



Education Report: Options for planning and reporting regulations

To:	Hon Chris Hipkins, Minister of Education Hon Jan Tinetti, Associate Minister of Education		
Cc:	Hon Kelvin Davis, Associate Minister of Education (Māori Education) Hon Aupito William Sio, Associate Minister of Education (Pacific Education)		
Date:	20 October 2022	Priority:	High
Security Level:	In Confidence	METIS No:	1290342
Drafter:	Sohini Smith	DDI:	463 8969
Key Contact:	Ben O'Meara	DDI:	463 8704
Messaging seen by Communications team:	N/A	Round Robin:	No

Purpose of report

This paper seeks your agreement to the attached draft Cabinet paper '*Policy approvals for school planning and reporting regulations*' to be circulated for Ministerial consultation. The Cabinet paper seeks agreement to policy decisions to develop an exposure draft of regulations to support implementation of the new planning and reporting framework for State and State-integrated schools and kura.

Summary

1. In February 2022, you agreed that regulations to implement the new planning and reporting framework for all State and State-integrated schools and kura should be made in 2023 to require schools to have their first strategic plan in place by 1 January 2024 [METIS 1279367 refers]. Regulations need to be in force by mid-2023 to ensure boards have time to transition to the new framework.
2. The current compliance requirements, which range from broad objectives to highly prescriptive content, are set out in different places¹ making the process complex and unclear for boards. The new planning and reporting framework seeks to ensure boards have strong engagement with, and accountability to, their communities, as well as reporting to the Ministry, alongside reducing the compliance burden for school boards.
3. The Act requires three key focuses for planning and reporting – board's primary objectives (section 127), board's Te Tiriti o Waitangi/ The Treaty of Waitangi obligations and the National Education and Learning Priorities (NELPs).
4. The new framework consists of regulations, support, and implementation. Regulations (the subject of this paper) set out minimum standards to guide the regulatory system. However, it is the support and implementation of the framework provided by Te Mahau,

¹ Compliance requirements for planning and reporting are spread across the Education Act 1989, the Education and Training Act 2020, and the National Administration Guidelines and National Education Goals.

New Zealand School Trustees Association (NZSTA) and the Education Review Office (ERO) that will make the difference in ensuring that planning and reporting processes deliver on the change envisaged. The Ministry, NZSTA and ERO are working together to develop implementation supports for boards, principals and their communities. These will be available from mid-2023 alongside the new regulations, to support boards as they develop their first strategic plans in the second half of 2023.

5. We have considered three options for the regulations, on a continuum from minimum standards and maximum flexibility (option 1), through to a high degree of prescription and national consistency (option 3). We recommend an option that strikes a middle ground between these two ends of the continuum (option 2). This would provide the increased flexibility and reduced compliance that schools are calling for, while also ensuring that boards give effect to their primary objectives, Te Tiriti /The Treaty obligations and the NELPs and that whānau and communities can hold their schools accountable.
6. Overall, we consider the proposed regulations in option 2 will reduce the compliance burden for boards compared with the current framework. The two areas where we anticipate more effort for some boards are for students that have been underserved by the school system and giving effect to Te Tiriti/ The Treaty. In our view, this is appropriate given the government's focus on equity, and the new explicit requirement in the Act that boards must give effect to Te Tiriti/ The Treaty.
7. Alongside this, the Act provides flexibility to develop different planning and reporting requirements for kura. The Ministry has been working in consultation with Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa (TRN) and Ngā Kura-ā-Iwi o Aotearoa (NKAI) to develop regulations that take a differentiated approach for boards of those kura, and other hapū and iwi kura, as appropriate. This will enable them to recognise Te Aho Matua and local tikanga in their planning and reporting documents and enable reporting requirements to better reflect what is important to those kura.
8. Should you and Cabinet agree to this approach, we will continue to work with TRN and NKAI during the regulation drafting process. We propose that you ask Cabinet to delegate authority to you to respond to what they tell us during the regulation drafting process and that, where there are significant changes, you will seek policy approval for these from the Cabinet Legislation Committee.
9. We have attached a draft Cabinet paper (**Annex 1**) and draft Regulatory Impact Statement (RIS) (**Annex 2**) and seek your agreement to undertake Ministerial consultation from the week of 25 October. We will provide your office with the final Cabinet paper and RIS on 8 November for lodging on 10 November, ahead of SWC and Cabinet consideration on 16 and 21 November.
10. Following Cabinet policy approval, we will seek agreement from you and the Attorney General, in early February 2023, to release an exposure draft of the regulations for consultation during February - March 2023.

Recommended Actions

The Ministry of Education recommends that you:

- a. **note** that under the Education and Training Act 2020, from 1 January 2023 the National Education Goals, National Administration Guidelines and school charters will be replaced by a new planning and reporting framework for schools and kura requiring them to prepare a three-year strategic plan, an annual implementation plan and an annual report which includes the board's annual statement of variance

Noted

Minister of Education

Noted

Associate Minister of Education

- b. **note** that the new framework consists of regulations which set minimum standards, alongside supports and implementation tools to support boards

Noted

Minister of Education

Noted

Associate Minister of Education

- c. **note** that 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 process begins on 1 January 2024

Noted

Minister of Education

Noted

Associate Minister of Education

- d. **note** that we have undertaken engagement from May-August 2022 with schools, communities and education entities, and this has informed the development of three options for regulating the form, content, process and timings for planning and reporting documents

Noted

Minister of Education

Noted

Associate Minister of Education

- e. **agree** to implement option 2, as specified in paragraph 21 and Annex 3, which seeks to achieve a balance between setting minimum standards and addressing inequities and improving outcomes for all learners

Agree

Disagree

Minister of Education

Agree

Disagree

Associate Minister of Education

- f. **note** that supports and implementation tools (including on effective consultation) will be provided to boards alongside regulations in mid-2023, and we will report back after a cycle of strategic planning on whether additional consultation requirements are needed

Noted

Minister of Education

Noted

Associate Minister of Education

- g. **note** that we have been working in consultation with Te Rūnanga Nui (TRN) and Ngā Kura ā Iwi (NKAI), to develop a different approach to the application of planning and reporting regulations for school boards associated with those organisations and other hapū and iwi kura

Noted

Minister of Education

Noted

Associate Minister of Education

- h. **agree** that planning and reporting regulations be applied differently to school boards associated with TRN and NKAI, and other hapū and iwi kura, so that those boards may:
- i. develop their strategic plans and annual implementation plans that reflect Te Aho Matua in relation to TRN and local tikanga in relation to kura associated with NKAI and other hapū and iwi
 - ii. include less detail in their plans and reports about the Tiriti/Treaty obligations in relation to planning and reporting (for example, less specificity about how the board will achieve its Te Tiriti/ The Treaty obligations)
 - iii. report on the school's performance using targets and measures that are relevant to Te Aho Matua (in relation to TRN kura) and local tikanga for kura associated with NKAI and other hapū and iwi

