

# Cabinet Paper material

## Proactive release

Minister & portfolio Hon Jan Tinetti, Minister of Education  
Name of package Education (School Planning and Reporting) Regulations 2023 for Schools and Kura  
Date considered 23 June 2023  
Date of release

### These documents have been proactively released:

**Cabinet Paper: Education (School Planning and Reporting) Regulations 2023 for Schools and Kura**

Date considered: 23 June 2023

Author: Office of the Minister of Education

**Regulations: Education (School Planning and Reporting) Regulations 2023**

Date considered: 23 June 2023

Author: Office of the Minister of Education

**Cabinet Minute: CAB-23-MIN-0261 Report of the Cabinet Legislation Committee: Period Ended 23 June 2023**

Date considered: 23 June 2023

Author: Office of the Minister of Education

**Education Report: Changes to the draft Education (School Planning and Reporting) Regulations 2023 following public consultation**

Date considered: 14 April 2023

Author: Ministry of Education

**Briefing Note: Talking Points: Education (School Planning and Reporting) Regulations 2023 for Schools and Kura**

Date considered: 28 June 2023

Author: Ministry of Education

### Material redacted

Some deletions have been made from the documents in line with withholding grounds under the Official Information Act 1982. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

The applicable withholding grounds under the Act are as follows:

Section 9(2)(a) to protect the privacy of natural persons

Section 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinion

Some deletions have been made from the documents as the information withheld does not fall within scope of the Minister's portfolio responsibilities, and is not relevant to the proactive release of this material.

You can read the Official Information Act 1982 here:

<http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>

## In Confidence

Office of the Minister of Education

Chair, Cabinet Legislation Committee

## Education (School Planning and Reporting) Regulations 2023 for Schools and Kura

### Proposal

- 1 I seek Cabinet agreement to submit the Education (School Planning and Reporting) Regulations 2023 (the Regulations) to the Executive Council. The Regulations will give effect to the content, form, and timing for the planning and reporting framework set out in the Education and Training Act 2020 (the Act).

### Relation to Government priorities

- 2 This proposal supports the Government's Education Work Programme objective by ensuring that learners and their whānau are at the centre of education. It provides for regulations that will enable school and kura boards to use planning and reporting to achieve the primary objectives set out in the Act, address inequities in education, and implement the Government's education priorities as set out in the statement of national education and learning priorities (NELPs).

### Executive Summary

- 3 A new planning and reporting framework in the Act came into force on 1 January 2023.<sup>1</sup> The new framework requires boards to prepare a strategic and annual implementation plan in place of schools and kura annual charters, while continuing to produce an annual report and a statement of variance. While the framework has now been established, the Act sets out regulation-making powers to specify the detailed requirements for these documents.
- 4 In November 2022, Cabinet agreed to policy to give effect to the content, form, and timing of the new framework through a proposed set of regulations and agreed to the release of an exposure draft of the Regulations in 2023, subject to the Attorney-General's authorisation [CAB-22-MIN-0535 refers]. Cabinet authorised me as Minister of Education to make minor and technical changes, and to respond to the continuing work to differentiate requirements for kura. The Attorney-General authorised the release of an exposure draft of the Regulations on 9 March 2023.
- 5 From March – April 2023, the Ministry of Education (the Ministry) engaged in public consultation on the draft Regulations. I have made a number of minor and technical changes to the Regulations following public consultation which have been incorporated into the Regulations. These were broadly focused on clarifying the policy intent and ensuring that the Regulations will be fit for purpose going forward.

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<sup>1</sup> Transitional provisions in the Education and Training Act 2020 enable the board's 2022 charters to be treated as their first strategic plans until the new planning and reporting process begins on 1 January 2024.

- 6 The Regulations will be published in accordance with the Legislation Act 2019 and will come into force 28 days after they have been made.

## Policy

- 7 On 1 January 2023, new planning and reporting provisions in the Act came into effect. The new framework replaces the annual school charter and annual report with:
- 7.1 a **three-year strategic plan** that sets out strategies for how a school board is working towards achieving the primary objectives set out in the Act and any other priorities identified with its community;
  - 7.2 an **annual implementation plan** that sets out how a school board will implement the strategies in its strategic plan each year; and
  - 7.3 an **annual report including a statement of variance** that sets out the school's performance for the year and includes its audited financial statements.
- 8 The new framework also introduces a requirement for school boards to consult their communities when developing their strategic plans to help schools and kura reflect, and be more responsive to, their communities' priorities.<sup>2</sup>
- 9 While many learners do well, our system has persistently failed to address disparities in education outcomes and has resulted in inequity for particular groups of learners including Māori and Pacific learners, disabled learners, and learners with additional learning support needs.
- 10 The Government has strengthened the regulatory framework to respond to the inequities in educational outcomes through the Act, which sets out the overarching objectives for schools and kura. The NELPs then set out the government's medium-term priorities for schools and kura, which boards are required to have particular regard to when developing their strategic plans.
- 11 Planning and reporting processes support boards to translate their overarching objectives and Government priorities into practical actions. The new framework is intended to address issues with our current processes including that the process is government compliance driven, rather than community led; that the process is not student centred and has not addressed equity considerations; and that the compliance requirements, which range from broad objectives to highly detailed requirements, are set out in different places,<sup>3</sup> making the process complex and unclear for boards.
- 12 On 28 November 2022, Cabinet agreed to the process, content, form, and timing for the new planning and reporting framework through regulations and agreed to publicly consult on an exposure draft of the Regulations in 2023 [CAB-22-MIN-0535].
- 13 From March-April 2023, the Ministry consulted on the Regulations and accompanying support materials through a series of online and in-person workshops with the schooling sector and communities.

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<sup>2</sup> Boards will also continue to submit to the Secretary for Education (the Secretary) their strategic plans and annual reports including a statement of variance. However, strategic plans will no longer be required to be reviewed.

<sup>3</sup> Compliance requirements for planning and reporting were spread across the Education Act 1989, and the National Administrative Guidelines and National Education Goals.

## Feedback from public consultation on the exposure draft

- 14 The Ministry consulted with principals, board members, education agencies, and service providers on the exposure draft of the Regulations and draft support materials that will assist schools and kura to prepare their strategic plans. The Ministry also provided an online survey to gather public and sector feedback on the draft Regulations which generated 16 submissions.
- 15 The Ministry engaged with approximately 300 principals and board members and 150 community members through online and in-person events and met with partner agencies and service providers including the Education Review Office (ERO), the New Zealand School Trustees Association (NZSTA), the Springboard Trust and Evaluation Associates.<sup>4</sup>
- 16 Feedback from public consultation included:
  - 16.1 **Many boards and principals** raised concern regarding the consultation requirements and ensuring there is sufficient engagement with minority communities and hapū and iwi. They also had mixed reactions to the proposed 1 January 2024 start dates for strategic plans, stressing the need for adequate time for consultation and analysis. Some submitters also emphasised the need for training and resources from the Ministry to help develop effective strategic plans.
  - 16.2 **Many students, whānau and community members** supported consultation requirements but emphasised the need for funding to facilitate expected levels of consultation. Community members also stressed the importance of schools and kura reaching out to parents and advocated for continuous and informal consultation processes. There was strong support for planning and reporting requirements to focus on Te Tiriti o Waitangi / The Treaty of Waitangi and students whose needs had not yet been well met.
- 17 Education agencies, service providers, and peak bodies supported the approach and provided insights. These organisations include:
  - 17.1 **ERO** raised that the annual report and statement of variance should include elements of evaluation and analysis to develop actionable information for boards and communities.
  - 17.2 **NZSTA** proposed clarifying that 1 January 2024 is the date that the strategic plan is effective from, while the 1 March date is the finalisation and publication date.
  - 17.3 **The Springboard Trust** supported the focus on Te Tiriti / The Treaty and the reporting on the progress of Māori students. They also raised that the requirements in annual implementation plans are overly complex and may represent a significant compliance burden for schools.
  - 17.4 **Evaluation Associates** questioned the feasibility of consultation requirements for Māori communities. They also raised concerns about including both board objectives and community objectives in strategic plans, as this may result in too many objectives.

