Te Tāhuhu o te Mātauranga
Ministry of Education

Regulatory Impact Statement: Making system monitoring studies compulsory for schools

Decision sought	This analysis has been produced to inform Cabinet decisions on mandating school participation in system monitoring studies
Agency responsible	Ministry of Education
Proposing Ministers	Hon Erica Stanford, Minister of Education
Date finalised	16 July 2025

Education system monitoring studies are large scale sample-based research projects that monitor the performance of the New Zealand education system. They are administered every one to five years, depending on the study and tell us how our system is performing over time against our own curriculum goals and relative to the education systems of other countries.

The proposal will create a legislative requirement for schools to participate in system monitoring studies[1] when they are selected to participate by the studies' governing bodies. Teachers and school leaders would also be required to participate when selected. The specific studies would be notified via a Gazette notice to be issued by the Minister of Education. Selected schools would be able to apply for an exemption if they meet set criteria. To recognise the impact of participation on schools, teachers, principals and students, incentives will be strengthened, and potentially expanded.

Summary: Problem definition and options

What is the policy problem?

The proposal responds to declining participation in education system monitoring studies, particularly in studies that target secondary-aged students. Without government intervention, trends of declining participation are likely to continue, risking New Zealand's exclusion from the international monitoring studies. This exclusion would mean the loss of valuable system-performance data focused on student outcomes and drivers of student achievement.

Views of regulated parties and other stakeholders differ. For government, system monitoring studies provide critical insights, with the Programme for International Student Assessment (PISA) being a Tier 1 Statistic that requires protection. Views on the value of system monitoring studies differ at the school and individual level:

[1] This proposal excludes kura kaupapa Māori, ngā kura ā iwi and state integrated schools with a character that is hapū- or iwi-based designated (kaupapa Māori education settings) at this stage, to give time for engagement on issues relating to the use, collection and reporting of data relating to these schools.

- some choose to participate, even without a mandate, because they understand the value of system monitoring studies, and may face fewer barriers to participation
- some choose not to participate because of logistical or workload issues, concern about competing priorities for students, concern about how the data will be used (for example, the risk of reputational harm to the teaching profession), or for philosophical reasons. 'Certainty' schools, that are sampled, or identified as a replacement school, every time are more likely to be in this category because of the higher administrative burden
- some may want to participate, but are not able to because of adverse weather events or traumatic incidents.

School staff and students carry a larger proportion of the workload of participating in system monitoring studies than government, by planning for and administering the testing (student testing takes 2.5 – 4 hours, depending on the study). The main benefits are at the system level and go to the government. This creates a mismatch as schools and students have other priorities and may not see the value in taking part. This mismatch is worsened as teachers and school leaders are likely to feel the most blame in the media about the declining performance of New Zealand's education system. This means voluntary approaches are unlikely to be effective.

Non-regulatory options including communication, incentives for teachers and students, and support to reduce administrative barriers, have been ineffective. While more work could be done on the effectiveness of incentives, it is unlikely to be quick or effective enough to assure participation in the next system monitoring study targeting secondary-aged students. In quarter 4 2026, schools will be invited to participate in the Trends in International Mathematics and Science Study (TIMSS) 2027.

What is the policy objective?

The objective is for New Zealand to lift participation rates so we once again meet technical standards for participation and can continue to be included in system monitoring studies and reports. Our participation must be fair and representative of the targeted population, which means some exemptions will still be required.

Success will be measured by meeting the technical standards for participation for relevant studies. Primary indicators will include participation rates, which are existing data sets.

What policy options have been considered, including any alternatives to regulation?

Four options have been considered, including:

- Option one - keep the status quo: schools can choose whether to take part in system monitoring studies, except charter schools, which must participate if selected. Current incentives remain in place.
- Option two - strengthen and expand the use of incentives for students and schools before and/or after the study to encourage participation.
- Option three – make participation mandatory: schools would be required by law to take part in selected studies, announced by the Minister of Education through a Gazette notice. Schools could apply to the Secretary for Education for an exemption if they meet certain criteria. This option includes variations based on school types and whether teachers or students must participate.
- Option four – make participation mandatory, supported by strengthened and expanded incentives: combines option two and three and addresses both school-level and individual-level participation concerns (Ministry and Minister preferred).

What consultation has been undertaken?

While no specific consultation on the proposal has occurred, some stakeholders have previously questioned the cultural relevance of the system monitoring studies and the use of results to justify policies that have been unpopular with the education sector. Other stakeholders have endorsed participating in PISA after communications about its importance.

Feedback from schools who have declined to participate have focused on barriers to participation, which has informed this analysis. Some schools provided feedback that they choose not to participate because it is optional, and they would participate if they had to.

During recent consultation, a key kaupapa Māori education provider noted that changes that create more prescription about the way kura are governed and managed does not support what they are trying to achieve. This comment is also applicable to mandating participation in system monitoring studies.

The Ministry will have informal conversations with key stakeholders about the proposal in the next few weeks. While these conversations will not inform this Regulatory Impact Statement, or the Cabinet paper, the Minister will be updated on the outcomes of these conversations to inform Cabinet consideration.

Is the preferred option in the Cabinet paper the same as preferred option in the RIS?

The preferred option in both the RIS and the Cabinet Paper is option four - make participation mandatory, supported by strengthened and expanded incentives. The preferred option excludes kaupapa Māori education settings from the scope of the mandate (for the time being, to allow engagement on issues that affect these kura), includes private schools within the scope of the mandate, and requires teachers and school leaders to participate.

Summary: Minister's preferred option in the Cabinet paper

Costs (Core information)

Outline the key monetised and non-monetised costs, where those costs fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

The Ministry's Budget for administering system monitoring studies is budgeted on full sample participation. This means mandating will not have additional cost requirements for government. However, as participation has been low in recent years, we usually underspend, and this underspend has been reprioritised in the same year it occurs. Therefore, as participation increases, there will be less available for reprioritisation. An analysis of whether the incentives provided using this Budget fully or partially offsets the direct costs to schools is not available but is likely to be relatively low.

We have assumed that non-monetised costs to schools include the time spent on testing and surveys that could otherwise be used for teaching or school administration. This cost is relatively low, as it effects only sampled schools during cycles that can be several years apart, for a few days at most.

These costs would disproportionately fall on 'certainty' schools who are likely to be sampled, or be a replacement school, every time. Private schools would also experience a change to

how they are usually regulated. Teachers and school leaders may also experience a greater impact as they would now be required to participate in the survey if selected.