Agree Disagree

Minister of Education

Agree / Disagree

Associate Minister of Education

- i. **note** that the attached draft paper sets out policy proposals to Cabinet that recommend:
- i. proceeding with option 2 for schools and kura;
 - ii. a differentiated approach to applying planning and reporting regulations for schools associated with TRN and NKAI, and other hapū and iwi kura; and
 - iii. the development of an exposure draft of the regulations for public consultation during February - March 2023

Noted

Minister of Education

Noted

Associate Minister of Education

- j. **note** that the attached draft Cabinet paper includes feedback from departmental consultation, so, with your approval, is ready for Ministerial consultation

Noted

Minister of Education

Noted

Associate Minister of Education

Proactive Release Recommendation

k. **agree** that this Education Report is released after Cabinet decisions have been made.

Agree Disagree
Minister of Education

Agree Disagree
Associate Minister of Education

Ben O'Meara

Ben O'Meara
Group Manager
Te Puna Kaupapahere – Policy
20/10/2022

Hon Chris Hipkins

Hon Chris Hipkins
Minister of Education
21/11/22

Hon Jan Tinetti

Hon Jan Tinetti
Associate Minister of Education (School Operations)
23/10/2022

Background

1. The National Education Goals (NEGs) and National Administration Guidelines (NAGs) for schools will cease to have effect from 1 January 2023. From then, new planning and reporting provisions in the Act come into force, requiring school boards to prepare a three-year strategic plan and annual implementation plan instead of an annually updated charter.
2. Under the new framework, although Boards will continue to be required to submit their strategic plans to the Secretary of Education (the Secretary), as they do now with the charter, the Secretary will not be required to approve these.² Boards will continue to be required to submit an annual report and its analysis of variance (now called a statement of variance) to the Secretary.
3. In place of the NEGs and NAGs, the Act sets out:
 - a. the consultative process for making strategic plans;
 - b. regulation-making powers to specify the content and commencement of strategic plans, annual implementation plans and annual reports; and
 - c. transitional provisions to enable a school board's charter to be treated as its first strategic plan (until regulations are made).
4. You have previously agreed that regulations setting out the process, content, form, and timing for planning and reporting will be made by mid-2023, with the first school strategic plans proposed to be in place by 1 January 2024. A board's 2022 charter is deemed to be its transitional strategic plan until the first strategic plan is required by the new regulations.

Rationale for a new approach to strategic planning and reporting

5. While many learners do well in the education system, it has persistently failed to address disparities in educational outcomes. This has resulted in inequities for groups of learners, including Māori, Pacific, learners with disabilities, and learners with learning support needs.
6. The Government has strengthened the regulatory framework to respond to these inequities. The Act sets out strengthened primary objectives for schools and kura including that every student at the school is able to attain their highest possible standard in educational achievement, the school is inclusive of, and caters for, students with differing needs, and that the school gives effect to Te Tiriti o Waitangi/The Treaty of Waitangi. The National Education and Learning Priorities (NELP) then set out the government's medium-term priorities for schools and kura, and boards are required to have particular regard to the NELPs when developing their strategic plans.
7. Planning and reporting processes are intended to support boards to translate their overarching primary objectives and Government priorities into practical actions to help them to deliver great outcomes for all learners. When the new planning and reporting framework was established, it was 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 inequities

² The Act requires boards to submit their strategic plans to the Secretary. Through changes made by the Education and Training Amendment Bill (No.2), the Secretary is no longer required to approve these plans.

in educational outcomes; and that the compliance requirements, which range from broad objectives to highly detailed requirements, are set out in different places,³ making the process complex and unclear for boards.

8. The new planning and reporting framework consists of regulations that set minimum standards alongside supports and implementation tools from the Ministry and other parties⁴, and evaluation and monitoring from the Education Review Office (ERO). It is intended to provide clarity, reduce unnecessary compliance burden and to focus schools on setting meaningful goals for the meeting its primary objectives, its Te Tiriti/ The Treaty obligations and the NELPs. It is also intended to provide for schools to have more accountability to students, parents, whānau, communities and, where appropriate, to government.

We have engaged with whānau and communities, board members and principals to hear what they want from strategic planning and reporting

9. The Ministry has undertaken a two-stage targeted engagement, between February – August 2022, with boards, learners and communities as well as some peak bodies and education entities [METIS 1279367 refers]. The draft Cabinet paper includes a summary of the engagement (see appendix 1).
10. In the first stage, we asked what good strategic planning looks like and how regulations and supports can work together to strengthen planning and reporting for excellent and equitable educational outcomes for all learners.
11. Key themes from our engagement with board members and principals were:
 - a. Most board members and principals felt there should be flexibility so they can decide some content for themselves with their communities;
 - b. Many board members and principals felt that no change from our current process of school planning and reporting was required, that all elements were useful.
12. Key themes from our engagement with whānau, communities and learners were:
 - a. whānau want their schools to share information about it and its students' performance so they can be involved in planning and hold their schools accountable;
 - b. learners should be involved in school planning as these decisions affect them; and
 - c. student progress and achievement, equitable outcomes for all learners, child wellbeing and giving effect to Te Tiriti/The Treaty should be prioritised in the planning process.
13. In stage two we invited feedback on a proposed set of regulations. Key themes include:
 - a. most felt there should be some regulations setting out minimum requirements for the content of planning and reporting to help boards and principals to understand expectations and ensure a degree of consistency across schools;
 - b. most agreed with the proposed set of regulations; and
 - c. most respondents were comfortable with the proposed timing for plans.

³ Compliance requirements for planning and reporting are spread across the Education Act 1989, the Education and Training Act 2020, and the National Administration Guidelines and National Education Goals.

⁴ NZSTA contract finishes in 2022. Work is underway to ensure support will be provided for boards in 2023.

We also engaged with peak bodies and education agencies

14. Feedback from ERO is that schools should be regularly evaluating their own progress throughout the year, not just at the end, particularly as it relates to the statement of variance. It is also important that reporting on progress against the strategic plan should be in easily accessible language for whānau and communities.
15. The NZSTA shared their concerns that a compliance driven framework would not support schools to solve the problems unique to their circumstances. They suggested that guidance, rather than regulations, would encourage schools to take a more creative and aspirational approach.
16. The Mātauranga Iwi Leaders Group (MILG) emphasised the importance of whānau involvement in school decision-making but that this must be balanced alongside ensuring whānau, hapū and iwi are not overloaded with consultation. MILG were also keen to understand how iwi and hapū could hold schools accountable for delivering great outcomes for their tamariki and rangatahi.
17. We have also tested our proposal for the regulations with Te Rūnanga Nui o Ngā Kura Kaupapa Māori o Aotearoa (TRN), Ngā Kura ā Iwi o Aotearoa (NKAI) and the Ka Hikitia Steering Group. All groups called for enabling requirements which provide flexibility and support for Māori medium and kura kaupapa Māori to plan and report in ways that are meaningful to their whānau and communities. The aspirations of these groups are reflected in the proposed regulations.

