



Report: Education system reform

To:	Hon Erica Stanford, Minister of Education		
Date:	29/04/2025	Deadline:	5/05/2025
Security Level:	Sensitive	Priority:	Medium
From:	Jennifer Fraser General Manager, Schools Policy	Phone:	9(2)(a)
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Why are we sending this to you?

- We agreed to provide you with a follow-up report to record decisions you made on the content of the Education and Training (System Reform 9(2)(f) Amendment Bill (ERE)) and other bills during a meeting with officials on Wednesday, 16 April 2025.

What action do we need, by when?

- We seek your acknowledgement of the decisions you have made on the content of ERE and other bills.
- Please return the signed paper by Monday, 5 May 2025.

Key facts, issues and questions

- To meet Cabinet's agreed introduction date of 31 October 2025, Parliamentary Counsel Office (PCO) have indicated ERE should not exceed 60 clauses (a small-medium bill), to ensure there is sufficient time for drafting.
- You decided that ERE will include proposals on property, workforce, the Education Review Office (ERO), curriculum, and early childhood education (ECE). We estimate these proposals will require 59 to 80 clauses in ERE, leaving no room for additional amendments.
- 9(2)(f)(iv)

Alignment with Government priorities

1. The education system reform work programme progresses your education priorities, including lifting student achievement, establishing a knowledge-rich curriculum grounded in the science of learning, developing the workforce of the future, and strengthening the accountability of schools.

Background

2. On Wednesday, 16 April 2025, you met with officials to discuss the content of ERE and other bills. We agreed to provide you with a follow-up report recording the decisions you made during this meeting.
3. Cabinet has agreed that ERE will be introduced by 31 October 2025. To meet this 31 October deadline, PCO have indicated that final policy decisions should be sought in June and ERE should not exceed 60 clauses (a small-medium bill), to ensure there is sufficient time for drafting.

Decisions on the content of ERE and other bills

You decided that ERE will include proposals on property, workforce, ERO, curriculum, and ECE

4. During the meeting with officials, you decided that ERE will include the proposals listed below at **Table 1**. Since our discussion, further analysis has identified that there may be additional technical clauses required for the changes discussed to flow effectively throughout the legislation, meaning the proposals in **Table 1** will require 59-80 clauses (depending on precise scope).

Table 1: Content of ERE

Proposal	Notes	Clauses (estimate)
<p>1</p> <p>School property entity Establishing a new Crown agent and transferring some functions and powers from the Ministry to this new entity.</p> <p><i>[Handwritten signature]</i></p>	<p>Progressing this proposal depends on a pre-commitment to Budget 2026 funding.</p> <p>Recent advice provided in METIS 1344427.</p>	20-25
<p>2</p> <p>Curriculum Subject to Minister decisions. May include combining the curriculum statement types, improving health curriculum-related information to parents, requiring regular curriculum reviews, introducing the ability to tailor curriculum expectations for a particular type of school or kura, and improving reporting to parents.</p>	<p>Recent advice provided in METIS 1345871 and further advice will be provided in May.</p> <p>? whats this</p>	5-6
<p>3</p> <p>Workforce initial teacher education Removing Teaching Council functions (in relation to standard setting, teacher education programme approval and monitoring, and education best practice and leadership), amending the Teaching Council's purpose and</p>	<p>Recent advice provided in METIS 1344037 and METIS 12346268, and further advice will be provided on some areas.</p>	14-23

discuss quality assurance function

governance, giving the Secretary of Education and ERO previous Teaching Council functions, and giving new additional powers to ERO.		
<p>④</p> <p>ECE Transferring responsibility for performing core ECE regulatory functions from the Ministry of Education to ERO and establishing a statutory Director of Regulation.</p>	This has been agreed in principle by Cabinet [CAB-25-MIN-0123 refers].	8-11
9(2)(f)(iv)		
Total number of clauses (depending on precise scope)		59-80

We discussed additional items for potential inclusion in ERE

- During the meeting with officials, we discussed the possible inclusion of additional amendments in ERE if space allows (e.g. if the property entity is not progressed through ERB1). We think that the number of clauses required for the amendments in **Table 1** will likely exceed the 60-clause limit for ERE be introduced by 31 October.

Operational triggers for school interventions

- The Ministry is currently making operational changes to when and how it intervenes in schools (i.e. uses the interventions outlined in section 171 of the Act) in response to recommendations or "triggers" made by ERO when reviewing schools. This work is strengthening the Ministry's use of interventions for schools that ERO determines are of concern. 9(2)(f)(iv)

discuss *

9(2)(f)(iv)

Private school registration (2-5 clauses)

- If we know that the school property entity will not be included in ERE by 9 May, there may be sufficient time, resource, and "clause space" to allow us to consider the transfer of private school regulatory functions to ERO. Currently the Secretary must register a private school that meets the criteria set out in the Act, subject to a review by the Chief Review Officer in ERO. These functions (including the monitoring of associated 'fit and proper person' tests and interventions for breaches of registration criteria) could be shifted to a Director of Regulation in ERO. The Associate Minister of Education currently holds the delegation for private school matters. If we know there is clause-space available in ERE by 9 May, we will prepare advice for you and the Associate Minister of Education on the potential to shift private school functions to ERO.

