

Impact Summary: Repealing the Empowering Provision for National Standards

Section 1: General information

Purpose

1. The Ministry of Education is solely responsible for the analysis and advice set out in this Regulatory Impact Summary, except as otherwise explicitly indicated. This analysis and advice has been produced for the purpose of informing final decisions to proceed with a policy change to be taken by Cabinet.

Key Limitations or Constraints on Analysis

2. The Government has a commitment to “abolish national standards and work with experts and stakeholders to develop a new system that better acknowledges child progress and focuses on the key competencies”.
3. The proposed change to repeal the empowering provisions for national standards ensures that national standards cannot be set in the future and that the Government’s commitment is fully realised. The number of options considered were constrained by this commitment.
4. There has been no public consultation and testing of this proposal. However, the proposal to remove national standards was signalled as a manifesto commitment through each of the Labour Party, New Zealand First, and the Green Party’s 2017 election manifestos.

Responsible Manager (signature and date):



16/1/18

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Education System Policy

Ministry of Education

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Section 2: Problem definition and objectives

2.1 What is the policy problem or opportunity?

5. This Impact Summary sets out a proposal to implement the Government's manifesto commitments to remove national standards by making an amendment to the Education Act 1989. This would remove the empowering provision for national standards and would mean that national standards could not be set in the future. The aim of this is to begin moving towards a new system for assessment that better acknowledges child progress and focuses on the key competencies in the national curricula.
6. Since they were introduced, there have been concerns about national standards from the education sector. For example, the New Zealand Council for Education Research's (NZCER) 2016 review of national standards found that teachers and principals had questions around:
 - their impact for students, including uncertainty around improvements in students achievement and the possible negative effects of labelling student's achievement as 'below' or 'well-below' the national standard;
 - differences in their interpretation, including a view that teachers need more support to feel confident in their use of national standards to form a view of their students' achievement; and
 - a narrowing of the national curricula due to the focus of national standards on literacy and numeracy.¹
7. Concerns from the education sector have led to the term "national standards" becoming associated with a narrow focus on literacy and numeracy and a simplistic way of categorising student achievement.
8. Repealing the empowering provision for national standards would signal a shift in direction towards the development of a new system of reporting that provides a richer and more comprehensive picture of student progress and achievement.

Background

9. The education system aims to focus on helping each child and young person to attain educational achievement to the best of their potential. It also aims to focus on ensuring all children and young people develop the knowledge, skills and competencies that will help them lead fulfilling and productive lives to the best of their abilities. New Zealand's national curricula set clear expectations for learning in support of these objectives.
10. Assessment is important for understanding how individual students are progressing. It supports teachers to plan learning, including identifying where additional support is needed. It is also an important part of school and kura self-review processes to ensure that their curriculum and the teaching programme effectively supports all students to develop the learning set out in the national curricula. Good assessment supports both student progress and continuous improvement in the education system.
11. National standards were established by the previous government in 2008. They were described as the "benchmark" that primary and intermediate students were expected to be able to achieve in reading, writing and maths in Years 1-8.

¹ NZCER – National Standards in their Seventh Year:
<http://www.nzcer.org.nz/system/files/NZCER%20National%20Standards%20Report.pdf>

12. Kura and Māori medium settings (where teaching is at least 51% in te reo Māori) use Ngā Whanaketanga Rumaki Māori to monitor achievement in pānui (reading), kōrero (oral language), tuhituhi (writing) and pāngarau (mathematics).
13. Assessment against national standards, including Ngā Whanaketanga Rumaki Māori, was intended as part of a strategy to raise student achievement levels and improve the reporting of student achievement information to parents and whānau. However, in general, national standards have not been well-received by the education sector and the evidence is unclear about whether they have driven improvement for learners and the education system.
14. In 2016 NZCER reviewed the implementation of national standards. The final report found that while national standards were part and parcel of teaching and school decision making, concerns remained around their impact for students, differences in their interpretation and their impact on progress and achievement across the full curriculum.
15. For example, the report found that:
 - over two-thirds of teachers and 40% of principals believe national standards have narrowed the curriculum they teach;
 - many principals and teachers have doubts that national standards data provide a reliable picture of student performance;
 - only 16% of teachers agreed that national standards had a positive impact on student achievement; and
 - just over half of parents and whānau thought national standards provide a valuable record of their child's learning (18% disagreed or strongly disagreed, 31% were neutral or unsure).
16. During the 2017 election campaign, each of the Labour Party, New Zealand First and the Green Party made manifesto commitments to remove national standards. The commitment is to abolish national standards and work with experts and stakeholders to develop a new system that better acknowledges child progress and focuses on the key competencies in New Zealand's curricula, and to develop more effective ways of evaluating the performance of schools and kura.
17. Following the 2017 General Election, the Minister of Education announced that national standards would be removed and on 12 December 2017, a *Gazette* notice revoking national standards was issued. This means schools and kura are no longer required to report against national standards. However, this has not removed the empowering provision in the Act which enables the Minister to issue national standards. Removing the empowering provision for national standards requires legislative change.
18. Despite the revocation of national standards, schools and kura are still required to report to students and their parents on the progress and achievement of individual students across the national curricula. This is required under the National Administration Guidelines (NAGs). However, the NAGs will be repealed following the commencement of the new strategic planning and reporting regime which currently comes into effect on 1 January 2019.² This will leave a gap in reporting requirements in terms of reporting against the national curricula should the NAGs be repealed before the development and implementation of the new system for assessing student performance.