Benefits (Core information)

Outline the key monetised and non-monetised benefits, where those benefits fall (e.g. what people or organisations, or environments), and the nature of those impacts (e.g. direct or indirect)

We've assumed that benefits are mostly non-monetised, of medium impact. Education monitoring studies help us understand how well students are learning compared to curriculum benchmarks, other countries, and past performance. These studies also reveal what influences student achievement. This information is essential for the government to make informed decisions about policies and investments that improve student outcomes. Most of these benefits sit at the system level. Participating in internationally recognised studies offers familiar benchmarks for international students, potentially increasing our education exports. Participating schools and students benefit indirectly from improved investment decisions.

School-level insights can be used to understand the drivers of achievement, and make decisions that can influence in-school drivers (e.g. school culture) and improve teaching and learning programmes. Students can also reflect on their own achievement, and identify strengths and areas for further development.

Balance of benefits and costs (Core information)

Does the RIS indicate that the benefits of the Minister's preferred option are likely to outweigh the costs?

On balance, we believe that the medium benefits of mandating study participation outweigh the low costs, and that the ratio of benefits will increase relative to costs over time as the Ministry and schools get better at using data and insights from a focus on post-study participation incentives.

Implementation

How will the proposal be implemented, who will implement it, and what are the risks?

The Ministry will manage and coordinate implementation and support schools who are selected to participate in each study. The Ministry will provide advice to the Minister on which studies to Gazette as being mandatory for schools to participate in. The Ministry will communicate with school boards that have been selected for participation and provide support and advice on how to comply with the new requirements.

Implementation risks and mitigations include:

- limited consultation on a mandate that could receive sector pushback. This will be mitigated, but not eliminated, through consultation on the gazette notice, tailored communications plans (for State schools, kaupapa Māori education settings, Māori medium education and private schools), and additional incentives for participation.
- administrative burden and logistical challenges for schools. This will be mitigated through the implementation of the exemptions process, support for monitoring study administration, and use of the Salesforce Complaints Management tool to monitor and respond to concerns (including the possibility of reviewing and adjusting the gazette notice, without legislative changes).

Legislation is expected to be introduced in late 2025 and enacted in mid-2026. Invitations to the first mandated study will be sent in quarter 4, 2026. This will provide around three months to implement the gazette notice, exemptions process and communications plan.

If a school is not able to participate, the Ministry will meet with them to determine whether appropriate supports can be provided to ensure participation, or discuss whether an exemption is warranted. Where a school refuses to participate, the Ministry will work with the school to encourage participation and provide support. Where necessary, the Ministry will use the interventions available to it (via section 171 of the Education and Training Act 2020) to take or refer schools for enforcement action as needed. Enforcement approaches will differ depending on the type of school and on the nature of the reasons for non-compliance.

The Ministry is confident in its ability to implement the arrangements effectively and efficiently using existing staffing and resourcing. Administrative burden on the Ministry is expected to decrease, allowing staff to focus more on analysis, which in turn will increase the benefits of participating in the monitoring studies. 9(2)(f)(iv)

The Ministry intends that this policy is informally monitored, and evaluated and reviewed if monitoring suggests it would be beneficial. Participation rates and exemptions data will be tracked, including complaints system information, to inform service improvements and potential policy adjustments. The effectiveness of incentives will be assessed to enable reprioritisation if required to improve value for money.

Limitations and Constraints on Analysis

Our biggest limitation and constraint on analysis is time.

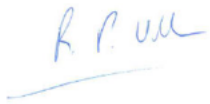
We reviewed recent participation rates and have been informed by anecdotal feedback provided by schools over time, but were unable to analyse pre-COVID trends or explore underlying causes in detail, limiting our understanding of the problem and the effectiveness of proposed solutions. There are gaps in analysis and disaggregated data relating to participation by school type, and how far we are from reaching technical standards at school, class and individual levels.

A rapid international scan confirmed that our current direction aligns with global trends and helped shape the options provided to the Minister. However, we could not undertake a detailed review of other countries' experiences, or the effectiveness of different approaches.

The Ministry has not been able to formally consult on the proposal. We have mitigated this by drawing on previous feedback and anecdotal evidence from past engagements with peak bodies. We have not been able to use stakeholder input to refine the options or confirm support.

I have read the Regulatory Impact Statement and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the preferred option.

Responsible Manager(s) signature:



Rachel Voller
Senior Policy Manager
System Policy
16 July 2025

Quality Assurance Statement	
Reviewing Agency: Ministry of Education	**QA rating:** Partially meets
Panel Comment: The Ministry of Education's RIA QA panel considered this statement and assessed it as partially meeting the Cabinet's quality assurance criteria for impact analysis. This assessment recognises the constraints imposed by the timeframe on the analysis of impacts, cost and benefits, and on obtaining stakeholder views. Within these constraints, the statement provides clear, concise, and complete information to support decisions.	

Section 1: Diagnosing the policy problem

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

New Zealand participates in four large scale sample-based system monitoring studies with strict technical standards to meet for sampling

1. New Zealand participates in four large scale sample-based studies that monitor the performance of our schooling system in delivering student outcomes. The insights from these system monitoring studies are an enabler of the Minister of Education's priority for the greater use of data and evidence.

Table 1: New Zealand's Participation in Education System Monitoring Studies

Study	Frequency	Who is measured	What is measured	Started
DOMESTIC				
CURRICULUM INSIGHTS[2] Curriculum Insights and Progress Study	Annual	Year 3, 6 and 8	1. Learning Areas– All 8 areas of the NZ Curriculum over 4 years 2. Foundational Areas – Literacy and Numeracy every year 3. School Panel – qualitative feedback about curriculum and assessment matters.	2023
INTERNATIONAL				
PIRLS Progress in International Reading Literacy Study	5 years	Year 5	Reading literacy Student, parent, teacher and principal questionnaire	2001
PISA Programme for International Student Assessment	3 years Moving to 4 years after 2025	15-year-olds	Reading, Mathematics and Science One innovative domain each cycle e.g., Creative thinking in 2022 Student and principal questionnaire	2000
TIMSS Trends in International Mathematics and Science Study	4 years	Year 5 and Year 9	Mathematics and Science Student, parent, teacher and principal questionnaires.	1994

[2] Replaced the National Monitoring Study of Student Achievement, an Annual Survey of year 4 and year 8 students that cycled through all 8 areas of the NZ Curriculum over a 5 year period, and ran from 2012 – 2022.

2. The Minister has agreed to develop Te Tīrewa Mātai as an equivalent of Curriculum Insights for Māori language settings, which will add an additional study.

3. Each study has strict technical standards that New Zealand must meet for the sampling of schools, students within the schools, and in some cases, classes within schools.

