

Regulatory Impact Statement: Strengthening oversight of home education

Decision sought	<i>Cabinet policy decisions on changing the requirements to maintain long-term exemptions from enrolment to strengthen oversight of home education.</i>
Agency responsible	<i>Ministry of Education</i>
Proposing Ministers	<i>Hon Erica Stanford, Minister of Education</i>
Date finalised	<i>23 March 2026</i>
<p>The Minister of Education (the Minister) proposes options for strengthening the oversight of home education. The preferred proposal is to amend the Education and Training Act 2020 (the Act) to require those seeking to home educate to meet specific requirements prescribed in regulations to maintain an exemption from enrolment at a registered school. The regulations are yet to be determined but may include requirements such as submitting updated information to the Ministry of Education (the Ministry) or providing progress and achievement data for home educated learners. In addition to this, the Education Review Office (ERO) would increase the number of home education reviews conducted each year.</p>	

Summary: Problem definition and options

What is the policy problem?

Under section 38 of the Education and Training Act 2020 New Zealand children can only be home educated if they are taught as regularly and as well as they would be in a registered school. Our monitoring system does not allow us to know if this is happening or not.

There is a lack of monitoring and oversight of home education. At the same time, numbers of students learning through home education is increasing. We do not have adequate tools to know if the increasing number of home educated learners are receiving a quality education, which then means we cannot take action if they are not.

A Ministry internal audit of home education found that the education system has no visibility of whether:

- children in home education are being taught at least as well as and as regularly as in a registered school on an ongoing basis (as required by the Act),
- home educated children are progressing against the plan set out by their parent(s) or legal guardians in their application for exemption,
- the year-on-year learning plans are responsive to children's developing educational needs.

ERO has raised similar concerns. It noted that granting exemptions with no follow up creates an issue where there is no visibility of how the curriculum and programming of work is changing to match the educational needs of learners through the years. In recent reviews of home education arrangements, ERO has found significant concerns, including:

- little evidence of consistent daily engagement or planned sequencing of learning over time
- insufficient curriculum breadth and depth, with no or minimal provision in some key areas
- insufficient assessment and no way to evidence progress, with particular concern about writing and literacy
- learning environments that are not fit for purpose
- safety and wellbeing risks

Applications for exemptions are assessed only once when the parent first decides to home educate their child. This could occur when the child is as young as five years of age. What “as regularly and as well as a registered school” looks like for a new entrant is very different to what that should look like for a student when they move into intermediate or secondary schooling levels. There is no requirement for this to be reassessed at any point. This means that some home educated children may not be receiving a quality education.

Non-regulatory options have been explored. These are unlikely to address the issue on their own. These are discussed further below.

What is the policy objective?

The objective of this proposal is for the Ministry to have greater assurance that home educated learners are receiving a quality education in a learning environment that is positive for their wellbeing. The Ministry would also be more able to take steps to address where this is not happening.

Success will be measured through these outcomes:

- In the short term, we would expect to see increased identification of poor-quality education in home education, and enhanced transparency and accountability.
- Medium term we will see an increased understanding of home education requirements, including where learners are receiving an education appropriate to their curriculum level.
- Long term we will see increased quality of home education, improved outcomes for learners in these settings, fewer issues identified in home education, and where concerns are identified, quicker action to address these concerns.

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

Four options have been considered, including:

- Option one – keep the status quo with operational changes within the Ministry: parents apply once, and their exemption certificate lasts until the student reaches 16 years of age or enrolls at a registered school.
- Option two – increase the number of ERO reviews of home education.

- Option three – require those seeking to home educate to meet specific requirements prescribed in regulations to maintain an exemption from enrolment at a registered school.
- Option four – require those seeking to home educate to meet specific requirements prescribed in regulations to maintain an exemption from enrolment at a registered school, and increase the number of targeted ERO reviews of home education.

Options one and two above are non-regulatory options considered as part of our analysis. Neither of these approaches fully addresses the issue of a lack of oversight of home educated learners throughout their learning pathway.

What consultation has been undertaken?

Due to time constraints, no consultation on this specific proposal has occurred with home educators, or their representative associations. This proposal is a priority for the Minister, and she indicated that she would like it to be implemented as soon as possible.

We were able to draw on feedback from the public and past engagements in the development of this proposal. We have received several letters of concern from the public in relation to home education. Many of their concerns around oversight and the education of specific children could be addressed through this proposal. Previous consultation with home education associations has shown a preference for less regulation. The National Council of Home Educators' position is that all families have the right to opt out of mainstream education for their child and that they should be assisted to do so. It is likely that some groups in the home education sector would not want this proposal to go ahead.