Part one: developing regulations for planning and reporting

18. The first part of implementing the new framework is to develop regulations which set out minimum standards and enable boards, whānau and communities to use planning and reporting as tools for achieving equitable and excellent outcomes for all learners. Taking into account what we have heard, we consider that, to support all boards to undertake effective planning, we need regulations that:
 - a. provide clear and simplified requirements to integrate the Act's primary objectives for boards with government and community priorities. This will help to reduce the compliance cost on schools so they can plan, measure and report on the things that matter for improving learner outcomes;
 - b. support boards to build strong relationships with their whānau and communities throughout the planning process. This includes requiring board plans to reflect whānau and community aspirations and needs, so that whānau and communities are involved in planning and can hold schools accountable for learner outcomes; and
 - c. provide a model that gives effect to Te Tiriti /The Treaty to lift educational outcomes for Māori learners. This model should also meet the needs of Māori medium and kaupapa Māori kura so that kura can plan in ways relevant for them.
19. We have identified four objectives for the regulations:
 - a. focus schools on continuously improving and delivering equitable and excellent outcomes for all learners;
 - b. support learners, whānau and communities to be involved in planning;
 - c. gives schools flexibility to reflect their local contexts in planning and reporting; and

- d. support whānau and communities to hold their schools accountable for learner outcomes.
20. These objectives have informed the development of three options for regulating the form, content, and timing for planning and reporting. The options range from minimum standards to enable maximum flexibility for boards (Option 1), to a greater degree of specificity focussed on equity and excellent outcomes and Te Tiriti/The Treaty (Option 2) to a high degree of prescription to ensure certainty and consistency (Option 3). **Annex 3** sets out the full descriptions of the options. An analysis of the options against criteria is set out in the RIA.⁵

We recommend Option 2 as it strikes the right balance between flexibility and ensuring boards focus on achieving equitable outcomes and giving effect to Te Tiriti / The Treaty

21. Option 2 sets out the requirements, shown in Table 1 below, for the content and timing of strategic and annual implementation plans, annual reports, and statements of variance. Option 2 does not prescribe the form of planning and reporting documents, with these left up to boards and their communities to decide.

Table 1: proposed content of school planning and reporting regulations (preferred option 2)

	Strategic Plans	Annual Implementation Plans	Annual Reports Including Statements of Variance
All schools and kura	<p>Must include:</p> <ul style="list-style-type: none"> The school's vision The board's strategic goals for the next 3 years for meeting its primary objectives and other goals identified through consultation, and information about how they prioritised those goals Strategies the board will use over the next 3 years to achieve or make progress towards strategic goals, including strategies for identifying and catering for learners whose needs have not yet been well met⁶ and for giving effect to the board's Te Tiriti/ The Treaty obligations⁷ Measures, evidence and processes the board will use to evaluate progress towards strategic goals Information on how the board's strategic goals are linked with the NELPs and relevant national 	<p>Must include:</p> <ul style="list-style-type: none"> Information about the previous year's performance (including how the board will address any unachieved targets from the previous year) Annual targets for each of the board's strategic goals Actions the board will take to meet annual targets How the board will allocate resources to meet their targets The measures and evidence the board will use to evaluate progress towards achieving their annual targets Teaching and learning programmes and strategies with particular emphasis on foundational learning for the year to address the needs of 	<p>Annual reports must include:</p> <ul style="list-style-type: none"> Financial statements required under section 134 of the Act and section 87(3) of the Education Act 1989 A report on the whole school's student progress and achievement for the previous year in plain language which includes information on the progress and achievement of groups of learners whose needs are not yet well met A report on how the school has given effect to Te Tiriti/The Treaty (including the progress and achievement of Māori learners and the progress towards making instructions available in tikanga and te reo Māori) <p>Statements of Variance must include:</p>

⁵ Criteria: how well the option meets policy objectives, meets Te Tiriti o Waitangi/The Treaty of Waitangi obligations, supports good governance and financial accountability and minimises administrative burden for boards.

⁶ This includes Pacific learners, students with disabilities students with learning support needs (included gifted and talented learners), students who are not progressing and/or achieving, students who are at risk of not progressing and/or achieving, and one of the the Oranga Tamariki Action Plan priority populations ie children and young people who are involved with the care and youth justice systems. Boards to develop these strategies for relevant groups of learners based on the identity, needs and aspirations of their school communities.

⁷ This includes ensuring the school plans, policies and local curriculum reflect local tikanga, mātauranga and te ao Māori, improving progress and achievement for Māori learners and making progress towards providing instructions in te reo Māori.

	<p>education strategies/plans such as Ka Hikitia, Action Plan for Pacific Education, the Learning Support Action Plan, and the Oranga Tamariki Action Plan.</p> <ul style="list-style-type: none"> • Strategic plans must be written and presented in a way that is accessible to their communities <p>Timing:</p> <ul style="list-style-type: none"> • The first strategic plan must be prepared by 1 January 2024 • Strategic plans must be published and submitted to the Secretary of Education by 1 March. 	<p>learners whose needs have not yet been well met</p> <ul style="list-style-type: none"> • Information on how the board's annual targets and actions will support it to give effect to Te Tiriti/ The Treaty <p>Timing:</p> <ul style="list-style-type: none"> • Annual implementation plans must be prepared and published each year by 31 March. 	<ul style="list-style-type: none"> • Actions the board took in the previous year to achieve its annual targets • Outcomes of the board's actions and the sources of information the board used to determine them • Reasons for any differences between the outcomes and targets • How the differences in outcomes and targets will inform next year's planning (including what the board will do to address any unachieved targets)
Specific for kura	<p>Boards associated with Te Rūnanga Nui and Ngā Kura ā Iwi, and of other hapū and iwi kura:</p> <ul style="list-style-type: none"> • may develop strategic goals that also reflect Te Aho Matua and local tikanga • are not required to set out their full strategies for meeting their Te Tiriti/The Treaty obligations and instead can provide a general statement about how the kaupapa of the kura reflects Te Tiriti/The Treaty. 	<p>Boards associated with Te Rūnanga Nui and Ngā Kura ā Iwi, and of other hapū and iwi kura are not required to set out a full description of how their targets and actions support giving effect to Te Tiriti/The Treaty and instead may provide a general description of how their targets and actions reflect the kaupapa of the kura.</p>	