4. The populations sampled include all students that a particular study targets. For example, all 15-year-olds in New Zealand will have an equal chance of being selected for PISA, and all Year 5s in New Zealand will have an equal chance of being selected for PIRLS. Any school that enrols students within the target population could be selected, regardless of whether they are a State, State-integrated, charter, or private school.

5. There is limited flexibility to swap "replacement" schools into the sample when a sampled school does not participate. Replacement schools are those that have been deemed suitable substitutes for the named schools. For example, PISA allows each named school to have one replacement school. It will only allow replacement schools to swap in after 65% of named schools have agreed to participate. TIMSS and PIRLS provide more flexibility, allowing each named school to have two replacement schools. However, minimum requirements for student, class, and school participation must still be met.

6. When a country fails to meet the minimum sampling size, it may be excluded from the international reports produced from the results of each study, losing valuable system performance data. Low participation rates also reduce confidence that the results are representative of the targeted population.

Our participation rates are declining, and we risk being excluded from studies

7. Participation in New Zealand is currently voluntary. Once a study's governing body informs the Ministry of the selected schools, we notify the teaching unions and peak bodies before putting a notice in the school bulletin (without naming the schools). Selected schools are then invited to take part, with a focus on the benefits of participation. If a school declines, the Ministry follows up to understand the reasons and tries to address any barriers. We reapproach declining schools if participation requirements have not been met.

8. New Zealand's participation rates are declining, with not enough schools participating to meet the strict technical standards for these studies. This is particularly true for the studies that target secondary aged students, although participation is also declining in the primary aged studies. The most recent cycles of PISA and TIMSS Year 9 fell short of minimum participation standards. PISA approved the inclusion of New Zealand and other countries because of the impact of the Covid-19 pandemic on schools, but New Zealand was left out of some TIMSS Year 9 reports.

9. There is a risk that we will not meet PISA 2025 or TIMSS 2027 participation requirements due to previous low participation and their inclusion of secondary-aged students. The invite for PISA 2025 has already been sent and positive response is at a record low (as of July 2025, only 51% of the sample have agreed to participate). The invite for TIMSS 2027 will be in quarter four of 2026. While studies that target primary-aged students are still on track to meet participation requirements, participation rates are also declining and may become a problem in the future.

10. The table below outlines our most recent participation rates for each study:

Study	Previous participation rate	Most recent participation rate
PISA	91% (2018)	74% (2022)
TIMSS Y9	87% (2019)	64% (2023)
TIMSS Y5	98% (2018)	87% (2023)
PIRLS	95% (2016)	90% (2021)
Curriculum Insights	86% (2023)	88% (2024)

Current efforts are not increasing participation

11. We encourage school participation by offering direct incentives, reducing logistical barriers, and increasing the value of involvement. Incentives include teacher release time payments (which has occurred since the beginning of the studies), food for students (a more recent incentive), and devices when needed. Current monetary compensation can be between $350 - $700 per participating school per sample. Sample sizes per cycle and per study vary. For PISA 2025, 260 schools have been selected which means a maximum compensation cost of $182,000.

12. We also offer flexible testing windows (e.g., a window of 8-10 weeks) and provide reports with information gleaned from the studies to help schools better understand their students.

13. No formal evaluation incentives effectiveness has been undertaken. However, as participation continues to decline, we can assume that, at best, they are slowing the decline of participation rates.

Without action, participation rates will continue to decline

14. While COVID-19 was a major contributor to the change, PISA 2026 participation is on track to be even lower than PISA 2022, with current participation at 51% after replacements. We expect that without any further government intervention, trends are likely to continue, and participation rates will continue to decline. If this occurs, we will be excluded from study reports.

15. There are no previous government decisions, legislation or Regulatory Impact Statements in this area that are relevant to this problem.

What is the policy problem or opportunity?

Participation in system monitoring studies benefits New Zealand, and could benefits schools and students

16. At present, our portfolio of system monitoring studies, along with NCEA, are the only reliable and representative measurements of student performance in the schooling system. PISA is of particular importance. It is classed by Statistics NZ as a 'Tier 1' data collection, meaning it is one of the most important and trustworthy data collections in New Zealand. Unlike NCEA, system monitoring studies also survey respondents on the drivers of student achievement, allowing us to better understand the context of learning over time.

17. Achievement and survey data from system monitoring studies are used to monitor key outcomes in the Treasury's Living Standards Framework (LSF), DPMC's Child & Youth Wellbeing Strategy and the Education System Monitoring Framework, as well as components of Ka Hikitia, the Action Plan for Pacific Education, and other strategies.

18. ERO uses the international studies as a central component of its National Reviews on New Zealand's education performance. They provide an ability to benchmark key aspects of performance overtime, identify trends and pinpoint key areas of concern. The international studies play a critical role in supporting ERO to identify opportunities to strengthen education in New Zealand.

19. Participation in education system monitoring studies provides critical insights about how student achievement is progressing against curriculum benchmarks, compared to other countries, and over time. These studies also provide insight into the drivers of student achievement. These insights are critical for government to understand the support that the system needs to drive improvements in student achievement through evidence-based policy and investment decisions. The benefits to participating in system monitoring studies can be conceptualised at the system, school and student level.

    a. System benefits include:

        i. benchmarks against global standards to compare across countries and trends over time[3, 4]

        ii. data that identifies strengths and areas for improvement

        iii. commitment to transparency and continuous improvement

        iv. prominence in the global education environment.

    b. School benefits include:

        i. better informed policies from Government

        ii. school reports that are not released publicly and highlight what students are achieving in and what they are not, which in turn can inform teaching and learning programmes within a school. Reports using PISA data also tell a school how students feel about the culture, including safety and belonging, which gives school boards data that helps them determine if they are meeting their s127 objectives or not.

    c. Student benefits include:

        i. an opportunity to informally reflect their own progress and determine the areas they may want to improve on.

Schools choose not to participate for a range of reasons

20. Since at least 2014, some educators have expressed concerns about system monitoring studies, particularly PISA, through the media.[5] School principals have indicated that system monitoring studies are not a priority and increasingly decline invitations to participate. As PISA became a topic of conversation for the Ministry to try and improve the participation rate during COVID-19, some peak bodies, such as the Secondary Principals Association of New Zealand, sought to add the future of PISA to the agenda for meetings with the Ministry of

[3] In the case of PISA, TIMSS and PIRLS, the data spans 20-30 years which offers valuable insights for understanding shifts in student knowledge and competencies

[4] Johansson, Stefan. *International large-scale assessments: what uses, what consequences?* April 2016.