We recognise that consultation with key groups is missing. We have tried to mitigate this by obtaining as much insight as possible from other sources, including ERO and our regional staff who work closely with home educated families. We have also considered the findings from the Ministry's internal audit of home education, which was conducted in 2024.

ERO support the proposal. ERO reviews home education arrangements when concerns are raised. They have noted an increase in issues in recent reviews and have advocated for increased oversight of home education.

We tested the proposal with regional staff who grant the exemptions. They were in favour of increased ERO reviews but had concerns about the reliability of material provided by home educators. We have mitigated this concern by recommending an option that provides targeted ERO reviews alongside increased regulatory requirements.

Evidence of the issue has been obtained through an internal audit. The audit recommended that educational progress for home educated learners be monitored by the Ministry.

The Ministry intends to consult with the home education sector on the development of the regulations. This will include home educators, home education associations, and educators such as principals and teachers.

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

The preferred option in the RIS is option four – require those seeking to home educate to meet specific requirements prescribed in regulations, to maintain an exemption from enrolment at a registered school and increase the number of targeted ERO reviews of home education.

The Cabinet paper only seeks decisions on the specific regulatory requirements. The Minister has indicated a preference for increased ERO reviews; however, this decision would be sought through Budget processes and does not require regulatory change.

Summary: Minister's preferred option in the Cabinet paper

Costs (Core information)

The requirements in the regulations are yet to be established, which means the total cost cannot be quantified yet. The regulations could include reporting, assessment and other administration requirements. The regulations will also set out the regularity of these requirements. These changes would likely have staffing, operational, and IT system costs. Funding for these costs may need to be sought through budget processes.

There will be an administrative cost placed on home educating families to complete any specific regulatory requirements more regularly. The cost of this is unable to be quantified.

Benefits (Core information)

The quality of home education will improve, resulting in better outcomes for home educated learners. Either requirements will be met and home educated learners are taught as regularly and as well as they would be in a registered school, or the exemption will not be maintained, and parents must then enrol their child in a registered school.

Setting specific regulatory requirements would enable the Ministry to collect better information about home education, resulting in a better understanding of its quality, and greater assurance about the educational progress and achievement of home educated learners.

The legislated requirement for more regular reviewing (enabled through regulations) would allow for ERO reviews to be more targeted towards home education arrangements where there are concerns, leading to more efficient use of resources.

Balance of benefits and costs (Core information)

The gains in the quality of education that we would expect to achieve through these changes for home educators will result in better outcomes for home educated learners. These benefits are expected to outweigh any costs in the short term.

In the longer-term, if home educators have a greater understanding of their requirements and are demonstrating this well within Ministry reviews, fewer ERO reviews may be required in the future.

Implementation

The Ministry and ERO will manage and coordinate implementation, monitoring and enforcement.

Once the new legislation is implemented, the Ministry will begin to develop the regulations. The Ministry intends to consult with the home education sector. An implementation plan and

detailed costings will be developed prior to 1 July 2027 when the proposed changes commence.

Additional staff are likely needed to respond to the increased requirements, which could include reviewing reports or assessments. Additional staff may also be needed to support implementation. The cost of this will be considered as the regulations are developed.

To support effective implementation of this proposal, commencement will be delayed until 1 July 2027. This delay will provide sufficient time for the regulations to be drafted, for home educators to prepare for the new requirements, and for the Ministry to establish processes and systems to manage the increase in reporting information.

If agreed through Budget processes, this would be implemented alongside an increase in the number of ERO reviews of home education.

As part of implementation planning we are also considering:

- what additional guidance, if any, will be required for home educators to support compliance with the new requirements.
- the appropriate skills required within the Ministry to assess updated education plans (should these be required)
- what an appropriate response to unsatisfactory reviews would be, for example, if the exemption would be revoked or an improvement plan would be put in place
- the process for working with ERO to determine which home educators to review.

Implementation risks and mitigations include:

- Home education sector pushback: we have not engaged with the sector on this change. Families will be required to submit additional information, which will create some administrative work. Home educating families also tend to prefer less regulation. We can mitigate this to an extent through engagement as we develop the regulations.
- Resource constraints: staff who process home education applications have an increasing workload (due to increased applications) that is already challenging to manage. They will not have capacity to review additional material. More staff will be needed to address these constraints.