<sup>4</sup> The Springboard Trust and Evaluation Associates are organisations that provide strategic leadership advice and training to schools, including help with preparation of school's previous charters.

- 18 The Ministry continued to work with Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa (TRN), Ngā Kura ā Iwi o Aotearoa (NKAI) and the Mātauranga Iwi Leaders Group (MILG). They indicated support for the approach with feedback focused on:
  - 18.1 TRN stated that the definition of specified kura board in the Regulations incorporates three types of kura under one definition and that this should be set out separately. TRN also raised that the current wording of the Regulations suggests that only Te Aho Matua and not local tikanga applies to Kura Kaupapa Māori.
  - 18.2 NKAI expressed the importance of allowing Regulations to reflect whānau and kura aspirations.
  - 18.3 MILG raised that it is important that boards understand how to give effect to their Te Tiriti / The Treaty obligations, and that whānau and iwi are not overburdened during consultation.

### Changes made to the draft Regulations

- 19 Following feedback from public consultation, I have made the following changes to the Regulations that fall within my delegated authority [SWC-22-MIN-0223]. These changes clarify the differentiation of planning and reporting requirements for kura; and make minor and technical amendments to the Regulations so that they are fit for purpose.
- 20 **Regulation 5** – clearly set out when strategic plans are effective from and when they must be published and submitted to the Secretary for Education (the Secretary) to address concerns that the existing date is confusing.
- 21 **Regulation 7** – relating to the content of strategic plans, to:
  - 21.1 make it clear that school board strategic goals must be developed in consultation with their communities to reflect community priorities;
  - 21.2 more clearly link planning and reporting to statutory board curriculum requirements;
  - 21.3 ensure that the requirement for board strategies to give effect to Te Tiriti o Waitangi / The Treaty of Waitangi is consistent with the duties in the Act;
  - 21.4 amend the wording so that Kura Kaupapa Māori may develop strategic goals that reflect Te Aho Matua and local tikanga, and all other specified kura boards may develop objectives to reflect their local tikanga;
  - 21.5 In relation to students whose needs have yet to be well met, to change reference:
    - 21.5.1 from students with disabilities to ‘disabled students’;
    - 21.5.2 that students include those that are at risk of not progressing or achieving at curriculum expectations.
- 22 **Regulation 9** – relating to the content of annual implementation plans:
  - 22.1 remove the expression ‘foundational learning’ and replace it with a requirement to include how teaching and learning programmes will support students to

progress, including for those students whose needs have not yet been well met, emphasising literacy and mathematics, and te reo matatini and pāngarau<sup>5</sup>;

- 22.2 resolve a minor drafting error to specify that kura boards can provide a general statement about how the kaupapa of the kura reflects Te Tiriti / The Treaty.
- 23 **Regulation 10** – relating to the content of annual reports:
- 23.1 explicitly link board reports on students' progress and achievement with curriculum expectations; and
- 23.2 require boards to provide an analysis of that information based on good quality assessment and aromatawai information, including an analysis of information on those students whose needs have not yet been well met.
- 24 **Regulation 12** – relating to the content of statements of variance, to require boards to include an evaluation of 'the impact' of their actions to provide actionable insights.
- 25 **Regulation 13** – amend the wording to replicate the expression in section 165(3) of the Act to ensure consistency in the requirement to make documents easily understood.

### Feedback not incorporated through Regulations

- 26 Two other issues were raised as part of the public consultation which have not been incorporated relating to the implementation of the Regulations.

#### *Consultation requirements and impact on hapū and iwi*

- 27 Some stakeholders expressed concern about the consultation requirements, particularly in engaging with difficult to reach groups and the potential pressure consultation may place on whānau, hapū and iwi.
- 28 The Ministry, through Te Mahau and partner agencies including ERO, will continue to support boards and communities to facilitate community consultations. I have also instructed the Ministry to review consultation requirements and provide further advice on any needed refinements after one-cycle of strategic planning [SWC-22-MIN-0223 refers].

#### *Additional resources for boards*

- 29 Service providers and some principals expressed the need for additional resources to assist new board members and principals in creating effective strategic plans. The Ministry is developing a range of supports including, legislation reference guides, implementation packs, and how-to guides. These resources will be available by the time Regulations are made to help support boards transition to the new framework.

### Development of draft supports for schools and communities

- 30 While the Act and the Regulations set the minimum standards to guide the planning and reporting framework, it is the support and implementation of the framework that will make the difference in ensuring that planning and reporting processes deliver on the change envisaged.

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<sup>5</sup> Te reo Matatini and Pāngarau are the Māori literacy and numeracy strategies.

- 31 The Ministry, in collaboration with ERO and NZSTA, have been developing and testing draft support products for schools and their communities.<sup>6</sup>
- 32 Alongside the support provided to English medium schools, the Ministry is working with NKA and TRN to develop supports that support their kura.
- 33 Once the Regulations are published, the Ministry through Te Mahau and in partnership with ERO, will monitor and support boards to implement, embed and sustain the changes to their planning and reporting process. ERO will, as part of its regular activity, continue to evaluate the effectiveness of school planning and reporting to help ensure that boards are achieving their primary objectives, fulfil their Tiriti/Treaty obligations, and implement the National Education Learning Priorities. As indicated in paragraph 28, I have directed the Ministry to review consultation requirements and the effectiveness of the strategic planning framework after one-cycle of strategic planning.

### Timing and 28-day

- 34 I anticipate the Regulations will come into force in August 2023.

### Compliance

- 35 The Regulations comply with each of the following:
- 35.1 the principles of the Treaty of Waitangi;
  - 35.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
  - 35.3 the principles and requirements set out in the Privacy Act 2020;
  - 35.4 relevant international standards and obligations;
  - 35.5 the Legislation Guidelines (2021) maintained by the Legislation Design and Advisory Committee;
  - 35.6 There are no statutory prerequisites associated with the Regulations.

### Regulations Review Committee

- 36 There are no grounds for the Regulations Review Committee to draw the Regulations to the attention of the House of Representatives under Standing Order 327.

### Certification by Parliamentary Counsel

- 37 The Regulations have been certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

### Regulatory and climate implications

- 38 The Ministry of Education Quality Assurance Panel reviewed the regulatory impact assessment which was submitted at the time that Cabinet committee approval was

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<sup>6</sup> Support products including the draft Te Whakangārahu Ngātahi | Toolkit for principals, boards, and school staff and an information sheet for community members were tested alongside the Regulations in the March – April Regulations.

sought for the policy relating to the Regulations [SWC-22-SUB-0223 refers]. The Panel considers that the assessment meets the quality assurance criteria.

- 39 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to these proposals as the threshold for significance is not met.

### Financial Implications

- 40 There are no funding implications from the proposals in this paper.

### Legislative Implications

- 41 Section 639 of the Education and Training Act 2020 allows for the creation of regulations to give effect to the process, content, form, and timing of the new planning and reporting framework.
- 42 I am seeking Cabinet's approval to submit the Regulations to the Executive Council.

### Population Implications

- 43 The population implications for the proposal in this paper are set out in **Appendix 1**.