[5] Thrupp, M. (20 May 2014) The Conversation: When PISA meets politics – a lesson from New Zealand

Education or the Minister of Education. The reasons given for concerns about participating in monitoring studies generally fall into four categories:

a. logistical and workload challenges, including competing priorities and limited physical space in schools for testing to take place

b. concern about the impact participating has on students, i.e., missing out on valued class time[6]

c. reputational harm for teachers and perceived misuse of the results by policy makers

d. unexpected events such as traumatic incidents or severe weather.

21. The problem is caused by distorted incentives. Schools carry the workload of participating in system monitoring studies. This includes administrative and supporting tasks by school staff which can take between 3-10 hours, and time out of class for participating students and some teachers for as little as 2.5 hours and as much as a whole day. However, the main benefits are at the system level and go to the government. This creates a mismatch as schools have other priorities and may not see the value in taking part. This mismatch is amplified by behavioural incentives, as teachers and school leaders are likely to feel the most blame in the media about the declining performance of New Zealand's education system. The nature of these barriers mean that voluntary arrangements are unlikely to be effective, thus government intervention is likely to be required. However, time constraints mean we have been unable to engage with schools to identify what incentives would be most effective and test these.

22. Other countries generally use similar incentives to New Zealand to combat this mismatch and experience varying degrees of success. Other actions that we are aware of, which New Zealand has not yet explored/implemented, includes teacher and principal conferences to talk though results, and mandating participation in the studies. Ireland and Singapore do not mandate but have fostered a culture within their education sectors that highly values system monitoring studies and the insights they provide. Therefore, simply setting expectations about participating is enough to reach minimum participation standards.

There is a disproportionate impact on 'certainty' schools

23. All students have an equal chance of being selected for the sample. As a result, our largest secondary schools are 'certainty' schools that are guaranteed to end up selected in the sample of the study. Sample sizes per cycle and per study vary. For PISA 2025, roughly 95 schools are certainty schools in a sample of 260 schools. For TIMSS Year 9, we have a large school cohort that has a 50% chance of being selected in each cycle's sample. When a large school in the cohort does not get selected, they are almost always allocated as replacement schools which means they will be called on if the originally selected school declines to participate.

24. These secondary schools will be asked to participate in a system monitoring study every cycle or every other cycle, resulting in a greater administrative burden. However, these schools may be better resourced and more capable of managing the demands.

[6] Curriculum Insights, PIRLS and TIMSS Year 5 take approximately 2.5 hours out of a student's day. PISA takes 4 hours, and TIMSS Year 9 is somewhere in between. Depending on the starting time, sometimes schools decide for students to not attend any regular classes that day.

25. Depending on how Tīrewa Mātai sampling is developed, many kura may also become 'certainty' schools for this study.

Equity considerations for Māori medium education, kaupapa Māori education settings, and Māori data sovereignty

26. Currently, kaupapa Māori education settings do not participate in PISA or TIMSS because the assessments are not offered in te reo Māori. Students with less than two years of instruction in the assessment language are excluded from the sample. Kura kaupapa Māori and ngā kura ā iwi and Māori medium education settings do participate in PIRLS, but we do not have disaggregated data on their rates of accepting or declining participation.

27. Although a mandate for all state schools would include kaupapa Māori education settings and Māori medium education, in practice, they would continue to be excluded from the sampling process of system monitoring studies that are not available in te reo Māori.

28. Some kaupapa Māori education settings may consider that the studies do not comply with their philosophy, or have concerns about how their data is collected, stored or used. During recent engagement with a key kaupapa Māori education provider, they noted that changes that create more prescription about the way kura are governed and managed does not support what they are trying to achieve. This would apply to mandating participation in system monitoring studies.

29. Māori data sovereignty refers to the inherent rights and interests of Māori in relation to the collection, ownership, and application of data about Māori people, culture, language, and environments. It asserts that Māori data should be governed by Māori to realise iwi and hapū aspirations.

30. Māori data sovereignty has implications for how participating Māori students' data is collected, stored, interpreted and used. This may include considerations of tikanga Māori, collective privacy and cultural safety. These implications are broader than proposals to mandate participation.

31. In the context of the proposal to mandate participation, Māori data sovereignty has informed our analysis in relation to scope and student participation. It also emphasises the importance of using data in ways that benefit Māori learners and communities and not misusing data in a way that misrepresents or causes harm to Māori during implementation. We note, however, the state has a responsibility to strive for equitable outcomes for Māori students and sufficient achievement data is key to delivering on this responsibility.

Private schools are regulated differently

32. Private schools reflect a diverse range of beliefs, philosophies and educational approaches, although some follow traditional methods of schooling and attract students through high-quality facilities, low teacher-student ratios, and special characters. Some are affiliated to a religion or have a religious tradition. Private schools have an emphasis on private ownership and freedom in how they can operate, this is reflected by a regulatory framework that takes a 'light touch' approach and typically imposes minimal requirements.

33. As system monitoring studies focus on the student, and not the school type, private schools that enrol students within the target age group are eligible for sampling. Proportionally, private schools accept or decline invitations to participate in system monitoring studies at

the same rate as state schools. If private schools choose not to participate in system monitoring studies, state schools become over-represented in our study results.

There are also participation concerns for school leaders, teachers and students

34. Once selected, students and their families, and teachers and school leaders cannot be replaced. To comply with research ethics standards, participants may opt-out of answering specific questions or the studies altogether.

35. Even if we meet the school participation technical requirements, there are additional technical requirements for teacher, school leader, and student participation. We may still be at risk of not meeting these, even if school participation increases. However, we cannot know how far away we are from meeting these technical requirements until school participation rates increase.

36. Current incentives are focused on providing flexibility and offsetting costs to lower barriers for school participation, with food provided for participating students. These incentives have not been analysed for effectiveness at the school or individual level, but it is likely that incentives are misaligned at the student level. For example, student participation in system monitoring studies is intended to be low stakes to reduce the pressure. This means students aren't expected to prepare or study as they would for a typical assessment and the time period is relatively low with testing taking approximately 2.5-4 hours depending on the study. However, this means students may not put forth their best efforts or choose not to participate so they can focus their efforts elsewhere, such as NCEA assessments that offer credits.

37. Students and families are regulated in a different way to teachers and school leaders. For students and families, there are requirements for enrolment and attendance at a registered school between the ages of 6 and 16 (unless an exemption applies). For school leaders and teachers, there is an employment relationship with the Board, and collective agreements negotiated with the Ministry, that can impose job requirements.

What objectives are sought in relation to the policy problem?

38. The objectives sought in relation to the policy problem include that:

    a. technical standards for participation in system monitoring studies are met, so New Zealand continues to be included;

    b. results of participants are truly representative of the targeted population; and

    c. barriers to participation are addressed as far as possible.