Limitations and Constraints on Analysis

Limitations and constraints on our analysis include:

- a lack of data about home educators and the quality of the education being provided to home education learners. This constraint is also a key driver of the problem and subsequent change being proposed.
- 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, and evidence from ERO, an internal audit, and approaches taken by other jurisdictions. We have not been able to use stakeholder input to refine the options or confirm support.
- The Ministry is unable to provide costing estimates until the regulations are developed.

- The Ministry is unable to develop an implementation process until the regulations are decided upon. Implementation will be considered as the regulations are developed.

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: _____

Kate Raggett

Senior Policy Manager Learning Support

23 March 2026

Quality Assurance Statement

Reviewing Agency: Ministry of Education

QA rating: Partially meets

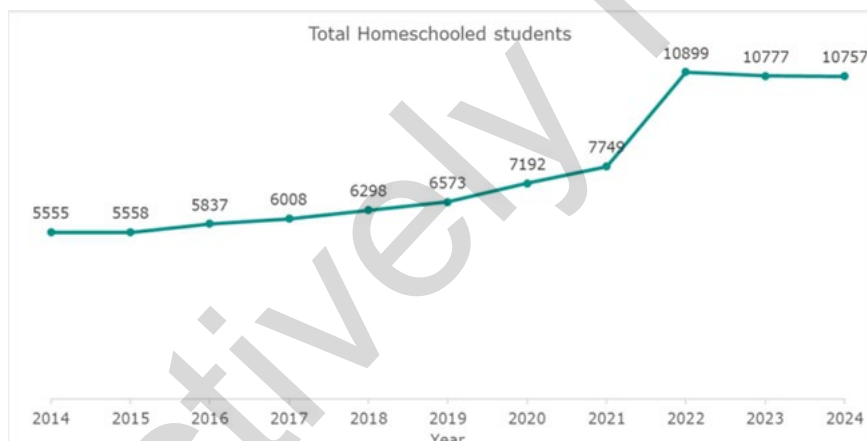
Panel Comment:

The Ministry of Education's Quality Assurance Panel has reviewed the Regulatory Impact Statement *Strengthening Oversight of Home Education* produced by the Ministry of Education (dated 23 March 2026). The panel considers that it *partially meets* the Quality Assurance criteria. This assessment reflects the constrained timeframe and inability to consult stakeholders. Despite this, the analysis effectively informs decisions on the proposed improvements to oversight of home education and clearly identifies the risks and benefits of the preferred option.

Section 1: Diagnosing the policy problem

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

1. Home education, also known as homeschooling, allows families to educate their child outside of a registered school.
2. As of 1 July 2025, there were 11,010 home educated students. These students belong to 6,518 families and represent 1.3% of total school enrolments.
3. Out of the 11,010 home educated students, 61.7% were aged 12 or under, 75.1% had been home educated for less than 5 years, and only 3.7% had been home educated for 10 years or more.
4. European/Pākehā students are more likely to be home educated than any other ethnic group making up 71.1% of all home educated students, compared to 40.3% of the total school population (this is based on prioritised ethnicity statistics). Only 16% of home educated students identify as Māori compared to 24.6% of the total school population, 3.5% of home educated students identify as Pacific compared to 10% of the total school population, and 3.3% of home educated students identify as Asian compared to 20.1% of the total school population.
5. The number of home educated students has doubled since 2015. This increase began prior to the Covid-19 pandemic and has accelerated since then.



6. Concerns have been raised through a Ministry of Education (the Ministry) internal audit and by the Education Review Office (ERO) about the systems and processes for monitoring the quality of home education.
7. This proposal does not affect learners who are enrolled with Te Kura and learn remotely. Te Kura is a registered school, and these learners are not part of the home education population.

Process for granting exemptions

8. To home educate, a Ministry employee (a designated officer) must exempt a student from being enrolled in a registered school under section 38 of the Education and Training Act 2020 (the Act).
9. The designated officer must be satisfied that the student:
 - is to be taught at least as regularly and as well as in a registered school; or

- is to be taught at least as regularly and as well as in a specialist school or a special service (if the student would otherwise be likely to need special education).
10. Applications for exemptions, along with supporting information, are received and assessed by Education Advisors in the regional offices.
 11. When granted, the exemption expires when the student turns 16, when they are no longer legally required to be enrolled in a registered school. There are no automatic reviews or reapplication requirements. This regulatory framework does not enable the Ministry to appropriately monitor and assure that home education meets legal requirements after an exemption is granted.

