.</li> <li>Many submitters noted parents/whānau needed to take greater responsibility for their student non-attendance.</li> <li>School board members felt that the proposal was unnecessary because it's already a requirement in section 36(2) of the Act and school boards are already aware of the importance of attendance.</li> </ul>
New objective for school boards to ensure that the school's principal and staff use good quality assessment and aromatawai information to monitor and evaluate students' progress and achievement, including from any assessment and aromatawai specified in a foundation curriculum policy statement.	<b>Submissions to Ministry (767):</b> <ul style="list-style-type: none"> <li>33.9% (260) agreed.</li> <li>52.8% (405) disagreed.</li> <li>13.3% (102) neutral/unsure.</li> </ul> <b>NZSBA survey:</b> <ul style="list-style-type: none"> <li>68.1% agree.</li> <li>31.9% disagree.</li> </ul>	<ul style="list-style-type: none"> <li>Many submitters asked for clarification of "good quality data".</li> <li>There were concerns that standardising or a one-size-fits-all model of testing will hinder schools' ability to meet the needs of all their students.</li> <li>Submitters felt that this proposal will blur the lines between the roles of governance (school boards) and management (principals and staff).</li> <li>School board members consider that schools already use data and robust assessment tools to drive their decision making. This is therefore an unnecessary change.</li> <li>Some submitters felt that, as self-governing crown entities, should be able to determine what good quality assessment tools are for themselves.</li> </ul>

Proposal	Submission data	Submission feedback
Shift the requirement for schools to achieve equitable outcomes for Māori students to the substantive part of the Tiriti subsection in section 127.	<p><b>Submissions to Ministry (727):</b></p> <ul style="list-style-type: none"> <li>43% (313) agreed.</li> <li>49.4% (359) disagreed.</li> <li>7.6% (55) neutral/unsure.</li> </ul> <p><b>NZSBA survey:</b></p> <ul style="list-style-type: none"> <li>64% agree.</li> <li>36% disagree.</li> </ul>	<ul style="list-style-type: none"> <li>Submitters that agreed with this proposal wanted to also see measurable action to support this goal of equitable outcomes for Māori students.</li> <li>Others were concerned that it will deprioritise mātauranga Māori, tikanga Māori and te reo which are equitable outcome dependencies.</li> <li>Some submitters thought equitable outcomes should be for all students in education.</li> <li>Of the NZSBA respondents, the majority supported this proposal if its intent is to emphasise the lifting of educational achievement for Māori students and not related to the proposed Treaty Principles Bill and an undermining of Te Tiriti o Waitangi.</li> <li>Some respondents were unaware that section 127 sub-clauses were in order, that all the sub-clauses were important and there didn't need to be changes.</li> </ul>
Strengthening the focus on the national curriculum by replacing the term 'local curriculum'.	<p><b>Submissions to Ministry (706):</b></p> <ul style="list-style-type: none"> <li>32.7% (231) agreed.</li> <li>61.2% (432) disagreed.</li> <li>6.1% (43) neutral/unsure.</li> </ul> <p><b>NZSBA survey:</b></p> <ul style="list-style-type: none"> <li>56.4% agree.</li> <li>43.6% disagree.</li> </ul>	<ul style="list-style-type: none"> <li>Some submitters thought that the terms were not interchangeable, with local curriculum being broader than teaching and learning programmes.</li> <li>Many submitters commented that this change was unnecessary as educators understand the difference and connection between local and national curriculum.</li> <li>Some submitters thought the proposal would lead to schools not working with their communities and local iwi to give full effect to te Tiriti.</li> <li>School board members in support of the proposal, agreed that there is some confusion between national and local curriculum, but if change is made it needs to be clear that teaching and learning programmes should reflect local communities, geographies, and histories. Others thought that confusion could be addressed through guidance rather than legislative change.</li> </ul>