39. This means that, in some instances, schools will need to be exempt from participation as it would cause undue hardship (for example, logistical impracticalities or assessments being different to the language of instruction), or an unforeseen event that would impact on students' assessment performance (for example, severe weather or a traumatic incident).

40. When these objectives are achieved, insights from education monitoring studies will help us understand how well students are learning compared to curriculum benchmarks, other countries, and past performance. These studies also reveal what influences student achievement. This information is essential for the government to make informed decisions about policies and investments that improve student outcomes.

41. The policy will be successful if New Zealand's participation meets technical standards. This will be measured by participation rates for system monitoring studies.

What consultation has been undertaken?

42. The Minister has asked the Ministry to undertake rapid, targeted conversations on the proposal to mandate participation in system monitoring studies, and we will be doing this in the coming weeks. While these conversations will not inform this Regulatory Impact Statement, or the Cabinet paper, the Minister can provide an update as part of Cabinet consideration. Feedback will inform the development of the Gazette notice and implementation of the exemption process.

43. There has been discussion with the sector about low PISA participation. In 2022, the New Zealand School Boards Association and the New Zealand Principals' Federation endorsed PISA, however this endorsement was insufficient to raise the participation rate to meet technical requirements. The Secondary Principals' Association of New Zealand voiced concerns regarding the cultural relevance of the PISA assessment, questioning its alignment with New Zealand's educational context, particularly in relation to Māori worldviews and values.

44. We are confident in the methodology, comparability, and relevance of the PISA assessment. Stats NZ has closely scrutinized the methodological rigor underpinning PISA and has classified it as a Tier 1 statistic. PISA frameworks and questions are written by panels of experts world-wide and reviewed by the Ministry to flag non-relevant questions. We also submit test questions and add New Zealand specific survey questions. All questions are field trialled to ensure data is comparable across cultures.

45. Feedback from schools who have chosen not to participate has informed this analysis. For example, some schools have said that they would participate if they were required to, but since it is voluntary, they do not want to add more burden to already stretched teachers and leadership.

46. Some kura may consider that the studies do not comply with their philosophy, or have concerns about how their data is collected, stored or used. During our engagement with a key kaupapa Māori education provider on school planning and reporting changes, they stated that changes that create more prescription about the way kura are governed and managed does not support what they are trying to achieve. This comment is also applicable to mandating participation in system monitoring studies.

Section 2: Assessing options to address the policy problem

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

47. The Ministry has created criteria to assess the options, starting with the policy objectives to make sure the solution meets its goals. These criteria are listed in the table below.

Criterion	Description
Increases participation	The option is anticipated to increase participation in the system monitoring studies.
Minimises regulatory burden	The option applies the least intrusive tool or level of intervention to achieve the desired outcome and minimises cost of compliance for regulated parties.
Stakeholder support	The option is likely to be supported by key stakeholders.

Aligns with wider strategic goals	The option aligns with the Minister's priorities for education, including a relentless focus on lifting student achievement, greater use of data and evidence, and improved literacy and numeracy achievement.
Tiriti o Waitangi	The option gives effect to Te Tiriti o Waitangi / The Treaty of Waitangi (Te Tiriti)[7]
Implementation	The option can be easily and quickly implemented, is sustainable, and reduces the workload for schools in the study and for the Ministry staff who manage and monitor the system.
Cost	The option minimises cost to the Government.

What scope will options be considered within?

48. The Minister of Education commissioned advice on mandating participation in system monitoring studies in time for it to be included within the Education and Training (System Reform Part 1) Amendment Bill.

49. Work on this proposal has raised Māori Data Sovereignty implications. While this has been considered within the scope of the options, broader work on Māori Data Sovereignty may be needed in the future and is outside of the scope of this advice.

Scope of options

50. In response to the Minister's request, the Ministry developed a range of options focused on how a mandate could be progressed. This included different regulatory pathways, non-regulatory approaches such as communications and incentives, and a phased approach that could support a future mandate if progressing through ERB1 was not feasible or desirable.

51. To inform this advice, we conducted a rapid international comparison. While limited by time, the review provided useful insights into how other jurisdictions approach system monitoring. It showed that:

    a. some jurisdictions have mandated participation in system monitoring studies

    b. although the scale and methods vary, New Zealand's use of incentives to encourage participation, is broadly in line with international practice.

52. Despite these findings, we continue to see value in strengthening and expanding our incentive-based approach. However, the evidence suggests that incentives alone may have limited impact.

Timeframe

53. The tight timeframe required to meet ERB1 deadlines significantly limited our ability to analyse longitudinal participation data, conduct a deeper international comparison, develop options, and consult stakeholders.

54. We reviewed recent participation rates in system monitoring studies, noting that COVID-19 had a major impact. While the acute phase has passed, participation rates have not recovered and continue to decline. Due to time constraints, we were unable to analyse pre-

[7] Criterion reflects the Ministry's obligations under section 4(d) of the Education and Training Act 2020.

COVID trends or explore underlying causes, which limits our understanding of the problem and the likely effectiveness of proposed solutions.

55. Although a rapid international scan was completed, we could not undertake a detailed review of other countries' experiences, including the scale of incentives used or how effective different approaches have been. Still, the scan confirmed that our current direction aligns with global trends and helped shape the options provided to the Minister.

56. Finally, the Ministry has not been able to formally consult on the proposal. We have mitigated this by drawing on previous feedback and anecdotal evidence from past engagements with peak bodies, including recent discussions with a key kaupapa Māori education provider. However, this means we have not been able to use stakeholder input to refine the options or confirm support.

Discounted options

57. We discounted four initial options: different regulatory pathways; communications; a phased approach; and stopping participation in system monitoring studies.

Option	Description	Reason for discounting
Different regulatory pathways	Amending existing regulations to mandate participation in system monitoring studies.	Regulations do not offer enough flexibility for ease of amendment if the mandated studies, frequencies, or sampled schools changed. Existing regulations limited the scope of the mandate to State schools. Regulations risked challenge by the Regulations Review Committee for not having sufficient detail.
Communications	Sending a letter from the Minister to school boards to set expectations that selected schools will participate.	Previous efforts to set expectations, including endorsements of PISA from the New Zealand School Boards Association and the New Zealand Principals Federation, have not led to a meaningful increase in participation.
A phased approach	Strengthening and expanding the use of incentives before mandating participation in system monitoring studies.	Although more can be done, it is unlikely incentives alone will be enough to address the problem. Delaying a mandate means we risk failure to meet TIMSS 2027 participation requirements while incentives are tested. Finding an alternative vehicle for mandating later, for example a single issues bill, is likely to be more resource intensive.
Stopping participation in system	New Zealand no longer participates in international	International system monitoring studies provide crucial data for monitoring the performance of

monitoring studies	system monitoring studies.	the education system compared to other countries and over time.