Home education arrangements are only reviewed when concerns arise

12. The Ministry has the power to review home education provision. Prior to 2009, ERO was funded to conduct regular reviews of home education arrangements. This funding was removed due to financial pressures following the 2008 economic downturn. \$1.25 million per year was saved. At the time, Ministers noted reviews of home education were expensive and chose to reduce ERO's budget and limit home education reviews solely to those where concerns are raised. It was assumed that there would be enough complaints to target reviews to those households where there were problems, so the number of total home education reviews would be consistent with the number of home education reviews that found problems.
13. ERO reviews only a very small proportion of home education arrangements, with about 10 reviews undertaken per year. When reviews do occur, they are often not triggered by concerns about educational quality, but by parental conflict or suspected wellbeing concerns. This means that the quality of the education most home educated children receive is going unchecked. ERO states that each review requires resource and essentially equates to one less school review. This resourcing issue could be exacerbated if the home education population continues to increase.
14. As part of the review process, ERO look at the quality of the students' educational programme, and how effectively it promotes the child's learning, engagement, progress, and achievement. ERO will report to the Ministry on whether the home education programme is meeting the exemption standard. The Ministry can revoke a certificate of exemption if not satisfied the exemption standard continues to be met. ERO usually finds that families are satisfactorily meeting the exemption threshold under Section 38. However, recent cases reported in the media have exposed gaps related to the oversight of wellbeing and educational standards of homeschooled children.
15. In assessing the suitability of the home education arrangement, ERO will consider any indications that the child's emotional, psychological, or physical safety may be at risk, which could call into question the adequacy of the home education environment. If they find an issue it will be reported to Oranga Tamariki.

We are making operational changes to improve the status quo

16. The status quo involves parents applying once, and the exemption certificate lasts until the student reaches 16 years of age. The parent or legal guardian continues to be responsible for monitoring their child's education. The Ministry is making operational changes to home education, which could improve practice:
 - *updating the home education application form.* The changes will strengthen the information the Ministry receives about the applicant and the proposed home education programme. The changes are aimed at providing greater assurance around the assessment of an application against the long-term exemption standard, to the

extent that is possible within the constraints of the legislation. We expect the application form changes will be completed by the end of June 2026.

- *consideration of centralising the process of assessing home education applications and granting exemption certificates.* This would mean applications will be approved from National office, rather than regional offices. The internal audit found that “as regularly and as well as” was interpreted inconsistently across regions. Centralising this process would help address this issue.

17. Although these changes may improve our operational processes, they will not address the issue of lack of monitoring and oversight.

What is the policy problem or opportunity?

There is a lack of monitoring and oversight of home education

18. New Zealand children can only be home educated if they are taught as regularly and as well as they would be in a registered school. Our monitoring system does not allow us to know if this is happening or not.
19. We do not know if home educated learners receive a quality education. In 2024, the Ministry conducted an internal audit of home education. The audit found that the education system has no visibility of whether:
- children in home education are being taught at least as well as and as regularly as in a registered school on an ongoing basis (as required by the legislation),
 - home educated children are progressing against the plan set out by their parent(s) or legal guardians in their application for exemption,
 - the year-on-year learning plans are responsive to their developing educational needs.
20. ERO has raised similar concerns. It reported an increase in issues being identified in recent reviews. It noted that granting of exemptions with no follow up creates an issue where there is no visibility of how the curriculum and programming of work is changing to match the educational needs of the learner through the years.
21. This means that home educated children may be missing out on a quality education. This raises a concern for the Ministry whose key role in the education system is to ensure all learners have access to a quality education.

A lack of information limits any assurance the Ministry could have about the quality of education provided by home educators

22. Applications for exemptions are assessed only once when the parent first decides to home educate their child. This could occur when the child is as young as five years of age. What “as regularly and as well as a registered school” looks like for a new entrant is very different to what that should look like for a student when they move into intermediate or secondary schooling levels. There is no requirement for this to be reassessed at any point.
23. Home educators are also not required to provide progress or achievement data to the Ministry. Once learners are granted an exemption, no further data about them is collect, so the Ministry does not have any assurances about the quality of their education or outcomes.
24. Limited information is collected from a small number of ERO reviews completed each year. These reviews only occur when requested by the Ministry. In 2025, ERO completed 10 reviews, only 0.15% of the 6,703 home educating families.