22. Option 2 scores the highest against the criteria and we consider it finds the middle ground between the increased flexibility boards are calling for, the need to ensure boards are focusing on their primary objectives and the NELPs, and the calls from whānau and communities for better engagement and information from their schools to input into planning and hold their school accountable. Option 2 also recognises government priorities and investment for learners that have been underserved by the school system and requires boards to identify how they are meeting the needs of those students. These requirements also most closely resemble the proposed regulations on which we consulted, with many respondents expressing they were comfortable with this approach.
23. We considered including more specificity in the consultation requirement for option 2 around consultation with Māori. However, the Act already requires boards to consult with the Māori community associated with the school when developing strategic plans. We have heard from Māori groups that they may not have the resources to engage with every school in their rohe. We propose to provide support to boards on effective community consultation and to review school consultation after one cycle of strategic planning. We will then provide advice on whether additional specificity and/or consultation requirements are needed.
24. We have assessed the compliance requirements between the current framework (i.e., section 61 of the Education Act 1989 and NAGs and NEGs) against the new framework and regulations proposed under option 2. Overall, we consider the proposed regulations will reduce the compliance burden for boards. The two areas where we anticipate there may need to be more effort by some boards is for students that have been underserved

by the school system and giving effect to Te Tiriti/ The Treaty. In our view, this is appropriate given the government's focus on student wellbeing and equity, and the new explicit requirement in the Act that boards must give effect to Te Tiriti.

25. We do not recommend option 1 because, while it would provide maximum flexibility to boards, it would not provide enough certainty and information for learners, whānau and communities to set expectations and hold their schools accountable for outcomes. We also do not recommend option 3 as it is likely to significantly reduce the choices boards can make to undertake planning and reporting processes that suit their local contexts.

Application of the new regulations to Māori Medium and Kura Kaupapa Māori

26. While all school and kura boards must prepare each planning and reporting document, the regulations can prescribe different requirements for different classes of schools and kura. There are strong Te Tiriti/ The Treaty reasons for taking a differentiated approach to requirements for kura. Kura affiliated with TRN adhere to Te Aho Matua. Similarly, kura associated with NKAI and other iwi and hapū affiliated kura must adhere to their different character which reflects the tikanga of the relevant hapū and iwi. While both need to comply with the key elements of planning and reporting set out in the Act, we recommend that the Regulations provide flexibility for Māori medium and kura kaupapa Māori to plan and report in ways that align with their kaupapa.
27. TRN has told us that it is important to use Te Aho Matua to guide the development of the planning and reporting framework. NKAI have been supportive of our proposed approach to regulations and have asked that we ensure that reporting requirements for kura-ā-iwi are flexible so they can measure and report on what matters most to whānau, hapū and iwi.
28. We are in discussions with TRN and NKAI to ensure that planning and reporting regulations are relevant and effective for kura associated with those organisations, and other hapū and iwi kura. We recommend that the regulations for kura boards provide for:
- a. them to develop their strategic plans and annual implementation plans to reflect Te Aho Matua in relation to TRN and local tikanga in relation to kura associated with NKAI and other hapū and iwi⁸;
 - b. including less detail in their plans and reports about the Tiriti/Treaty obligations in relation to planning and reporting (for example, less specificity about how the board will achieve its Te Tiriti/ The Treaty obligations) – this is because all school planning and reporting in kura are already tikanga and kaupapa-Māori based;
 - c. reporting on the kura's performance using targets and measures that are relevant to Te Aho Matua (in relation to TRN kura) and local tikanga for kura associated with NKAI and other hapū and iwi.
29. This tailoring of the Regulations will provide more flexibility for kura boards to reflect Te Aho Matua and local tikanga as appropriate for their contexts. They will also reduce unnecessary and inappropriate compliance costs associated with kura boards' Tiriti/Treaty obligations.

⁸ Kura associated with TRN are already required to operate, (including school planning) in accordance with Te Aho Matua under the Act and other kura are required to operate in accordance with their different character. Including reference to Te Aho Matua and local tikanga in the regulations is intended to affirm current practices.

30. We propose that the advice to Cabinet on the content of the regulations includes a recommendation to delegate authority to you regarding the detail of reporting requirements for kura, to enable further refinement of these provisions for kura.

Te Tiriti o Waitangi / the Treaty of Waitangi implications

31. When making regulations under the Act, Te Tiriti / The Treaty and its principles place obligations on the Crown, as per section 4. The following principles are particularly relevant to the development of draft regulations relating to planning, implementation, monitoring and reporting for schools and kura:
- a. *Partnership*: both the Crown and Māori have a positive duty to act in good faith, fairly, reasonably, and honourably towards the other. This requires the Crown to make informed decisions on matters affecting Māori interests, for which consultation is required. A context-specific balance must be struck between kāwanatanga and rangatiratanga;
 - b. *Active protection*: the Crown has a positive duty to take reasonable steps to protect Māori interests and taonga; and
 - c. *Options*: Māori have the right to pursue their own path based on their personal preference and the Crown has a responsibility to support the availability of a range of options.
32. We have provided our analysis below on how the proposals give effect to Te Tiriti/the Treaty to inform your decision.
33. Because the Act sets out the overarching framework for planning and reporting, the degree to which the regulations can provide agency and authority for whānau, hapū and iwi in decision-making is more limited.

	Kāwanatanga	Tino Rangatiratanga (agency and authority)	Ōritetanga
Option 1	Reinforces the statutory requirement for all school boards to give effect to Te Tiriti / The Treaty by ensuring strategic plans include goals and strategies to meet Tiriti / Treaty obligations.	This option will reinforce the statutory requirement for all boards to give effect to Te Tiriti / The Treaty including ensuring that local tikanga, te ao, and Mātauranga Māori is reflected in all boards' strategic plans and annual implementation plans. The flexibility provided by this option will support KKM and boards of other kura that must operate in accordance with Te Aho Matua (for KME), local tikanga and their designated character (MME kura) to report in ways that suit their whānau, hapū and iwi.	This option reinforces existing statutory requirement. It will enable conversations with whānau, hapū and iwi around how they influence boards giving effect to the statutory requirement in a way that makes sense to them.
Option 2	This option demonstrates a higher degree of good government ⁹ than option 1 because it requires boards to include a greater range of matters within their strategic	Builds on option 1 and requires boards to show that their plans reflect local tikanga, te ao Māori and mātauranga Māori. The expectation is that this will be done in consultation with the Māori community associated	Potential for a stronger focus on equitable outcomes because it requires strategic plans to include information relating to how boards'

⁹ Cabinet Office, CO (19) 5 – Te Tiriti o Waitangi / Treaty of Waitangi Guidance. "Good government means government properly conducted with due regard to the range of obligations a government has to the people it governs, and particularly in regard to Treaty obligations.