### Treaty of Waitangi implications

- 44 The Government has an enduring focus on improving educational outcomes for Māori students and giving effect to Te Tiriti o Waitangi/The Treaty of Waitangi and its principles. Officials have assessed the proposals in this paper against:
- 44.1 *Kāwanatanga/Government* – the Regulations require boards to include strategic goals to meet their Te Tiriti/The Treaty obligations as set out in the Act. It also requires boards to highlight through their strategic plans how they have identified and catered for the needs of Māori students and to report on these findings. In recognition of te reo Māori as taonga, the Regulations also require boards to plan and report on the progress they are making to make instructions available in te reo Māori.
- 44.2 *Rangatiratanga/Chieftainship* – while the Act sets out the overarching framework for school and kura planning and reporting, the Regulations have been drafted in ways that enable Māori medium and Kura Kaupapa Māori to plan and report in ways that best reflect their needs and aspirations.
- 44.3 *Ōritetanga/Equity* – the Regulations place a strong focus on ensuring that boards support equitable outcomes for Māori students and gives effect to Te Tiriti/The Treaty. The Regulations help support boards to understand the needs of Māori students so that they can better lift their progress and achievement. Moreover, the Regulations help sustain the identities and aspirations of its Māori learners by ensuring that boards reflect tikanga, te ao and te reo Māori in their curricula, plans, policies, and reports.

### Human Rights

- 45 The proposals in this paper appears to be consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

## Consultation

- 46 The Treasury, Department of Prime Minister and Cabinet, Public Service Commission, Ministry for Pacific Peoples, Ministry for Women, Ministry of Business, Innovation and Employment, Te Puni Kōkiri, Te Arawhiti, the Office of the Auditor-General, Ministry of Social Development, Ministry of Youth Development, Whaikaha – Ministry of Disabled People, Ministry of Justice, Oranga Tamariki, Ministry for Ethnic Communities, Department of Internal Affairs, Education Review Office and the New Zealand Qualifications Authority have been consulted.

## Communications

- 47 The Ministry of Education have been communicating changes to the planning and reporting requirements through the advice and guidance that they have provided to the sector. Once the Regulations are notified in the Gazette, the Ministry of Education will advise schools via the School Bulletin – an online publication sent to all school leaders and published on the Ministry of Education website.

## Proactive Release

- 48 I intend to proactively release this paper once Cabinet decisions have been made subject to redaction as appropriate under the Official Information Act 1982.

## Recommendations

- 49 I recommend the Cabinet Legislation Committee:
- 1 **note** that in November 2022, Cabinet agreed to policy decisions on regulations to give effect to the planning and reporting framework and delegated me the authority to:
    - 1.1 make technical changes to the Education (School Planning and Reporting) Regulations 2023, which align with the policy intent of the proposals during the drafting process to respond to the continuing work to differentiate requirements for kura; and
    - 1.2 make other minor adjustments to the policy that may arise during the drafting process;
  - 2 **note** that public consultation on an exposure draft of the Education (School Planning and Reporting) Regulations 2023 took place from 13 March – 6 April Regulations with principals, board members, communities, education agencies and service providers;
  - 3 **note** that the Ministry of Education has consulted and are continuing to discuss with Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa and Ngā Kura ā Iwi o Aotearoa on the development of supports for their kura;
  - 4 **note** that, per my delegated authority [CAB-22-MIN-0535], I have made changes to the Education (School Planning and Reporting) Regulations 2023 in response to feedback from public consultation, and other minor and technical adjustments that arose as a result of the drafting process;
  - 5 **authorise** the submission to the Executive Council of the Education (School Planning and Reporting) Regulations 2023;

- 6 **note** that I anticipate the Education (School Planning and Reporting) Regulations 2023 will come into force in August 2023.

Authorised for lodgement

Hon Jan Tinetti

Minister of Education

Proactively Released

## Appendix 1: Population Impact

Officials have assessed the population implications for these proposals in the table below.

Population group	How the proposal may affect this group
Children	The Regulations aim to assist school boards in fulfilling their primary objectives as set out in Section 127 of the Act. These objectives include requirements for schools and kura to ensure that every student is able to attain their highest possible standard in education achievement, that the school is inclusive of, and caters for, students with differing needs, and that the school is a physically and emotionally safe place for all students. The proposed Regulations will require boards to plan for, measure, assess, and report on how they have given effect to these primary objectives. Additionally, the Regulations will also require boards to give particular attention to those students who have historically been underserved in the education system, requiring boards to develop strategies for identifying and catering to students whose needs have not yet been well met. Moreover, the Regulations also help school boards put into practice the National Education Learning Priorities (NELPs), which outline the Government's medium-term priorities for education aimed at achieving equitable and excellent outcomes for learners.
Māori	The Regulations require boards to demonstrate how they are implementing their Te Tiriti/The Treaty in their planning and reporting documents to support equitable outcomes for Māori students. This requires that boards ensure that their plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori, including taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori. The Regulations also provide enough flexibility to accommodate different approaches for Māori medium and kura kaupapa Māori. This enables these kura to plan and report in ways that work best for them and their whānau and communities. Under the new framework boards are also required to consult with the Māori community associated with the school when developing their strategic plans. This enables whānau to have the opportunity to participate in their school's planning so that they can hold their schools and kura accountable for its learners' outcomes.
Pacific people	The Regulations require schools and kura to develop equitable outcomes for students whose needs have not been well met, including Pacific students. Under the Regulations, boards will be required to demonstrate that they have developed strategies, targets and actions to lift the progress and achievement of Pacific students and will have to report this information in readily understandable ways so that communities can hold their schools to account for student outcomes. The Regulations also enable boards to link their strategic goals to relevant national education strategies or plans, including the Action Plan for Pacific Education to enable schools and kura to better respond to the particular needs of Pacific students. Under the new framework, Pacific families associated with the school will also have the opportunity to participate in their school's planning during the consultation process to help develop their strategic plans.
Women	Women will not be disproportionately affected by the proposals in this paper, either positively or negatively.
Disabled people	The Regulations are intended to help focus boards on achieving equitable outcomes for all students. This includes disabled students who have historically, and in some cases, may continue to be underserved in education. Under the proposed Regulations, boards will be required to demonstrate that they have developed strategies, annual targets, and actions for these students. This information will provide the disabled community associated with the school with the necessary information to hold their school accountable for the outcomes of disabled students. This proposal promotes transparency and enables the disability community to actively participate in monitoring their school and kura progress in relation to these goals.
Ethnic Communities	The proposed Regulations require boards to develop strategic goals with relevant targets and actions to meet their primary objectives set out in the Act. One of the primary objectives is to ensure that the school takes all reasonable steps to eliminate racism, stigma, bullying, and any other forms of discrimination within the school. The Regulations will help focus boards on creating a safe and inclusive environment so that all schools and kura can work towards achieving equitable outcomes for all their students.

**Education (School Planning and Reporting) Regulations  
2023**

**Order in Council**

At Wellington this                      day of                      2023

Present:  
in Council

These regulations are made under section 639 of the Education and Training Act 2020 on the advice and with the consent of the Executive Council.

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## Schedule 1 Transitional, savings, and related provisions

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## Regulations

### 1 Title

These regulations are the Education (School Planning and Reporting) Regulations 2023.

### 2 Commencement

These regulations come into force on 1 August 2023.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**2022 charter** means a board's charter that is in effect for the 2022 year

**Act** means the Education and Training Act 2020

**annual financial statement** means an annual financial statement that a board is required to include in its annual report under section 134(2) of the Act

**annual implementation plan** means an annual implementation plan described in section 138(1)(b) of the Act and required to be prepared by the board under section 143 of the Act

**annual report** means an annual report that a board is required to give to the Secretary in accordance with section 134(1)(b) of the Act

**annual target** means a target included in a board's annual implementation plan under regulation 9(1)(a)

**election year** means a year divisible by 3

**oranga tamariki action plan** has the same meaning as in section 5(1) of the Children's Act 2014

**specified kura board** means the board of any of the following:

- (a) a Kura Kaupapa Māori:
- (b) a designated character school with a character that is hapū- or iwi-based or that affiliates with Ngā Kura ā Iwi o Aotearoa:

- (c) a State integrated school with a special character that is hapū- or iwi-based

**statement of variance** means a statement of variance as defined in section 134(8) of the Act and given by a board to the Secretary in accordance with section 134(1)(a) of the Act

**strategic plan** means a strategic plan described in section 138(1)(a) of the Act and required to be prepared by a board under section 139 of the Act

**students whose needs have not yet been well met** includes, without limitation, the following students:

- (a) Māori students:
- (b) Pacific students:
- (c) disabled students:
- (d) students with learning support needs, including gifted and talented students:
- (e) students who are, or are at risk of, not progressing towards or achieving against curriculum expectations:
- (f) students in respect of whom a care or protection order has been made under the Oranga Tamariki Act 1989:
- (g) students in the youth justice system.