School hostels (2-5 clauses)

- Initial scoping has identified that it would be better to strengthen the Education (Hostels) Regulations 2005 before seeking any changes to roles and responsibilities, to ensure that the responsibilities that ERO would be assuming are well-designed and fit for purpose. To progress this work in time for ERE would require us to divert resource from other elements identified in **Table 1**. Given the early stage of our analysis, there is a risk that the work would

✓ ✓ Yes

be more complex and need more clauses than we initially thought. 9(2)(f)(iv) [redacted]

Charter schools (10 – 30 clauses)

9. For charter school proposals (10-30 clauses), you have received separate advice [METIS 1344777 refers] that Ministers may wish to discuss, including timing. As ERE [redacted] is now on a shorter timeframe and is restricted in the number of clauses, this may impact the planned timing for drafting and introduction. 9(2)(f)(iv) [redacted]

9(2)(f)(iv) [redacted] ✓

10. 9(2)(f)(iv) [redacted] ✓

11. 9(2)(f)(iv) [redacted] ✓

9(2)(f)(iv) [redacted]

12. 9(2)(f)(iv) [redacted]

13. 9(2)(f)(iv) [redacted]

9(2)(f)(iv) [redacted] ✓

9(2)(f)(iv) [redacted]

9(2)(f)(iv) [redacted] 9(2)(f)(iv) [redacted] ✓

Health of the system

14. You have received advice on possible legislative amendments to the Education and Training Act 2020 9(2)(f)(iv) [redacted]. This advice was provided before we understood the pressure on the number of clauses in ERE [redacted] and Cabinet's decision to introduce the bill by 31 October. We are aware of other legislative changes that you might want to progress to support the Government's broader policy work programme 9(2)(f)(iv) [redacted]. There also are other changes that could be prudent to progress at the next available opportunity to maintain the health of the education system.

15. We understand that ERE [redacted] is central to your vision for the education system and that it has a very limited number of available clauses. Therefore, we are not assuming that you will choose to include other components. However, we will need to provide you with advice on these components from time to time so that we continue to meet our "no surprises" responsibilities. We will likely seek your agreement to include some of these components in the next appropriate vehicle (rather than next available vehicle), which could be ERE [redacted] or 9(2)(f)(iv) [redacted].

Next steps

16. You will receive a series of reports within the next six weeks to progress ERB9. These are set out in the table below:

What advice you will receive	When
Workforce: Occupational regulation of teachers – advice on functions and role of the Teaching Council [METIS 1346036] ✓	Received 11 April – discussed but awaiting decisions and signed paper
Curriculum: Approach to legislating for curriculum, assessment and reporting to parents [METIS 1345871] ✓	Received 15 April – awaiting decisions and signed paper
Workforce: Workforce regulation: Quality assurance of Teacher Education [METIS 1346268]	Received 16 April – awaiting decisions and signed paper
School property entity: Draft Cabinet paper and additional policy decisions to establish a Crown entity ✓	7 May 2025
Workforce: Teaching Council Governance ✓	7 May 2025
Workforce: Standard setting framework ✓	7 May 2025
9(2)(f)(iv)	
Curriculum: Regulating for curriculum, assessment, and reporting to parents	12 May 2025
9(2)(f)(iv)	
School Property Entity: Final Cabinet paper ✓	21 May 2025
ERB : Draft Cabinet paper seeking agreement to policy changes (other than property)	28 May 2025 (TBC)

9(2)(f)(iv)

To discuss further
in our next
meeting

Recommended Actions

The Ministry of Education recommends you:

a. **note** that you decided the Education and Training (System Reform 9(2)(f) Amendment Bill will include the proposals listed at **Table 1** and officials are working at pace to enable final policy decisions to be made by Cabinet on these proposals before the end of June 2025.

Noted

b. **note** that, since you met with officials, we understand that 60 clauses is likely to be the minimum number of clauses required for the proposals listed at **Table 1**, and leaves no room for additional amendments if ERE is to be introduced by 31 October.

Noted

c. 9(2)(f) (iv) [Redacted]

Yes / No

d. 9(2)(f)(iv) [Redacted]

Noted

Proactive Release:

e. **agree** that the Ministry of Education release this paper 9(2)(f)(iv) [Redacted] with any information needing to be withheld done so in line with the provisions of the Official Information Act 1982.

Agree / Disagree

Jasor

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Te Pou Kaupapahere

29/04/2025

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Hon Erica Stanford
Minister of Education

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