² The Education Amendment Bill also proposes to amend the commencement date of the new strategic planning and reporting regime to 1 January 2020.

2.2 Who is affected and how?

19. Repealing the provision enabling the Minister of Education to publish national standards would mean that national standards could not be set by the Minister of Education in the future (without further legislative change).
20. This does not make any change to the requirement for boards to monitor and report on student performance to individual parents and the school's community. However schools and kura will decide which measures best meet the needs of their students, parents, whānau and boards of trustees.
21. There are other empowering provisions in the Act for regulating school reporting, including provision of data to the Ministry. In addition, boards of trustees are required to produce annual reports to Government agencies and the school community. The removal of national standards and the associated empowering provision does not stop the Ministry from requiring student outcome data to be provided to it.

2.3 Are there any constraints on the scope for decision making?

22. Constraints on the scope for decision-making are noted above in Section 1.
23. Repealing the empowering provision for national standards signals a move towards assessment that is based on child progress across the full national curricula, including key competencies for success in life, learning and work. The Ministry of Education will work with experts and stakeholders over 2018 to achieve this.

Section 3: Options identification

3.1 What options have been considered?

24. The key objective for this intervention is to deliver on the Government's commitment to remove national standards, and signal a move to a new system for reporting on student performance.
25. Three options were considered that would meet the Government's commitments to remove national standards and allow for the development of a new system of reporting on students:
- **Option A:** leave the empowering provision for national standards in the Act (status quo);
 - **Option B:** repeal the empowering provision for national standards in the Act; or
 - **Option C:** repeal the empowering provision for national standards and include a requirement for schools and kura to monitor and evaluate the performance of students against the national curricula.
26. The following criteria have been developed to assess these options:
- **Clarity** – does the option provide clarity between what is in legislation and the Government's commitment to abolish national standards;
 - **Shifting focus** – does the option signal a shift to assess student progress and achievement against the wider curricula and key competencies; and
 - **Ensures there is no curricula reporting gap** – does the option ensure there is no gap in important reporting requirements following repeal of the NAGs.
27. Option A (status quo) would see the power to set national standards retained in the Act. Although the previous national standards have already been revoked by *Gazette* notice, this option would mean that new national standards could be set in the future. This option does not ensure that the legislation is aligned with current assessment priorities, and it does not signal a legislative shift to assess student progress and achievement against the wider curricula. It would also leave a gap in terms of the requirement to report against the national curricula, particularly following the repeal of the NAGs.
28. Option B would remove the empowering provision for national standards which would mean that national standards could not be set in the future. This would ensure that the Act is aligned with current assessment priorities. However, this option does not signal a shift in focus to assess students against the wider curricula and leaves a gap in the requirement to report against the national curricula.
29. Option C removes the empowering provision for national standards which provides clarity between the legislation and current assessment practice and priorities. It also amends a provision in the Education (Update) Amendment Act which would replace a requirement for schools and kura to monitor and evaluate student performance against national standards with one requiring

them to monitor and evaluate student performance against the national curricula.³

30. This broadened requirement within the Act for schools and kura to monitor and evaluate against the national curricula would ensure alignment with related provisions which require schools and kura to develop and implement teaching and learning programmes which give effect to any national curricula.⁴ It elevates the requirement to report against the national curricula to the primary legislation, ensuring there is no gap in reporting requirements once the NAGs are repealed. It also clearly signals a focus on assessment against the full breadth of the curricula in the legislation.

3.2 Which of these options is the proposed approach?

31. Officials consider Option C to be the best option. Removing the empowering provision for national standards signals an alignment between current practice and the Government's priorities for assessing student performance and the legislation.
32. Requiring schools and kura to monitor and evaluate student performance against the national curricula also signals a shift in focus towards assessing student progress and achievement against the wider curriculum. This requirement will ensure that the provisions around monitoring and evaluating student performance are consistent with similar provisions which require schools and kura to ensure the staff develop and implement teaching and learning provisions which give effect to the national curricula.
33. This option will also mean that there is no gap in reporting requirements for the full curricula following the repeal of the NAGs.