What options are being considered?

58. We have considered four options:

    a. Option one - **keep the status quo:** schools can choose whether to take part in system monitoring studies, except charter schools, which must participate if selected. Current incentives remain in place.

    b. Option two - **strengthen and expand the use of incentives:** better incentives before and/or after the study to encourage participation.

    c. Option three - **make participation mandatory:** schools would be required by law to take part in selected studies, announced by the Minister of Education through a Gazette notice. Schools could apply to the Secretary for Education for an exemption if they meet certain criteria. This option includes variations based on school types and whether teachers or students must participate.

    d. Option four - **Make participation mandatory and strengthen and expand incentives**: combines options two and three to maximise strengths and minimise trade-offs. (Ministry and Minister preferred)

59. The preferred option is to both make participation mandatory and strengthen and expand the use of incentives. The preferred option excludes kaupapa Māori education settings from the scope of the mandate (until such time when it is appropriate to include these schools), includes private schools within the scope of the mandate, and requires teachers and school leaders to participate.

Option One – status quo

60. Schools can choose whether to take part in system monitoring studies, except charter schools, which must participate if selected. Current incentives of flexible testing windows, food for students, and school payments and release time will remain in place

61. Stakeholders are unlikely to react to continuing the status quo. Some stakeholders will continue to question the relevance of system monitoring studies while others will endorse them and participate.

62. Participation is likely to continue to decline over time, increasing the risk that New Zealand is excluded from the studies and losing valuable insight.

Option two: strengthen and expand the use of incentives

63. The Ministry would start a process to strengthen and expand the use of incentives by assessing the effectiveness of current incentives in New Zealand and overseas. We would then use our findings to inform an expansion of incentives before and/or after participation in a system monitoring study.

64. Our primary focus would be on reinvesting what we currently spend into the incentives that provide the best value for money. 9(2)(f)(iv) [redacted]

65. Stakeholders are likely to support the strengthened and expanded use of incentives to support participation. However, the strength of support will depend on how we reinvest the money that currently goes towards incentives, and whether the sector agrees with these decisions. Stakeholders will also support their continued agency in declining participation.

66. Strengthening and expanding the use of incentives may slow the rate of decline and lead to slight increases in participation. However, it is unlikely to address fundamental concerns in a way that quickly and sustainably assures New Zealand's continued inclusion in monitoring studies.

Option three – make participation mandatory

67. Schools would be required by law to take part in specified studies, announced by the Minister of Education through a Gazette notice, if they are selected to participate. This gazette notice could be amended over time, enabling mandates to be targeted to the studies where it is the least intrusive way of achieving the desired participation rates. The Secretary for Education would write to school boards to let them know they had been selected, protecting the privacy of selected schools and their students.

68. Schools could apply to the Secretary for Education for an exemption if:

    a. participation would cause undue hardship on the teachers or students (hardship includes significant logistical impracticalities or assessments not being in the language of instruction);

    b. an unforeseen event such as weather or a traumatic event has occurred; or

    c. any other reason the Secretary finds acceptable.

69. There are variations for how participation could be made mandatory, including which studies are included in the mandate, whether any school types or characters excluded from the scope, and whether teachers, school leaders and/or students must participate.

70. The preferred variation:

    a. includes all school types: State, private and charter within the scope of the mandate to best meet technical standard requirements in a way that is fair and representative of New Zealand's population. This reflects a departure from our typical 'hands-off' approach to private school regulation.

    b. excludes kaupapa Māori education settings as we have not yet engaged with them, and need to do so to understand how the proposed mandate aligns to their philosophy and mana motuhake. This aligns with feedback from a key kaupapa Māori education provider on a separate proposal, where they told us that changes that create more prescription about the way kura are governed and managed does not support what they are trying to achieve. The requirement to participate may be amended to include them after appropriate engagement, and with their support. If kura kaupapa Māori and ngā kura ā iwi are selected for inclusion in the sample for PIRLS, or any other study the future, they may still choose to participate.

    c. requires teachers and school leaders, but not students, to participate in questionnaires attached to some of these studies, to reflect the different ways that these different groups are regulated under the Education and Training Act and support technical participation

standards at the individual level to be achieved. Teachers and school leaders will still be able to opt-out of answering specific questions to uphold research ethics principles.

71. Ākonga Māori | Māori students will have the same choice as other students to opt-out of participating in the survey, or questions within the survey. This goes some way to address Māori data sovereignty concerns.

72. Current incentives of flexible testing windows, food for students, and school payments and release time will remain in place.

73. Stakeholders in the schooling sector are likely to oppose a mandate, as it reflects a decrease in their power to choose, and schools have other competing priorities and interests. While some stakeholders have endorsed PISA in particular, others have concerns about its relevance. The Ministry is confident in the relevance and robustness in the international monitoring studies.

74. Government stakeholders, including Statistics New Zealand and the Treasury, use data from the system monitoring studies and are likely to support action to assure continued participation and the fairness and representativeness of collected data.

Option four: make participation mandatory and strengthen and expand incentives

75. This is the preferred option of both the Minister and Ministry. It strengthens and expands the use of incentives while introducing a mandate for participation in system monitoring studies, excluding kaupapa Māori education settings. Through this approach, the option corrects misaligned incentives and addresses barriers, while recognising that incentives alone will not be enough to address our non-participation issues, and regulation is likely to be needed to meet objectives. It provides a more sustainable and balanced pathway to assure New Zealand's continued inclusion in international monitoring studies.