#### 4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

#### *Strategic plans*

#### 5 Timing: preparation of first and subsequent strategic plans

- (1) If a board has a charter in effect for the 2022 year, the board must prepare—
  - (a) the second strategic plan for its school to be effective from 1 January 2024; and
  - (b) its third strategic plan to be effective from 1 January 2026.
- (2) Any other board must prepare—
  - (a) the first strategic plan for its school to be effective from 1 January 2024; and
  - (b) its second strategic plan to be effective from 1 January 2026.
- (3) After the strategic plan referred to in subclause (1)(b) or (2)(b) (whichever is relevant), the board must prepare a strategic plan to be effective from 1 January of every year following an election year or to be effective from an earlier date determined by the Secretary.

**6 Timing: submission of strategic plans to Secretary**

A board must submit a strategic plan to the Secretary and publish it before 1 March in the year in which the plan takes effect.

**7 Content of strategic plans**

(1) A board's strategic plan must include—

- (a) the board's vision for its school;
- (b) the board's strategic goals, as developed in consultation with the school community, for meeting the board's primary objectives as set out in section 127 of the Act;
- (c) information relating to how the board has prioritised its strategic goals;
- (d) information relating to the link between the board's strategic goals and—
  - (i) the statement of national education and learning priorities issued by the Minister under section 5 of the Act; and
  - (ii) any other relevant national education strategies or plans, including Ka Hikitia, the Action Plan for Pacific Education, and the oranga tamariki action plan; and
  - (iii) the foundation curriculum policy statements and national curriculum statements made under section 90 of the Act;
- (e) the board's strategies for achieving or making progress towards its strategic goals based on the identities, needs, and aspirations of its school community, including, without limitation, strategies for identifying and catering to students whose needs have not yet been well met;
- (f) the board's strategies for giving effect to Te Tiriti o Waitangi, including strategies for—
  - (i) working to ensure that its plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and
  - (ii) achieving equitable outcomes for Māori students; and
  - (iii) taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori;
- (g) information describing the measures, evidence, and processes the board intends to use to evaluate its progress towards achieving the strategic goals.

(2) In addition, if a board is—

- (a) the board of a Kura Kaupapa Māori, the board may develop strategic goals that reflect Te Aho Matua and local tikanga;
- (b) a specified kura board that is not the board of a Kura Kaupapa Māori, the board may develop strategic goals that reflect local tikanga.

- (3) If a board is a specified kura board,—
- (a) the requirement in subclause (1)(f) does not apply; and
  - (b) the board's strategic plan must instead include a general statement about how the kaupapa of the board's school reflects Te Tiriti o Waitangi.

*Annual implementation plans*

**8 Timing of annual implementation plans**

A board must prepare and publish its annual implementation plan for each year before 31 March of that year.

**9 Content of annual implementation plans**

- (1) A board's annual implementation plan must include—
- (a) annual targets for each of the board's strategic goals;
  - (b) the actions the board intends to take to meet the annual targets (**intended actions**);
  - (c) information addressing how the board intends to allocate resources to meet the annual targets;
  - (d) information describing the measures and evidence the board intends to use to evaluate its progress towards achieving the annual targets;
  - (e) information regarding the board's performance in meeting its annual targets from the previous year and, if relevant, a plan setting out how the board will address any annual targets from the previous year that were not achieved;
  - (f) information regarding the teaching and learning strategies and programmes of the board's school, with a particular emphasis on literacy and mathematics, and te reo matatini and pāngarau, and including information on how the teaching and learning strategies and programmes will address the needs of students whose needs have not yet been well met;
  - (g) information describing how the annual targets and intended actions will support the board to give effect to Te Tiriti o Waitangi.
- (2) If the board is a specified kura board,—
- (a) the requirement in subclause (1)(g) does not apply; and
  - (b) the board's annual implementation plan must instead include a general description of how the kaupapa of the kura reflects Te Tiriti o Waitangi.

*Annual reports*

**10 Content of annual reports**

- (1) For the purposes of section 134(2) of the Act, a board's annual report must include—

- (a) an evaluation and analysis in plain language of the school's students' progress and achievement as assessed against expectations across any foundation curriculum policy statements and national curriculum statements issued under section 90 of the Act, and based on good quality assessment or aromatawai information, including an evaluation and analysis in plain language of the progress and achievement of students whose needs have not yet been well met;
  - (b) a report in plain language on how the board has given effect to Te Tiriti o Waitangi, including the progress and achievement of Māori students and the progress made towards making instruction available in tikanga and te reo Māori.
- (2) In subclause (1)(a), **good quality**, in relation to assessment or aromatawai information, means that the information draws on a range of evidence to evaluate the progress and achievement of each student and build a comprehensive picture of that student's learning.

## 11 Content of annual financial statements

A board must prepare its annual financial statement in accordance with generally accepted accounting practice and include all of the following:

- (a) a statement of the financial position of the board as at its balance date;
- (b) a statement of financial performance reflecting the revenue and expenses of the board for the financial year;
- (c) if required by generally accepted accounting practice, a statement of cash flows reflecting cash flows of the board for the financial year;
- (d) a statement of the commitments of the board as at the balance date;
- (e) a statement of the contingent liabilities of the board as at the balance date;
- (f) a statement of accounting policies;
- (g) any other statements that are necessary to fairly reflect the financial operations of the board for the financial year and its financial position at the end of the financial year;
- (h) any other statements that the Secretary determines in consultation with the Auditor-General;
- (i) in relation to each statement required by paragraphs (a) to (c) and, if appropriate, by paragraph (g), budgeted figures for the financial year;
- (j) in relation to each statement required by paragraphs (a) to (e) and, if appropriate, by paragraph (g), comparative actual figures for the previous financial year.

Compare: 1989 No 80 s 87(3)

*Statements of variance*

**12 Content of statements of variance**

A board's statement of variance for each year must include the following information:

- (a) the actions the board took in the previous year to achieve its annual targets for that year:
- (b) an evaluation of the impact of their actions and the outcomes of those actions and the sources of information the board used to determine those outcomes:
- (c) the reasons for any differences between the outcomes and the annual targets:
- (d) how the differences in outcomes and annual targets will inform planning for the next year, including how the board will address any targets that were not achieved.

*Presentation of plans, reports, and statements*

**13 Presentation of plans, reports, and statements to school communities**

A board must make every effort to ensure that every strategic plan, annual implementation plan, annual report, and statement of variance it produces is presented in a way that is readily understandable for its school community.

## **Schedule 1**

### **Transitional, savings, and related provisions**

r 4

#### **Part 1**

##### **Provisions relating to these regulations as made**

There are no transitional, savings, or related provisions relating to these regulations as made.

Clerk of the Executive Council.

#### **Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 August 2023, provide details relating to several planning and reporting requirements of school boards under the Education and Training Act 2020 (the Act).

*Clauses 5 to 7* relate to the strategic plans that boards must prepare in accordance with section 139 of the Act. These clauses set out when boards must prepare their first and subsequent strategic plans, when the plans must be submitted to the Secretary, and the content that should be included in the plans.

*Clauses 8 and 9* provide for the timing and content of annual implementation plans, which boards are required to prepare in accordance with section 143 of the Act.

*Clause 10* sets out content that boards must include in annual reports that they are required to give to the Secretary in accordance with section 134(1)(b) of the Act. The annual reports must include, in accordance with section 134(2) of the Act, annual financial statements.

*Clause 11* sets out content that boards must include in those statements.