³ This section of the Education (Update) Amendment Act 2017 will come in to force on 1 January 2019 and will replace section 62 of the Education Act 1989. The Education Amendment Bill also proposes to delay the commencement date of this provision as part of amendments to the new strategic planning and reporting regime.

⁴ Section 43 of the Education (Update) Amendment Act 2017 will replace section 61 of the Education Act 1989 with a requirement that "the board of a school must ensure that the school's principal and staff develop and implement teaching and learning programmes that give effect to any foundation curriculum policy statements and national curriculum statements in force under section 60A".

Section 4: Impact Analysis (Proposed approach)

4.1 Summary table of costs and benefits

34. In this section, costs and benefits have been assessed against the counterfactual which sees the empowering provision for national standards retained in the Act. In comparing the costs and benefits of the proposed approach with taking no action, it has been assumed that no new national standards will be set given the Government's priorities.

35. If no action is taken, schools and kura will still be required to report to students and parents against the national curricula until the NAGs are repealed.

Affected parties (<i>identify</i>)	Comment: nature of cost or benefit (eg ongoing, one-off), evidence and assumption (eg compliance rates), risks	Impact <i>\$m present value, for monetised impacts; high, medium or low for non-monetised impacts</i>
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Additional costs of proposed approach, compared to taking no action		
Regulators: Crown	In the future, the Minister of Education will no longer be able to set national standards.	Low
Total Monetised Cost		
Non-monetised costs		<i>Low</i>

Expected benefits of proposed approach, compared to taking no action		
Regulated parties: teachers and schools and kura	Removing the empowering provision for national standards will lower concern in the education sector that national standards will be reintroduced in the future.	Medium
Parents and students	The requirement to evaluate performance against the national curricula will mean that parents and students can continue to expect reporting against the curricula once the NAGs are repealed and until the new system for assessing student performance is developed.	Medium
Total Monetised Benefit		
Non-monetised benefits		<i>Medium</i>

4.2 What other impacts is this approach likely to have?

36. Not applicable.

Section 5: Stakeholder views

5.1 What do stakeholders think about the problem and the proposed solution?

37. No systematic stakeholder analysis or consultation has been undertaken at this time.
38. Since their introduction, there has been significant opposition to national standards from the education sector. Concerns about national standards have included the way they have led to a narrowing of the national curricula, the impact on student, and differences in interpretation. The Minister's announcement last year that national standards would be removed was largely met with approval by the sector in the media.
39. Over 2018, the Ministry will be working with the sector, and with parents and whānau, to design tools that better report on a child's progress over the breadth of the national curricula. This work will also have a greater focus on developing key competencies for all learners, and will continue to focus on developing the most important qualities and characteristics of a graduate of Māori medium education.

Section 6: Implementation and operation

6.1 How will the new arrangements be given effect?

40. On 13 December 2017 a *Gazette* notice was issued revoking national standards. This removed the current national standards and the requirement for schools and kura to report against them.
41. To give full effect to the manifesto commitments to remove national standards, and to signal the shift to a broader view of the learning outcomes that matter, legislative change is being sought through the Education Amendment Bill. The amendment will take effect after commencement of the Bill, on the day after the date of Royal assent.
42. The Ministry will continue to support schools and kura to provide meaningful assessment and reporting of student progress, will provide guidance to the sector on quality assessment tools for 2018, and will work with the sector to develop a new approach for the future that reflects the legislative requirement for schools and kura to monitor and evaluate student performance against relevant curriculum statements.

Section 7: Monitoring, evaluation and review

7.1 How will the impact of the new arrangements be monitored?

43. There are a range of ways the Ministry of Education gathers information to understand how well our education system is performing. This includes school and kura annual reports to the Ministry, as well as national and international studies which help us understand student achievement across the curriculum.
44. Initially the impact will be monitored through existing monitoring and review processes. For example, the Education Review Office will evaluate the quality of the assessment practices used for teaching, learning and reporting purposes in each school review.
45. Schools and kura will continue to be required to report to parents and whānau at least twice a year on their children's progress and achievement. They can decide which measures best meet the needs of their students, parents, whānau or boards of trustees.
46. Information about students' progress and achievement will still need to be collated at school, kura and Kāhui Ako level to inform school charters, school planning, resource allocation and programme decisions.
47. From 2018, schools and kura, in consultation with their communities, can decide how this assessment and reporting is done. Reporting must be in plain, written language including the foundational learning areas of literacy and numeracy, te reo matatini and pāngarau.

7.2 When and how will the new arrangements be reviewed?

48. The new arrangements will be reviewed as part of normal practice and in conjunction with regular monitoring processes, as outlined above.