	<p>and annual implementation plans including identifying at risk students, developing strategies to improve performance, and to show how their plans reflect, national strategies (including Ka Hikitia).</p> <p>This option also ensures the kāwanatanga partner is recognising te reo Māori as a taonga by ensuring that boards plan and report on the progress they are making to provide instructions in te reo Māori.</p>	<p>with the school. This expectation will be set out through the support provided to boards.</p>	<p>strategic plans support it to give effect to Te Tiriti / The Treaty.</p>
Option 3	<p>This option sets out a greater degree of prescription from the kāwanatanga partner on the content of strategic plans, annual implementation plans and annual reports, removing decision-making discretion for all boards.</p>	<p>This option would specifically require boards to consult whānau, hapū and iwi when developing their plans and to report on feedback received from the consultation. This is intended to somewhat increase agency and authority as it relates to input into decision-making (rather than decision-making itself).</p>	<p>Same as option 2. This option does not add further elements which support ōritetanga.</p>

34. Overall, our analysis suggests that options 2 and 3 are most likely to support a strengthened approach to giving effect to of Te Tiriti / The Treaty and its principles. Option 2 requires all school boards to set out how targets and actions will give effect to Te Tiriti / The Treaty and its principles, option 3 goes further and requires the board to report on the feedback received, including from Māori, into the planning process.

Part two: Support and implementation of the new framework

35. Implementing the new framework will impose some administrative burden on boards and their communities. Some boards will already be doing strategic planning and reporting well and transitioning to the new requirements will be relatively easy. Other schools will have more work to adopt the new requirements. Whānau and communities may struggle to understand how they can be involved in planning and hold their schools accountable.
36. Following Cabinet policy approvals, we propose to seek permission from you and the Attorney General to consult on an exposure draft of the regulations during February – March 2023. This will be an opportunity to test that the proposed regulations will support boards to work with their communities and give effect to their primary objectives, their Te Tiriti/The Treaty obligations and the NELPs.

Supporting implementation (October 2022 – December 2024)

37. The Ministry, together with ERO and NZSTA, are currently designing implementation supports to meet the differing needs of boards and communities, and drafts of these will also be available for discussion with all schools and kura early in 2023. This will include tools such as optional templates, a recommended process and how-to guides to support them to plan, consult and report effectively. The supports for English-medium schools will be developed through a human centred co-design process working with key partners and stakeholders. **Annex 4** provides an example of the support material we are producing to help boards understand the new planning and reporting process.

38. We are also planning to work with TRN and NKAI to develop supports specific and tailored for their kura.
39. Once the new regulations are approved and the initial support package is finalised, in mid-2023, there will be a six-month period for boards to prepare their first strategic plan under the new regulations.
40. From July 2023 – December 2024, boards and communities will be supported by Te Mahau, ERO and NZSTA to improve their school planning and reporting practices to work towards delivering equitable and excellent outcomes for all learners and produce their first strategic and annual implementation plans. Te Mahau staff will be integral to supporting schools to transition to the new planning and reporting framework. How we support schools with planning and reporting will be factored into the Te Mahau frontline service delivery model. Throughout this period, we will continue to improve our supports and capability building for frontline staff and schools.
41. Schools will be shifting to the new framework at the same time as they are planning and implementing changes to the National Curriculum and NCEA. This provides an opportunity to improve the coherence and connection between strategic planning and reporting, and local curriculum and marau ā-kura. The Ministry will support schools to see how these changes are mutually supportive. There are also similar opportunities for alignment with implementation of the Attendance and Engagement Strategy, and its focus on Presence, Participation and Progress.

Embedding the change and monitoring progress (January 2025 and beyond)

42. From January 2025 onwards, we will continue to embed the change. This will be a process of continuous improvement where boards will be supported by Te Mahau frontline staff, ERO and other external governance advisors. The support package will need ongoing refinement to ensure that it remains a relevant resource for schools and kura into the future.
43. As schools put in place their first strategic and annual implementation plans under the new framework, ERO will, as part of its regular activity, evaluate how well these plans are supporting boards to give effect to their primary objectives, Te Tiriti/ The Treaty and the NELPs, through their monitoring and evaluation processes.
44. **Table 1** below sets out the milestones for finalising the regulations, support and implementation for the new planning and reporting framework.

Table 1: milestones for regulations, support, and implementation

Timeframes	Regulations	Support and implementation
November 2022	Policy approval for regulations	Ministry, ERO and other supporting agencies developing tools and support products and testing these with key stakeholders. Initial capability building of frontline staff.
November 2022 – February 2023	PCO drafting regulations	
February 2023	Seeking permission from you and the Attorney General to consult on exposure draft of regulations	
February - March 2023	Public consultation on exposure draft of regulations	
March – May 2023	Submissions' analysis and drafting of final regulations	

June 2023	Approval and Gazetting of Regulations	Communications, support and tools available for boards and communities
July 2023	Regulations come into force	Ongoing advice and support as required from Ministry of Education and supporting agencies.
1 January 2024	First strategic plans are due to be prepared	
31 March 2024	First annual implementation plans are due to be prepared	
31 May 2024	Annual reports (including Statement of Variance) due to be submitted.	

Departmental consultation

45. We undertook departmental consultation on the draft Cabinet paper and Regulatory Impact Statement from 13–18 October. Agencies were broadly supportive of the proposals. We have set out below the key feedback and how we have considered and incorporated the issues raised.
- The **Ministry of Social Development** considered the regulations should clarify when boards are required to consult students when developing their strategic plan. Currently, the requirement is for boards to consult students ‘when appropriate’ because this reflects the wording in the Act and, hence we do not consider further changes are needed. The recommended review of consultation requirements after the second round of strategic plan development could be an avenue for considering the approach boards have taken to consultation with students.
 - Oranga Tamariki** suggested that boards’ planning and reporting should recognise one of the priority populations identified in the Oranga Tamariki Action Plan ie children and young people who have been involved with the care and protection and youth justice systems.¹⁰ It also suggests that the regulations reflect the need for boards to consider the Action Plan. We have incorporated Oranga Tamariki suggestions into option 2.
 - The **Ministry for Ethnic Communities** considered planning and reporting regulations should specifically mention ethnic communities, particularly English Language Learners (ELL), as one of the groups of students whose needs have not been well met. They also considered that boards should be required to present performance information disaggregated by ethnicity / ELL status to enable communities to keep track of the way schools are delivering outcomes for all learners. We have not incorporated this feedback because “students with learning support needs” are already identified as a specific population which could cover ELL.
 - The **Office of Disability Issues** (ODI) asked for disabled learners to be included in the list of population groups of students whose needs have not been well met and that boards must, where relevant, report on how their strategic goals are linked to these groups. We have incorporated this suggestion. ODI have also suggested that strategic and annual implementation plans specifically state how the school is progressing inclusion and meeting its obligations under Article 24 (Education) of the United Nations Convention on the Rights of Persons with Disabilities. We have