*Clause 12* sets out content that boards must include in the statements of variance that they are required to give to the Secretary under section 134(1)(a) of the Act.

*Clause 13* provides that boards have an obligation to make every effort to ensure that any strategic plan, annual implementation plan, annual report, or statement of variance is presented in a way that is understandable to their school communities.

#### **Regulatory impact statement**

The Ministry of Education produced a regulatory impact statement on 22 November 2022 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://assets.education.govt.nz/public/Documents/our-work/information-releases/Advice-Seen-by-our-Ministers/October-2022/Regulatory-Impact-Statement-Regulations-for-school-planning-and-reporting.pdf>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

These regulations are administered by the Ministry of Education.



# Cabinet

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Report of the Cabinet Legislation Committee: Period Ended 23 June 2023

On 26 June 2023, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 23 June 2023:

Out of Scope

LEG-23-SUB-0099

**Education (School Planning and Reporting)  
Regulations 2023**

Portfolio: Education

CONFIRMED

Out of Scope

Diana Hawker  
Acting Secretary of the Cabinet

## Education Report: Changes to the draft Education (School Planning and Reporting) Regulations 2023 following public consultation

<b>To:</b>	Hon Jan Tinetti, Minister of Education		
<b>Cc:</b>	Hon Kelvin Davis, Associate Minister of Education (Māori Education)		
<b>Date:</b>	11 May 2023	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1307895
<b>Drafters:</b>	Warren George Daniel Kwon	<b>DDIs:</b>	9(2)(a)
<b>Key Contact:</b>	Alanna Sullivan-Vaughan	<b>DDI:</b>	
<b>Messaging seen by Communications team:</b>	N/A	<b>Round Robin:</b>	No

### Purpose of Report

This paper seeks your agreement to make changes to the draft Education (School Planning and Reporting) Regulations 2023 (the Regulations) which have been revised following public consultation which ran from 13 March – 6 April 2023.

### Summary

1. In November 2022, Cabinet agreed to the content of the Regulations to give effect to the process, content, form, and timing for the new planning and reporting framework [SWC-22-MIN-0223]. Cabinet also authorised you to make minor and technical changes to the Regulations that may arise during the drafting process, and to respond to the continuing work to differentiate requirements for kura.
2. In March 2023, an exposure draft of the Regulations was released for public consultation [METIS 1303486 refers]. During this time, the Ministry of Education (the Ministry) conducted a series of online and in-person workshops with the school sector and communities on the draft Regulations and support materials that will help schools to implement these changes.
3. After the sector and community consultation, we have identified possible changes to the draft Regulations. The key changes are set out below.
  - a) **Regulation 5** - more clearly set out when strategic plans are effective from and when they must be published and submitted to the Secretary for Education.
  - b) **Regulation 7** - relating to the content of strategic plans:
    - i. remove reference to 'other objectives' and instead reflect that boards' strategic goals must be developed in consultation with their communities to reflect community priorities
    - ii. more clearly link planning and reporting to board statutory requirements in relation to foundation curriculum policy statements and national curriculum statements issued under Section 90 of the Education and Training Act 2020 (the Act)

- iii. amend the wording of board's strategies for giving effect to Te Tiriti o Waitangi / The Treaty of Waitangi so that it is consistent with existing requirements under section 127(1)(d) of the Act
- iv. those kura affiliated with Te Rūnanga Nui o Ngā Kura Kaupapa Māori are able to develop strategic goals that reflect Te Aho Matua and local tikanga, and all other specified kura boards may develop objectives to reflect their local tikanga
- v. in relation to students whose needs have yet to be well met, to change reference:
  - from 'students with disabilities' to 'disabled students'
  - to make it clear that students include those that are at risk of not progressing or achieving at curriculum expectations.
- c) **Regulation 9** - relating to the content of annual implementation plans:
  - i. remove the expression 'foundational learning' which is not well understood, and replace it with an explicit requirement that annual implementation plans include information on how teaching and learning programmes will support students to progress, emphasising literacy and mathematics, and te reo matatini and pāngarau
  - ii. resolve a minor drafting error to specify that boards of specified kura are not required to include a report on how they are giving effect to Te Tiriti, but instead can provide a general statement about how the kaupapa of the kura reflects Te Tiriti.
- d) **Regulation 10** - relating to the content of annual reports:
  - i. explicitly link board reports on students' progress and achievement with foundation curriculum policy statements and national curriculum statement expectations, and
  - ii. require boards to provide an analysis of that information based on good quality assessment and aromatawai information.
- e) **Regulation 12** - relating to the content of statements of variance, to require boards to include an evaluation of 'the impact of their actions on outcomes' rather than the current wording which only requires boards to include information on outcomes.
- f) **Regulation 13** - relating to the accessibility of plans and reports to communities, to use the wording currently in section 165(3) of the Act to ensure consistency in the requirement to make documents easily understood.
- 4. If you agree to these recommendations, we will issue drafting instructions to Parliamentary Counsel Office (PCO) with the intention of providing you with a draft Cabinet paper and revised Regulations on 29 May 2023, with departmental feedback incorporated. The paper could then be circulated for Ministerial Consultation from 1 – 11 June 2023, ahead of consideration at Cabinet Legislation Committee on 22 June 2023.

## Recommended Actions

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The Ministry of Education recommends that you:

- a. **note** that in November 2022, Cabinet agreed to policy decisions on regulations to give effect to the process, content, form, and timing for the planning and reporting framework, and provided you with the authority to:

- make technical changes to the regulations, which align with the policy intent of the proposals during the drafting process to respond to the continuing work to differentiate requirements for kura; and
- to make other minor adjustments to the policy that may arise during the drafting process

Noted

- b. **note** that we undertook public consultation from 13 March – 6 April 2023 on an exposure draft of the Regulations with principals, board members, communities, education agencies and service providers

Noted

- c. **note** that, as a result of this consultation, we have identified some changes to the Regulations which are set out in paragraphs 19 - 58 of this report that fall within your authority to make changes

Noted

- d. **note** that we have consulted and are continuing to discuss with Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa and Ngā Kura ā Iwi o Aotearoa on the development of supports for their kura

Noted

- e. **agree** to the proposed changes to the Regulations set out in paragraphs 19 – 59

Agree / Disagree

- f. **note** that if you agree to these recommendations, the Ministry will issue drafting instructions to Parliamentary Counsel Office to make these changes ahead of providing you with a draft Cabinet Legislative Committee paper and updated Regulations on 29 May 2023

Noted

### Proactive Release recommendation

- g. **agree** that the Ministry of Education release this paper in full once Cabinet decisions have been made.

Agree / Disagree

Alanna Sullivan-Vaughan  
(Acting) General Manager  
Te Pou Kaupapahere | Policy  
11/05/2023

  
Hon Jan Tinetti  
Minister of Education  
14/05/2023

## Background

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1. On 1 January 2023, new planning and reporting provisions in the Education and Training Act 2020 (the Act) came into effect.<sup>1</sup> The new framework replaces the annual school charter and annual report with:
  - a **three-year strategic plan** that sets out strategies for how a school board is working towards achieving the primary objectives set out in the Act and any other priorities identified with its community;
  - an **annual implementation plan** that sets out how a school board will implement the strategies in its strategic plan each year; and
  - an **annual report including a statement of variance** that sets out the school's performance for the year and includes its audited financial statements.
2. The new framework also introduces a requirement for school boards to consult their communities when developing their strategic plans. The purpose of this consultation is to help schools reflect, and be more responsive to, their communities' priorities. Under the new framework, boards will continue to submit to the Secretary for Education (the Secretary) their strategic plans and annual reports including a statement of variance. However, strategic plans will no longer be required to be approved.
3. The new framework helps focus schools and kura on continuously improving their planning and reporting practices. The focus is on delivering excellent and equitable outcomes for all learners; supporting learners, whānau and communities to be involved in their school or kura's planning process; giving schools and kura the flexibility to reflect their local contexts; and supporting whānau and communities to hold their schools or kura accountable for learner outcomes.
4. While the new framework has now been established, the Act does not specify what must be included in schools' planning and reporting documents. Instead, it allows for this to be specified in regulations.
5. In November 2022, Cabinet agreed to the content of the Regulations to give effect to the process, content, form, and timing for the new planning and reporting framework. Cabinet also agreed to authorise the Minister of Education to make minor and technical changes to the Regulations that may arise during the drafting process, and to respond to the continuing work to differentiate requirements for kura.
6. Drafting instructions were issued to PCO in November 2022, and an exposure draft was prepared, with the Attorney-General authorising the release of the exposure draft of the Regulations for public consultation in March 2023 [METIS 1303486 refers].