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

Criteria	Status Quo	Strengthen and expand incentive use	Make Participation mandatory	Make participation mandatory and strengthen and expand incentives (Ministry and Minister preferred)
Increases participation	0	+ May increase participation for schools, teachers and school leaders, and students over time with better-designed incentives.	++ Increase participation of schools quickly and help meet minimum sample size. Benefits increase as the mandate expands across school types, teachers and school leaders	+++ Addresses participation challenges for schools, teachers and leaders, and students. Benefits increase as the mandate expands across school types, teachers and school leaders. Benefits further increase through incentives that target individual participation, particularly for students.
Minimises regulatory burden	0	**0** No additional regulatory burden.	-- Adds more requirements, including costs of compliance for schools, but only for studies where it is the least disruptive way to get results. The cost of compliance is partially offset by existing incentives. Reflects a difference in 'hands-off' regulatory approach for private schools if they are included in the scope.	- Adds more requirements, including costs of compliance for schools, but only for studies where it is the least disruptive way to get results. The cost of compliance is partially offset by existing incentives. Reflects a difference in 'hands-off' regulatory approach for private schools if they are included in the scope.
Stakeholder support	0	+ + School sector stakeholders are likely to support strengthened and expanded incentives. The strength of support will be dependent on the detailed design.	- - Secondary and private school stakeholders are likely to oppose a mandate, especially where certainty schools are overrepresented. In contrast, government agencies and academics tend to support efforts to improve data quality.	0 School sector opposition for making participation mandatory should be cancelled out by strengthened and expanded incentives. Government agencies and academics tend to support efforts to improve data quality and insights.
Aligns with wider strategic goals	0	+ Over time, higher participation leads to better system-performance data, supporting decisions and student achievement. Before that, data may lessen.	+ + Higher participation leads to better system-performance data, supporting decisions and student achievement.	+ + Higher participation leads to better system-performance data, supporting decisions and student achievement.
Tiriti o Waitangi	0	**0** Upholds mana Motuhake | agency and authority by not enforcing participation.	**0** Could uphold mana Motuhake | agency and authority **if** kaupapa Māori education settings are excluded from the mandate.	**0** Could uphold mana Motuhake | agency and authority **if** kaupapa Māori education settings are excluded from the mandate.
Implementation	0	+ Better incentives make it easier for schools to participate and enhance the value of the studies. However, some existing Ministry resource will need to be allocated to strengthening and expanding implementation.	+ Study participation requirements are unchanged. The burden shifts from the Ministry (as less follow up is needed) to the individual schools that are selected (that can no longer opt-out).	++ Study participation requirements are unchanged. The burden shifts from the Ministry (as less follow up is needed) to the individual schools that are selected (that can no longer opt-out). Better incentives make it easier for schools to participate and enhance the value of the studies. However, some existing Ministry resource will need to be allocated to strengthening and expanding implementation.
Cost	0	- Current budget covers participation for the full sample of schools. Intention to use existing resourcing more effectively. However, more funding may be sought in future budgets to enhance and expand incentives.	**0** Current budget covers participation for the full sample of schools. No new costs are required, however less money will be available for reprioritisation as participation increases.	- Current budget covers participation for the full sample of schools. Intention to use existing resourcing more effectively. However, more funding may be sought in future budgets to enhance and expand incentives.
Overall assessment	0	+	+	+++++

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

76. The option that is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits is to progress both options to make participation mandatory and strengthen and expand the use of incentives.

77. The preferred option for making participation mandatory:

    a. includes State, private and charter schools within the scope of the mandate

    b. excludes kaupapa Māori education settings from the scope of the mandate

    c. requires teachers and school leaders to participate

    d. does not require students to participate.

78. The inclusion of private schools makes a trade-off between consistency with the existing regulatory framework for private schools, and the ability of the preferred option to meet the policy objectives and deliver the highest net benefits.

79. The exclusion of kaupapa Māori education settings from the scope of the mandate upholds mana Motuhake and reflects te Tiriti o Waitangi principles of partnership and participation. This is because we have been unable to engage with Te Rūnanga Nui o ngā Kura Kaupapa Māori and Ngā Kura ā Iwi o Aotearoa about whether they support the proposal and how it aligns with their philosophies. After engagement, and with support, future amendments could be made to include kaupapa Māori education settings within the scope of participation requirements.

80. Excluding kaupapa Māori education settings from the requirement to participate will have limited impact in practice as the studies of most concern, PISA and TIMSS, are not offered in te reo Māori. This means that, in practice, students enrolled in kaupapa Māori education settings are excluded from the eligible population before sampling takes place as testing is not available in the language of instruction

81. The exemption process will provide a way for schools who could not reasonably be expected to participate because of logistics, or other matters out of their control, to be excused from participation. This goes some way to addressing barriers experienced by schools, and supporting the sample to be truly fair and representative if a student cannot give their best in testing because of weather, illness or traumatic incident.

82. The preferred option shifts the administrative burden from the Ministry to schools, and the distributional impacts of this intervention mean that ‘certainty’ schools are disproportionately impacted by the mandate.

Costs

83. The potential direct costs of participation and staffing are able to be monetised. The Ministry’s Budget for administering the studies is based on the maximum costs of everyone in the sample participating, therefore mandating will not increase the Ministry cost required. However, as participation increases, the allocated funding will be fully utilised, and the underspends experienced in previous years will disappear. Therefore, there will be less money available for reprioritisation.

84. Schools are likely to face additional costs, and analysis of whether the resourcing provided by the Ministry to support study administration fully or partially offsets these costs has not been undertaken. However, based on the relatively small number of schools in the sample, and the frequency of the studies ranging from one to five years, with a maximum of a few days per year needed for administration, we assume the costs will be relatively low.

85. The preferred option intends to offset the additional burden on schools through the strengthening and expansion of incentives for participation. Strengthening and expanding post-study incentives have the additional benefits of enhancing the insights of the data and analysis from the study that can be used to drive improvements in education system performance.

86. In the first instance, we will focus on increasing the value for money of existing investment by reprioritising it to more effective incentives. 9(2)(f)(iv) [redacted]

87. The opportunity costs for selected schools are much more difficult to monetise. Given time constraints, we have defined the non-monetised costs and conducted scenario analysis of the different options to determine a low / medium / high impact on the non-monetised costs.

88. We have assumed that the non-monetised costs include:

    a. the opportunity cost of time spent administering tests and questionnaires that could otherwise be spent on other tasks (e.g. administration, curriculum lessons).

Benefits

89. Benefits are also difficult to monetise, and we have defined non-monetisable benefits in the same way we defined non-monetisable costs. Insights from education monitoring studies help us understand how well students are learning compared to curriculum benchmarks, other countries, and past performance. These studies also reveal what influences student achievement. This information is essential for the government to make informed decisions about policies and investments that improve student outcomes. Participation in internationally recognised studies, particularly those targeting secondary aged students, will also increase our education export by providing prospective international students with familiar measures.

90. Participating schools can influence government policy through the answers to their questionnaires. They can also use the data and insights in their school reports to make improvements to their teaching and learning programmes through reviewing their school's results, and understand how drivers of achievement linked to their school, such as school culture, are impacting student success.

91. Participating students may also realise low benefits from the opportunity to review their own progress and determine the areas they may want to improve on. Schools and students indirectly benefit from better education system policy and investment decisions.

92. Over time, we assume that benefits will increase relative to costs, as the Ministry and schools participating within the study get better at using the data and insights from the system monitoring study to drive education system performance improvements

93. These benefits are expected to be moderate, and make the following assumptions:

a. improved data quality and representativeness, leading to more accurate policy decisions and informing improvements in teaching and learning programmes for schools and students

b. greater equity in participation

c. enhanced international credibility, as full participation strengthens the country's standing in global education comparisons

d. increased trust in the system, as stakeholders see the government taking evidence-based decisions seriously.