¹⁰ The Action Plan also identifies children and young people who are at risk of being involved with the care and protection and youth justice systems as a priority population. However, this is a large group of children and young people that it would be difficult for schools to identify. We have agreed with Oranga Tamariki not to include this priority population in option 2.

not incorporated this suggestion because many of the rights established by the Convention are acknowledged in New Zealand legislation. In our view, the regulations as proposed emphasise the needs of all populations that have not been well served including students with disabilities. Student wellbeing and inclusion are two of the four board primary objectives which will drive change.

- e. The **Education Review Office** noted that the proposals for school reporting requirements do not make specific mention of what is expected for dual medium schools with rumaki reo rua units. There is an opportunity through public consultation on the exposure draft of the regulations to hear further from these schools about any specificity in regulations applied to them (noting that targeted engagement undertaken earlier this year did not raise specific matters relating to them).

Next steps

- 46. If you agree to the recommendations, we have attached the draft Cabinet paper (**Annex 1**) and draft RIS (**Annex 2**) which can be circulated for Ministerial consultation between 28 October – 7 November.
- 47. We will provide your office with the final draft Cabinet paper and RIS on 8 November for lodging on 10 November, ahead of SWC and Cabinet consideration on 16 and 21 November.
- 48. Following Cabinet policy approval, we will seek agreement from you and the Attorney General, in February 2023, to release an exposure draft of the regulations for consultation during February - March 2023.

Annexes

- Annex 1: Draft Cabinet paper (*attached separately*)
- Annex 2: Draft Regulatory Impact Statement (*attached separately*)
- Annex 3: Description of options
- Annex 4: Planning and Reporting Process Overview (*attached separately*)

Annex 3: Description of options

	Option 1	Option 2 (preferred)	Option 3
Strategic Plans	<p><u>The form of Strategic Plans</u> is up to the board and their communities to decide.</p> <p><u>Strategic Plans must include:</u></p> <ul style="list-style-type: none"> • The school's vision • The board's strategic goals over the next 3 years for meeting each of its primary objectives set out in S127 of the Act and any other objectives identified through consultation • Information about how the board prioritised its goals • The strategies the board will use over the next 3 years to achieve or make progress towards its goals • Measures, evidence and processes the board will use to evaluate their progress towards strategic goals • Strategic plans must be written and presented in a way that is accessible to their communities. <p><u>Strategic plans may also include:</u></p> <ul style="list-style-type: none"> • Information about how the board's strategic goals: <ul style="list-style-type: none"> • are linked with the NELPs • reflect relevant national education strategies/plans - Ka Hikitia, Action Plan for Pacific Education, the Learning Support Action Plan, and the Oranga Tamariki Action Plan. <p><u>Timing for strategic plans:</u></p> <ul style="list-style-type: none"> • The first strategic plan must be prepared by 1 January 2024. • Strategic plans must be published and submitted to the Secretary of Education by 1 March. 	<p><u>The form of Strategic Plans:</u> is up to the board and their communities to decide.</p> <p><u>Strategic Plans must include:</u></p> <p>All content from Option 1 (that a strategic plan must and may include) with the following additional details:</p> <ul style="list-style-type: none"> • Strategies the board will use to achieve or make progress towards strategic goals must include: <ul style="list-style-type: none"> • Strategies for identifying and catering for the needs of (boards to develop these strategies for relevant groups of learners based on the identity, needs and aspirations of their school communities): <ul style="list-style-type: none"> • Pacific learners; • learners with disabilities, and learners with learning support needs (including gifted and talented learners; • learners who are not progressing and/or achieving as anticipated; • Oranga Tamariki Action Plan priority population (children and young people who are involved with the care and protection and youth justice systems); and • learners who are at risk of not progressing and/or achieving; • Strategies for meeting the board's Te Tiriti o Waitangi / The Treaty of Waitangi obligations, including for: <ul style="list-style-type: none"> • ensuring that the schools plans, policies and local curriculum reflect local tikanga, mātauranga and te ao Māori • improving progress and achievement for Māori learners; and 	<p><u>Form of Strategic Plans</u> – Boards are required to complete these on a prescribed template which guides them through the compulsory sections of the Plan</p> <p><u>Strategic Plans must include:</u></p> <ul style="list-style-type: none"> • All content from Option 2 with the following additional details: <ul style="list-style-type: none"> • Boards must create at least 4 strategic goals (1 per each of the primary objectives) • Summary of the community consultation the board undertook to develop their Strategic Plan • Financial and property plans for the next 3 years <p><u>Timing for strategic plans:</u> same as option 1</p>

		<ul style="list-style-type: none"> making progress towards providing instruction in tikanga and te reo Māori. <p>Timing for strategic plans: same as option 1</p>	
AIPs	<p>The form of Annual implementation plans is up to the board and their communities to decide</p> <p>Annual implementation plans must include:</p> <ul style="list-style-type: none"> Information about the previous year's performance Annual targets for each of the board's strategic goals Actions the board will take to meet annual targets How the board will allocate resources (staff, funding, other investments) to meet their targets The measures and evidence the board will use to evaluate progress towards achieving their annual targets <p>Annual implementation plans may also include: Additional information about the school's teaching and learning strategies emphasis on foundational learning and programmes for the year to address the needs of:</p> <ul style="list-style-type: none"> Pacific students; students with disabilities and students with learning support needs (including gifted and talented learners); students who are not progressing and/or achieving; Oranga Tamariki Action Plan priority population (children and young people who are involved with the care and protection and youth justice systems); and students who are at risk of not progressing and/or achieving <p>Additional information about how the board's annual targets and actions will support it to give effect to Te Tiriti o Waitangi / The Treaty of Waitangi</p> <p>Timing for annual implementation plans:</p> <ul style="list-style-type: none"> Annual implementation plan must be prepared and published each year by 31 March 	<p>The form of Annual Implementation Plans same as option 1</p> <p>Annual implementation plans must include:</p> <ul style="list-style-type: none"> All content from Option 1 that the annual implementation plan must include, with the following additional detail: <ul style="list-style-type: none"> Information about the previous year's performance must include information about how the board will address any unachieved targets from the previous year (drawn from the Statement of Variance) All content from Option 1 which annual Implementation plans may include <p>Timing for annual implementation plans: same as option 1</p>	<p>Form of Annual Implementation Plans – Boards are required to complete these on a prescribed template which guides them through the compulsory sections of the Plan</p> <p>Annual implementation plans must include:</p> <ul style="list-style-type: none"> All content from Option 2 that the Annual Implementation Plan must include, with the following additional details: <ul style="list-style-type: none"> Information about the previous year's performance and the evidence the board will use to measure progress in the coming year must include student progress and achievement and attendance data Information about annual targets must include how the board developed these targets and how they support the relevant strategic goal Evidence the board will use to measure progress must include student progress and achievement, attendance data <p>Timing for annual implementation plans: same as option 1</p>