## What we heard during public consultation

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7. From 13 March – 6 April 2023, the Ministry conducted a series of 13 workshops, including nine online hui for schools and four kanohi ki te kanohi meetings with community members across Auckland, Hamilton, and Wellington. The Ministry also conducted surveys to gather public submissions on the draft Regulations and accompanying draft supports that will help schools to implement these changes.
8. Overall, we met with:
  - Around 300 principals and board members who attended the online hui
  - Around 150 community members who attended in person events

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<sup>1</sup> Transitional provisions in the Education and Training Act 2020 enabled the board's 2022 charters to be treated as their first strategic plans until the new planning and reporting process begins on 1 January 2024.

- Partner agencies and service providers including the Education Review Office (ERO), the New Zealand School Trustees Association (NZSTA), the Springboard Trust and Evaluation Associates.<sup>2</sup>
9. The surveys generated a total of 16 submissions on the draft Regulations and 15 submissions on the draft supports for schools and communities. Some submissions were also received outside of the surveys via email from disability support groups including, Inclusive Education Action Group and Parents of Vision Impaired.

**Feedback from principals, boards, whānau and community members was broadly positive with the majority of concerns about implementation of the new framework**

10. Key themes from our engagement from boards and principals are below:
- a. There was mixed reaction to the proposed 1 January 2024 start date of strategic plans.<sup>3</sup> Some principals raised that this date did not provide enough time to effectively consult with their communities and analyse the data to formulate their strategic plans.
  - b. Many principals expressed concern about the consultation requirements, particularly engaging with difficult to reach groups including hapū and iwi. Concerns were also raised about the pressure that consultation may place on whānau, hapū and iwi.
  - c. Some principals indicated that new board members and principals would need training to develop effective strategic plans. Many also requested that the Ministry provide resources including how-to guides, templates, and lists of actions for schools to write their strategic plans. This is an ongoing Ministry commitment.
11. Key themes from our engagement from community members are below:
- a. Community members were overwhelmingly in favour of the consultation requirements in the Act and agreed with the Ministry's approach to encourage full community engagement. However, members also raised that funding should be made available to enable boards to undertake the degree of consultation expected by the Ministry.
  - b. Many community members expressed that schools need to come to parents, rather than parents going to schools for consultation. Members also raised that consultation should be an informal and continuous process rather than a one-off school-wide event.
  - c. Communities universally supported the strategic plan requirements to focus on Te Tiriti o Waitangi / The Treaty of Waitangi and students whose needs had not yet been well met.

**We also engaged with education agencies, service providers, and peak bodies**

12. ERO raised that the annual report and statement of variance should include elements of evaluation and analysis to develop actionable information for both boards and communities.
13. NZSTA expressed concern about the two different dates related to the preparation and publication of strategic plans, which could cause confusion for boards. To avoid this confusion, NZSTA suggested that the language be clarified to indicate that the 1 January

<sup>2</sup> The Springboard Trust and Evaluation Associates are organisations that provide strategic leadership advice and training to schools, including help with preparation of school's previous charters.

<sup>3</sup> The Regulations require boards to prepare their first strategic plan before 1 January 2024 and its second strategic plan before 1 January 2026. This is to align with board's triennial election cycles. Subsequent strategic plans must be prepared before 1 January every year following an election year, or before an earlier date determined by the Secretary.

2024 date is when strategic plans would be 'effective from,' while the 1 March date is when they are required to be 'finalised and published'.

14. The Springboard Trust supported the focus on Te Tiriti o Waitangi / The Treaty of Waitangi and the reporting of the progress of Māori students throughout all school planning and reporting documents. However, they expressed concern that the proposed requirements in the annual implementation plan are overly complex and may represent a significant compliance burden for schools.
15. Evaluation Associates felt that that the consultation requirements may be too onerous for a school's Māori communities and questioned whether the Ministry would help resource consultations.<sup>4</sup> They also raised a concern that including both the board's primary objectives and community priorities in strategic plans may generate too many objectives for the plan to be effective. We have addressed the second issue in our proposed changes.
16. We also met with representatives from Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa (TRN), Ngā Kura ā Iwi o Aotearoa (NKAI) and the Mātauranga Iwi Leaders Group (MILG) to discuss the proposed Regulations. The following points were raised:
  - a. TRN stated that the definition of specified kura board in the Regulations, which incorporates three types of kura under one definition, should be set out separately. TRN also expressed that the way the Regulations are currently written suggests that only Te Aho Matua and not local tikanga applies to Kura Kaupapa Māori.
  - b. NKAI raised that the Regulations should enable whānau and kura to define what success looks like for them and expressed the importance of allowing whānau and kura aspirations to be reflected in their planning and reporting documents.
  - c. MILG stated that it was important for boards to understand how to give effect to Te Tiriti o Waitangi / The Treaty of Waitangi and acknowledged that the Ministry's current guidance being developed for schools on their Te Tiriti o Waitangi / The Treaty of Waitangi obligations may help with this. MILG also raised that it is important to ensure that whānau and iwi are not overburdened during consultation.

### Proposed changes to the Regulations following public consultation

17. We are recommending a number of minor and technical changes to the Regulations to respond to what we heard from public consultation and clarify the policy intent.
18. These changes all fall within your delegated authority from Cabinet to make minor adjustments to the policy that may arise during the drafting process and to respond to the continuing work to differentiate requirements for kura [SWC-22-MIN-0223 refers]. The proposed changes are discussed below.

### **Clarification of the timing of strategic plans**

19. Regulation 5 requires boards to have their strategic plans prepared by 1 January 2024 and published and submitted to the Secretary by 1 March. Stakeholders including principals, board members, ERO, NZSTA, and Evaluation Associates have expressed concern that the wording around the 'preparation' of strategic plans by 1 January 2024 is ambiguous. Some submitters also expressed that they do not understand the reason for the delay between 1 January and 1 March, while others considered there was insufficient time to have strategic plans finalised by 1 January.

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<sup>4</sup> The new consultation requirement in the Act requires schools to consult with their school's community, including their Māori community.

20. The policy intent of the preparation date of 1 January 2024 was to illustrate that strategic plans would be effective from this date but would not need to be finalised, published and submitted until 1 March. The intention was to provide the same timeframe for preparing, publishing and submitting strategic plans as they currently do with school charters to provide boards time to gather the necessary data and information to develop their strategic plans.
21. Rather than amending the start date, we have proposed to clarify in Regulations that 1 January 2024 refers to the date from which strategic plans are effective and not when they need to be completed.
22. **We propose that Regulation 5** be amended to clarify that the requirement for schools to 'prepare' their strategic plans on 1 January 2024 and beyond refers to the date from which they are effective.