94. This option will not impact on business competition.

Is the Minister's preferred option in the Cabinet paper the same as the agency's preferred option in the RIS?

95. The Minister's preferred option in the Cabinet paper matches the agency's recommendation in the Regulatory Impact Statement (RIS). While mandating participation is a significant step, it's the only way to ensure enough schools take part to meet technical requirements. To reduce the regulatory impact, the mandate will be supported by stronger incentives, allow for exemptions, and apply only to studies where it's the least intrusive way to achieve the needed participation.

What are the marginal costs and benefits of the preferred option in the Cabinet paper?

Affected groups	**Comment** *nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.*	**Impact** *$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.*	**Evidence Certainty** *High, medium, or low, and explain reasoning in comment column.*
Additional costs of the preferred option compared to taking no action			
Schools Boards	Increased regulatory burden from mandate. Disproportionate impact on certainty schools. Departure from hands-off regulatory approach for private schools.	Low	Medium
Students	Ongoing opportunity costs of time spent participating in studies when selected.	Low	Medium
Teachers and School leaders	Ongoing opportunity costs of time spent participating in studies when selected.	Low	Medium

Ministry of Education	Increased workload related to strengthening and expanding incentives. enhanced international credibility, as full participation strengthens the country's standing in global education comparisons. increased trust in the system, as stakeholders see the government taking evidence-based decisions seriously.	Low	Medium
Total monetised costs		Less than $500,000 per study	Medium
Non-monetised costs		Low	Medium
Additional benefits of the preferred option compared to taking no action			
School Boards	Insights from study participation can inform understanding of progress towards board objectives.	Low	Medium
Students	Opportunity to use participation in system monitoring studies as a learning opportunity if selected.	Low	Medium
Teachers and School leaders	Insights from study participation can inform understanding of drivers of student achievement, and strengths and weaknesses of teaching and learning programmes.	Low	Medium
Ministry of Education	Decreased administrative burden of following up to improve participation when implementing monitoring studies. Improved data quality and representativeness, leading to more accurate policy decisions. Enhanced international credibility, as full participation strengthens the country's standing in global education comparisons.	Medium	Medium

	Increased trust in the system, as stakeholders see the government taking evidence-based decisions seriously.		
Wider Government	Improved data quality and representativeness when used cross-government (e.g. Treasury Living Standards Framework).	Medium	Medium
Researchers	Improved data quality and representativeness when used for research purposes.	Medium	Medium
Public	Increased trust in the system, as stakeholders see the government taking evidence-based decisions seriously.	Medium	Medium
Total monetised benefits		Not applicable	Medium
Non-monetised benefits		Medium	Medium

Section 3: Delivering an option

How will the proposal be implemented?

96. The Ministry will be responsible for the ongoing operation and enforcement of the new arrangements. It is currently intended that all monitoring studies will be made compulsory through gazette. An exemptions process will be operated by the Ministry using three proposed criteria:

    a. participation would cause undue hardship on the teachers or students (hardship includes significant logistical impracticalities or assessments not being in the language of instruction);

    b. an unforeseen event such as weather or a traumatic event has occurred; or

    c. any other reason the Secretary finds acceptable.

97. The Ministry intends to mitigate, but cannot eliminate, the risks of limited consultation by consulting on the detail of the gazette notice. This level of detail is not required for the provisions proposed for primary legislation to be able to be implemented effectively.

98. The Ministry believes that staff who are already employed to administer the monitoring surveys will be able to operate the mandate and the exemptions process. Requiring schools to participate in system monitoring surveys when sampled is likely to decrease the administrative burden on the Ministry related to following up and finding replacement schools, even with an additional exemptions process and supporting schools to overcome barriers so they can comply.

99. This means some staff capacity may be able to shift from administration tasks to analysis tasks, improving the insights available from the study for the system and schools. This, in turn, could increase the value proposition of participation without requiring any additional resourcing (option 2: after participation incentives).

100. If a school is not able to participate, the Ministry will meet with them to determine whether appropriate supports can be provided to ensure participation or discuss whether an exemption is warranted. Where a school refuses to participate, the Ministry will work with the school to encourage participation and provide support.

101. Where necessary, existing mechanisms will be used for enforcement and the Ministry will refer enforcement to the appropriate authority. These mechanisms differ by school type:

    a. the Secretary for Education may apply one or more of the interventions set out in the Education and Training Act 2020, section 171.

    b. the Secretary for Education may take action in relation to a private school as set out in Education and Training Act 2020, schedule 7, clause 10.

    c. the Authorisation Board may apply one or more of the interventions set out in the Education and Training Act 2020, section 212ZF if a charter school breaches its contractual requirement to participate in system monitoring studies.

102. The Education (System Reform – Part 1) Amendment Bill (ERB 1) has a proposed legislative priority Category 6 (drafting instructions to be issued by the end of 2025). We expect that ERB 1 will be introduced in late 2025 and enacted in mid-2026. The invitation for TIMSS 2027 will be sent out in quarter four of 2026. This means that we will have around three months to put any required gazette notice and exemptions process in place, including undertaking consultation. We will also implement a communications plan, with bespoke content for kaupapa Māori education settings, Māori medium education, and private schools, aligned to Cabinet decisions.

103. This timeframe is feasible, but creates some risk, and consultation on the gazette notice will need to be kept short (around 4 weeks) so that feedback can be inform advice on final decisions, and these decisions can be appropriately communicated with the sector.

104. Communications can mitigate, but not eliminate, the risk of sector pushback, by focusing on the value of the studies, and seeking feedback on other ways to enhance the value proposition of participation.

How will the proposal be monitored, evaluated, and reviewed?

105. The Ministry will continue to monitor the participation rates for system monitoring studies. We will also track applications for exemption, reasons an exemption is sought, and exemption approval rates.

106. Alongside this, the Ministry will undertake an exercise to assess effectiveness of incentives used here and overseas. This will inform decisions on whether and how funding currently applied to encourage participation could be repurposed to provide better value for money. This assessment would be enhanced by analysis of insights from implementing the exemption process.

107. If schools have concerns about the impacts of the requirement or how the exemptions process is operating, they will be able to make complaints to the Ministry using the Salesforce Complaints Management tool. The new, streamlined system will see complaints entered into the system and routed to the right part of the organisation for response. It will enable us to build a more cohesive picture of the types of complaints we receive, from which we can learn and improve our services. Depending on the significance of the concerns raised, this could prompt a review of implementation processes, and lead to Ministerial advice to remove some or all studies from the gazette notice that will require participation, without requiring the enabling provisions to be removed from legislation.