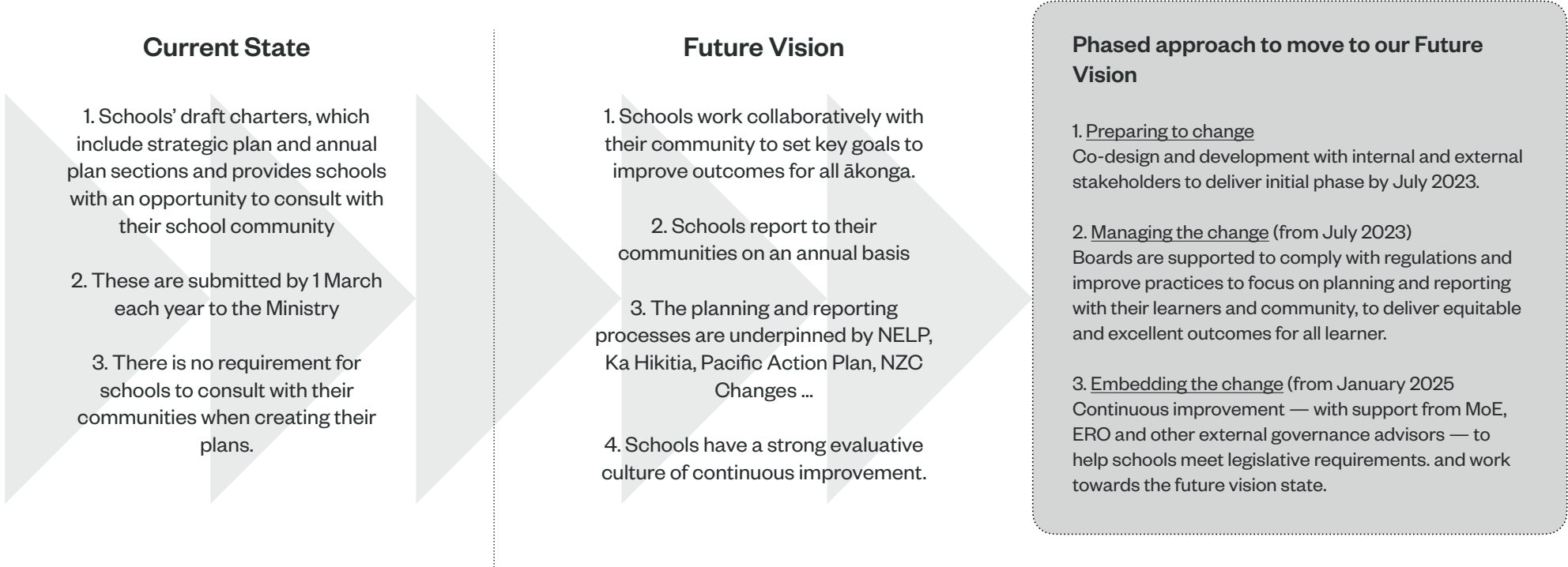
<p>Annual Reports + SoV</p>	<p><u>The form of Annual Reports and Statements of Variance</u> are up to the board and their communities to decide</p> <p><u>Annual Reports must include:</u></p> <ul style="list-style-type: none"> Financial statements which are required under section 134 of the Education and Training Act and S87(3) of the Education Act 1989 as boards are Crown entities who must meet Crown entity financial requirements A report on the whole school's student progress and achievement for the previous year, written in plain language <p><u>Annual Reports may also include:</u></p> <ul style="list-style-type: none"> Report on the progress and achievement of: <ul style="list-style-type: none"> Pacific students students with disabilities and students with learning support needs (including gifted and talented learners) students who are not progressing and/or achieving students who are at risk of not progressing and/or achieving; and the Oranga Tamariki Action Plan priority population (children and young people who are involved with the care and protection and youth justice systems) Report on how the school has given effect to Te Tiriti / The Treaty including: <ul style="list-style-type: none"> The progress and achievement of the school's Māori students the progress the school has made towards making instruction available in tikanga and te reo Māori <p><u>Statements of Variance must include:</u></p> <ul style="list-style-type: none"> Actions the school took in the previous year to achieve annual targets Outcomes of the board's actions Reasons for any differences between targets and the year's outcomes How the outcomes and differences will inform next year's planning <p>Statements of Variance must be written in plain language</p>	<p><u>The form of Annual Reports and Statements of Variance</u> same as option 1</p> <p><u>Annual Report must include:</u></p> <ul style="list-style-type: none"> All content from Option 1 that the Annual Report must include All content from Option 1 that the Annual report may include <p><u>Statements of Variance must include:</u></p> <ul style="list-style-type: none"> All content from Option 1 with the following additional details: <ul style="list-style-type: none"> outcomes of the board's actions must include the sources of evidence the board has used to determine their outcomes Discussion of how the outcomes and differences will inform next year's planning must include what the board will do next year to address any targets that were not achieved 	<p><u>Form of Annual Reports and Statements of Variance –</u> Boards are required to complete these on a prescribed template which guides them through the compulsory sections of the Plan</p> <p><u>Annual Report must include:</u></p> <ul style="list-style-type: none"> All content from Option 2 that the Annual Report must include Dashboard on financial health for whānau including: <ul style="list-style-type: none"> Roll numbers for the year, compared to the previous year Staffing levels compared with the previous year Current cash position Level of borrowing compared to operational grant funding Statement of school property spending in relation to the school's 10 Year Property Plan <p><u>Statements of Variance must include:</u></p> <ul style="list-style-type: none"> All content from Option 2 for what Statements of Variance must include with the following additional details: <ul style="list-style-type: none"> When completing their Statements of Variance, boards must use information about its performance obtained through its process of monitoring and evaluation
-----------------------------	--	---	---