### Changes in the content of strategic plans

#### *Reflection of community priorities in schools' strategic plans*

23. Regulation 7 sets out the proposed content of strategic plans. Regulation 7(1)(b) requires that strategic plans must include strategic goals for meeting:
  - (i) the board's primary objectives as set out in section 127 of the Act;<sup>5</sup> and
  - (ii) any other objectives identified by the board, including (if applicable and appropriate) any objectives reflecting Te Aho Matua or local tikanga.
24. The intention of Regulation 7(1)(b)(ii) was to provide the opportunity for boards, in consultation with their communities, to set their own priorities in how they were to achieve or work towards achieving their primary objectives.
25. Stakeholders raised that, if boards were required to have strategic goals for each of their primary objectives in addition to other objectives developed by boards and communities, schools' strategic plans would become impractical, lose the necessary focus, and would not be fit for purpose.
26. In our view, Regulation 7 needs to require boards to develop strategic goals to achieve or make progress towards achieving their primary objectives as this is a requirement in the Act. However, their strategic goals should be developed and informed through community consultation and their identified priorities. This would ensure that boards are not required to develop more objectives than specified under the Act and that community priorities can be reflected in their strategic plans.
27. **We propose that Regulation 7(1)(b)** be amended to remove reference to 'other objectives' and instead reflect that boards' strategic goals must be developed in consultation with their communities to reflect community priorities.

#### *Application of Regulation 7(1)(b)(ii) to specified kura boards*

28. Similar changes need to be made to clause 7(1)(b)(ii) in respect to specified kura boards to ensure that their respective whānau, hapū and iwi and wider community have the opportunity to contribute to the development of the kura boards' strategic goals.
29. At present the Regulations lack specificity as to what type of boards may add additional objectives relating to Te Aho Matua or local tikanga. Furthermore, TRN has noted that

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<sup>5</sup> The primary objectives for boards under section 127 of the Act relate to maximising students' educational achievement, student wellbeing, inclusiveness and giving effect to Te Tiriti o Waitangi / The Treaty of Waitangi.

boards affiliated to TRN are required to comply with local tikanga and Te Aho Matua whereas other specified kura boards are only required to comply with local tikanga.

30. **We propose that Regulation 7(1)(b)(ii)** be amended to make it clear that Kura Kaupapa Māori may develop strategic goals which reflect Te Aho Matua *and* local tikanga; and boards of other specified kura may develop strategic goals to give effect to local tikanga.

*Consistency in Te Tiriti o Waitangi / The Treaty of Waitangi requirements in schools' strategic plans*

31. Regulation 7(b) requires boards to develop strategic goals for meeting the board's primary objectives as set out in section 127 of the Act. This includes section 127 (1)(d) which outlines the requirements for schools to give effect to Te Tiriti o Waitangi, including by:
- a. working to ensure that its plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori;
  - b. taking all reasonable steps to make instruction available in tikanga Māori and te reo Māori; and
  - c. achieving equitable outcomes for Māori students.
32. This duty is reiterated in Regulation 7(1)(f) with minor differences.<sup>6</sup> Some submitters, including principals, board members and NZSTA were concerned that having different duties under the Act and the Regulations would cause confusion.
33. **We propose that Regulation 7(1)(f)** be amended so that it is consistent with existing requirements set out in section 127(1)(d) of the Act.

*Reference to foundational curriculum policy and national curriculum statements*

34. Regulation 7(1) seeks to link boards' strategic goals with other key requirements for schools. Currently, it provides that boards must include information in their strategic plans on the link between their strategic goals and the Statement of National Education and Learning Priorities and other national education strategies such as Ka Hikitia. This is to ensure that boards consider these documents when developing their strategic goals.
35. Given the significance of the national curriculum on the development of teaching and learning programmes, we consider that it is appropriate to include reference to foundation curriculum policy statements and national curriculum statements issued under section 90 of the Act.
36. **We propose that Regulation 7(1)(d)** be amended to more clearly link planning and reporting to board statutory requirements in relation to foundation curriculum policy statements and national curriculum statements.

*Students at risk of not achieving curriculum expectations*

37. Regulation 7 also defines 'students whose needs have yet to be well met'. This definition is included because boards have a number of duties in the Regulations relating to these groups. It currently includes *Māori and Pacific students; students with disabilities; those with learning support need; students who are, or are at risk of, not progressing towards or achieving their highest possible standard of educational achievement; and students in Oranga Tamariki care or in the Youth Justice system.*

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<sup>6</sup> Regulation 7(1)(f) requires boards to include in their strategic plans strategies for giving effect to Te Tiriti/The Treaty including strategies for ensuring the school's plans, policies, and local curriculum reflect local tikanga Māori, mātauranga Māori, and te ao Māori; and improving the progress and achievement of Māori students; and making progress towards providing instruction in tikanga and te reo Māori.

38. Submitters indicated that the definition of *students at risk of not progressing towards or achieving their highest possible standard of educational achievement* is too vague. They also expressed concern that, where there are examples of bias within a school – deliberate or unintentional – some teachers might use this expression to underestimate the potential of some students and therefore not perceive a risk.
39. The Ministry agrees with these concerns and notes that they can be resolved by making it clear that the risk is associated with students that are not achieving or are at risk of not achieving their curriculum expectations. This would make the requirement clearer and provide for an objective test that is less subject to perceived bias.
40. **We propose that Regulation 7(3)(e)** be amended, in relation to students whose needs have yet to be well met, to refer to students that are at risk of not progressing or achieving curriculum expectations instead of their highest possible standard of educational achievement.

#### *Disabled students as the correct expression*

41. We also note that the current wording in the definition includes the wording *students with disabilities*. The preferred way in which these communities like to be referred is 'disabled students'.
42. **We propose that Regulation 7(3)(c)** be amended to change the expression from 'students with disabilities' to 'disabled students'.

#### **Proposed changes to content of annual implementation plans**

43. Regulation 9 sets out the details of what must be included in boards' annual implementation plans. It currently requires that these plans include information on how teaching and learning programmes, with an emphasis on 'foundational learning', will meet the needs of students whose needs have not yet been well met. The intention of this provision was to ensure that the requirements in the former national administration guidelines (NAGs) relating to achievement were reflected in the Regulations.
44. Two issues have arisen through consultation. The first is that there is not a clear understanding in the school sector of what 'foundational learning' means. The second is that the former NAG related solely to literacy and mathematics and te reo matatini and pāngarau. In our view, the Regulations should reflect the requirements of the former NAG given the lack of common understanding of the term foundational learning.
45. **We propose that Regulation 9(1)(f)** be amended to remove reference to foundational learning and to replace this expression with explicit reference to literacy and mathematics, and te reo matatini and pāngarau.
46. **We also propose that Regulation 9(2)(b)** be amended to resolve a minor drafting error to specify that boards of specified kura are not required to include a report on how they are giving effect to Te Tiriti, but instead can provide a general statement about how the kaupapa of the kura reflects Te Tiriti.

#### **Requirements of annual reports**

47. Regulation 10(a) requires boards to include in their annual reports information on student progress and achievement. It requires boards to include "a report, in plain language, on student progress and achievement for the previous year, including information relating to the progress and achievement of groups of students whose needs have not yet been well met."
48. ERO raised concern that, while this information is important, it does not require boards to evaluate or analyse that information and therefore may not provide for actionable insights. ERO also raised concern that the Regulation relating to statements of variance

does not detail how boards intend to use this evaluation information to inform its priority actions, annual targets, and planning.

49. We have also identified that Regulation 10(a) does not specify the standard of analysis or evaluation required. This is inconsistent with the requirements for reporting on individual student progress and achievement under Regulation 21 of the Education (School Boards) Regulations 2020 which requires boards, together with the principal and teaching staff, to use “good quality assessment or aromatawai information to report to each student at the school and their parents on the student’s progress and achievement.” Regulation 21 defines “good quality in relation to assessment or aromatawai information” as information that draws on a range of evidence to evaluate the progress and achievement of each student and build a comprehensive picture of that student’s learning.
50. **We propose that Regulation 10** be amended to:
- (a) require a board’s annual report to include, in plain language, an evaluation and analysis of the school’s students’ progress and achievement as assessed against expectations across any foundation curriculum policy statements and national curriculum statements, and based on good quality information; and
  - (b) to specify that good quality in relation to assessment or aromatawai information, means that the information draws on a range of evidence to evaluate the progress and achievement of each student and build a comprehensive picture of that student’s learning.

#### ***Changes to the content of statements of variance***

51. Statements of variance (SOVs) are required under the Act to be included in each annual report. Section 134 of the Act requires SOVs to detail any variance between the school’s performance and the achievement of the school’s objectives as set out in its strategic plan and annual implementation plan.
52. Currently Regulation 12 requires boards to detail in their SOV:
- (a) the actions the board took in the previous year to achieve its annual targets for that year;
  - (b) the outcomes of those actions and the sources of information the board used to determine those outcomes.
53. Consistent with ERO’s feedback on the annual plans, they have indicated a preference to see more nuanced evaluative information in SOVs. They have suggested minor amendments, consistent with the policy intent as follows:
- With respect to (b) above, boards must include “an evaluation of the impact of their actions” and the outcomes of those actions and the sources of information the board used to determine those outcomes.
54. In our view, this will result in better quality information on the school’s progress.
55. **We propose that Regulation 12(b)** be amended as set out above.

#### **Definition of accessibility to school communities**

56. Regulation 13 requires that boards ensure that their planning and reporting documents are accessible to their school community in the way that they are written and presented. The intent of this policy is to ensure that school communities can understand their school’s planning and reporting documents to enable them to hold their schools to account.
57. Section 165(3) of the Act on ‘Monitoring of and reporting on student performance’ similarly requires boards to develop reports in accessible forms. However, it applies a

different expression requiring boards to ensure that reports are provided in a form that is 'readily understandable'.

58. **We propose that Regulation 13** be amended to reflect the wording in section 165(3) of the Act to avoid confusion and to provide for consistency between the Regulations and the Act.

#### ***Other minor and technical changes***

##### *Cross-reference error in Regulation 3*

59. The term "annual target" in Regulation 3 references that this means a target included in a board's annual implementation plan under Regulation 10(1)(a). This reference should be to Regulation 9(1)(a) and we recommend correcting this reference accordingly.

#### **Feedback not incorporated through Regulations**

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60. Two other issues were raised as part of the public consultation which have not been incorporated into the proposed Regulations. These concerns relate to the implementation of the Regulations. These have been set out below.

##### *Consultation requirements and impact on hapū and iwi*

61. Stakeholders, including principals and ERO expressed concern about the consultation requirements, particularly in engaging with difficult to reach groups and the potential pressure that consultation may place on whānau, hapū and iwi. The Ministry, through Te Mahau and in partnership with ERO, will continue to provide support to boards and communities to enable schools to facilitate community consultations.
62. Further, the Ministry has committed to review its consultation requirements after one cycle of strategic planning [SWC-22-MIN-0223 refers]. This will enable us to provide further advice on whether additional specificity and/or refinements are needed to improve the consultation requirements.

##### *Additional resources for boards*

63. Service providers such as Evaluation Associates and some principals indicated that further resources are required to help new board members and principals develop effective strategic plans. The Ministry is currently in the process of refining and developing a range of supports materials to help boards with their strategic plans including, legislation reference guides, implementation packs, and how-to guides. We intend for these supports to be in place by the time Regulations have been *gazetted* to help support boards transition to the new framework.

#### **Development of draft supports for schools and communities**

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64. While the Act and the Regulations set the minimum standards to guide the planning and reporting framework, it is the support and implementation of the framework that will make the difference in ensuring that planning and reporting processes deliver on the change envisaged.
65. The Ministry, in collaboration with ERO and NZSTA, have been developing and testing draft support products for schools and their communities. Support products including the draft Te Whakangārahu Ngātahi | Toolkit for principals, boards, and school staff and an

information sheet for community members were tested during the March – April public consultation.<sup>7</sup>

66. Feedback received from consultation has informed further development of these resources. Additional support materials, such as a legislation quick reference guide and an implementation pack, are also being uploaded to the Ministry's Planning and Reporting webpage which has been developed to provide boards and communities with current information on how to prepare for the new framework.
67. Alongside the support provided to English medium schools, we have committed to working closely with NKAI and TRN to develop supports that support their kura. We have discussed the changes and support requirements with NKAI and offered to fund them to develop supports for their kura. They have advised that the intent of the funding that they have for their Leadership Advisor mahi will cover this sufficiently. We have also discussed the changes and support requirements with TRN and they have indicated their interest in exploring this further.
68. Once the Regulations are published, the Ministry will continue to support boards to implement their first strategic and annual implementation plans from July 2023 to December 2024. Te Mahau staff will play a crucial role in assisting schools as they transition into the new planning and reporting framework. We plan to integrate planning and reporting support for schools into the frontline service delivery model of Te Mahau to continuously improve our capability building and support for frontline staff and schools.
69. From January 2025, we will focus on embedding and sustaining the change in the new framework. This will involve an ongoing process of continuous improvement, where Te Mahau frontline staff and ERO will continue to support school boards. Support packages will require regular refinement to ensure their relevance to schools and kura in the future. As part of this process, ERO will continue to evaluate the effectiveness of school planning and reporting to help support boards to achieve their primary objectives, fulfil their Tiriti/Treaty obligations, and implement the National Education Learning Priorities.

## Next steps

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70. If you agree to these recommendations, we will issue drafting instructions to PCO. We intend to provide your office with a draft Cabinet paper and revised Regulations, which can then be circulated for Ministerial Consultation from 1-11 June 2023. The paper is due to be considered by the Cabinet Legislation Committee on 22 June 2023.
71. Gazetting of the Regulations will occur on 29 June 2023 to allow for the Regulations to come into force in July 2023.

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<sup>7</sup> *Te Whakangārahu Ngātahi: Planning Together for ākonga success – our school, our community* is the name for the planning and reporting work which was provided by the Ministry's Te Reo Māori and Tikanga Advisory Board.



## **Briefing Note:** Talking points: Education (School Planning and Reporting) Regulations 2023 for Schools and Kura

<b>To:</b>	Hon Jan Tinetti, Minister of Education		
<b>Date:</b>	16 June 2023	<b>Priority:</b>	Medium
<b>Security Level:</b>	In Confidence	<b>METIS No:</b>	1311894
<b>Drafter:</b>	Daniel Kwon	<b>DDI:</b>	9(2)(a)
<b>Key Contact:</b>	Maria Kirkland	<b>DDI:</b>	
<b>Messaging seen by Communications team:</b>	No	<b>Round Robin:</b>	No

### **Purpose of Paper**

This paper provides talking points (Annex 1) for your discussion of the Cabinet paper *Education (School Planning and Reporting) Regulations 2023 for Schools and Kura* at the Cabinet Legislation Committee (LEG) on 22 June 2023.

### **Summary**

1. A new planning and reporting framework for schools and kura came into effect on 1 January 2023 under the Education and Training Act 2020 (the Act). The new framework replaces school annual charters with a three-year strategic plan and an annual implementation plan. The Act also includes transitional provisions for 2023, pending the development of regulations on the content, form, and timing of planning and reporting requirements.
2. In November 2022, Cabinet agreed to policy decisions on the Regulations and authorised the Minister of Education to make other minor and technical changes [CAB-22-MIN-0535 refers].
3. In March and April 2023, the Ministry of Education consulted the public and the schooling sector on the draft Regulations. You subsequently agreed to minor changes which have now been incorporated into the Regulations [METIS 1307895 refers].
4. Once Cabinet decisions have been made, Parliamentary Counsel Office will publish the Regulations and notify it in the *Gazette* on 29 June 2023, before they come into force on 1 August 2023.

## Proactive Release

**Agree** that the Ministry of Education proactively release this briefing after Cabinet decisions have been made.

Agree / Disagree



Jennifer Fraser  
General Manager  
Te Pou Kaupapahere | Policy  
16/06/2023



Hon Jan Tinetti  
Minister of Education  
26/06/2023

Annex 1: Talking points: *Education (School Planning and Reporting) Regulations 2023 for Schools and Kura*

9(2)(g)(i)