Consultation	<p>Consultation Requirements: no further consultation requirements in regulations – the Act sets out minimum standards for consultation.</p>	<p>No further consultation requirements over and above those in the Act, with a commitment to review whether additional requirements are necessary after the first round of strategic plans.</p>	<p>Consultation Requirements: When developing their Strategic Plans and Annual Implementation Plans, Boards must consult with their school community, staff and students (where appropriate), and as part of that, must take all reasonable steps to engage with:</p> <ul style="list-style-type: none"> a. Whānau Māori, hapū and iwi b. The Pacific families associated with the school c. The disability community associated with the school
Differentiated requirements for kura	<p>Boards associated with Te Rūnanga Nui, Ngā Kura ā Iwi and those of other hapū and iwi kura:</p> <ul style="list-style-type: none"> • may develop their strategic goals that also reflect Te Aho Matua and local tikanga respectively • are not required to set out their full strategies for meeting their Te Tiriti/The Treaty obligations and instead can provide a general statement about how the kaupapa of the kura reflects Te Tiriti/The Treaty. • are not required to set out (in their Annual Implementation Plans) a full description of how their targets and actions support giving effect to Te Tiriti/The Treaty and instead may provide a general description of how their targets and actions reflect the kaupapa of the kura 		

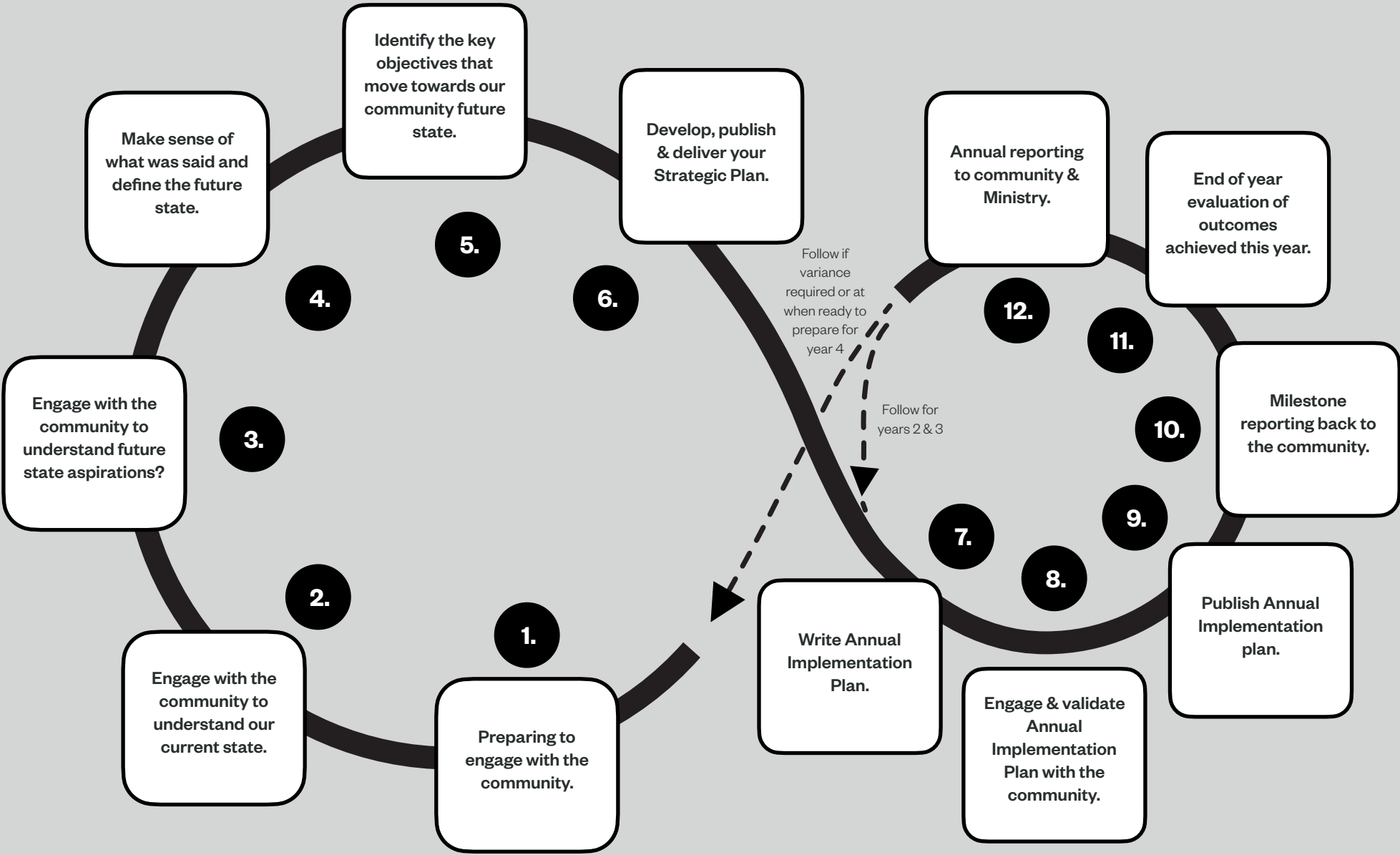
Planning & Reporting Process

Overview on a page

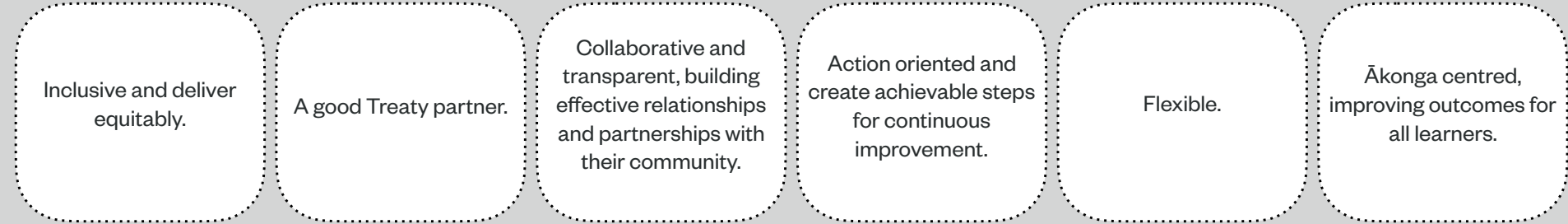
*Note: This is an early prototype developed through a limited design sprint in order to demonstrate what good planning and reporting **could** look like. This is for an English-medium schooling context only and will need to go through a full robust testing and co-design process to further develop it into a usable tool for schools. This will include ensuring a bilingual, inclusive and Te Tiriti focused approach is taken. A separate workstream will be undertaken to develop supports for Māori-medium kura.*



Initial prototype of planning process



The benefits* — This approach to Planning & Reporting will enable you to be:



* These 6 benefits have been themed/condensed from our original list, following testing with a variety of internal and external stakeholders. They are in no particular order.

Proactively Released