People who choose to home educate prefer less regulation, but there are competing rights

25. Previous engagements with home education associations have shown a preference for less regulation. The National Council of Home Educators' position is that all families have the right to opt out of mainstream education for their child and that they should be assisted to do so.
26. International human rights law does not recognise a standalone right to home education.¹ Article 26(3) of the Universal Declaration of Human Rights and Article 13(3) of the International Covenant on Economic Social and Cultural Rights do protect parental right to choose the kind of education children receive, subject to compulsory education requirements and minimum standards set by the State.
27. Accordingly, regulatory oversight of home education is consistent with New Zealand's international obligations, provided it is proportionate and directed at safeguarding educational quality and outcomes. Many other countries have regulatory oversight of home education. Germany, for example, has a ban on home education unless the parent is a qualified teacher.

Concerns have been raised by the public and by Members of Parliament

28. The Ministry has received several letters of concern about home education from parents and the education sector. Concerns include the increase in home educated learners, children they know who are behind in their learning, lack of monitoring and accountability, qualifications and outcomes.
29. Members of Parliament have regularly indicated concerns through written parliamentary questions (WPQs). These are largely focused child safety and wellbeing. One WPQ stated that in 2024 516 home educating families (relating to 718 children) were unable to be contacted.

Home education is unlikely to be a significant Treaty / Te Tiriti issue

30. Home education is an option available to all families and is not in itself, a significant Treaty of Waitangi / Te Tiriti o Waitangi issue. As at July 2025, 16% of home educated students identify as Māori compared to 24.6% of the total school population. Increases in Māori choosing to home educate reflect the overall growth in home education rather than a distinct impact on Māori.
31. This proposal does not affect Māori whānau aspirations of rangatiratanga, including through any choice to home educate. This choice may be made to support te reo Māori and tikanga Māori where access to kura Māori or bilingual and immersion pathways are limited. It is intended to improve assurance that all learners receive education that meets statutory requirements, supporting the Crown's obligation to protect Māori interests and address risks of inequitable educational outcomes.
32. We intend to undertake public consultation on the development of regulations, including with Māori. Treaty considerations will inform advice on specific regulatory requirements.

What objectives are sought in relation to the policy problem?

33. The following objectives are being sought:

¹Cerqueira, C., & Bianchi, S. (2025, September 25). *Homeschooling through a human rights lens*. UNESCO. <https://www.unesco.org/en/articles/homeschooling-through-human-rights-lens>

- a) make sure learners who are being home educated are being taught as regularly and as well as in a registered school, on an ongoing basis; and
- b) improve oversight of home education, so that the Ministry has visibility of education quality and learner outcomes.

What consultation has been undertaken?

- 34. No consultation has been completed because this proposal is a priority for the Education and Training (System Reform) Amendment Bill (ERB). Proposals must be finalised by May 2026 for inclusion as an Amendment paper for that bill, which means policy decisions are required by April 2026.
- 35. The options analysis does draw on feedback from past engagements with home education associations, which showed a preference for less regulation. It is likely that some groups in the home education sector would not want this proposal to go ahead.
- 36. We have received many letters of concern about monitoring and accountability for home educators. Many of these concerns would be addressed through this proposal.
- 37. The options analysis also draws on evidence from ERO reviews and the knowledge and understanding of home education from the Ministry's regional staff who work closely with home educating families. We have also considered the findings from the Ministry's internal audit of home education, which was conducted in 2024.
- 38. The Ministry intends to consult with the home education sector on the development of the regulations.

Section 2: Assessing options to address the policy problem

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

- 39. The options have been assessed against the following criteria:

Criterion	Description
Quality of education for home educated learners	<i>Considers the extent to which the option enables the quality of education to be assessed</i>
Safeguarding child welfare	<i>Considers the extent to which the option provides visibility of child wellbeing</i>
Ease of implementation	<i>Assesses how easily an option can be implemented, including consideration of the time needed to implement</i>
Cost	<i>Considers the impact of the cost of the option to the Government.</i>

What scope will options be considered within?

- 40. We considered a range of options, including regulatory and non-regulatory options. Non regulatory options are considered in the analysis below (option one and option two).
- 41. We considered amending the Education and Training Act 2020 to include specific requirements (for example requiring home educators to: register with a home education association, undertake standardised testing, or undertake exemption reviews). We discounted this option as regulations are better suited to the detailed requirements needed and can be updated more easily over time.

42. We compared the approaches being considered with other countries that allow exemptions for home education. The options considered here align with approaches taken in other countries. Many other countries that have home education require some form of assurance and accountability requirement. Some of these measures include:
- submitting home education plans (required in some Australian and American states)
 - 10% of home educating families being reviewed each year (required in Victoria, Australia)
 - Annual reporting on education progress (required in Queensland, Australia)
 - A qualified teacher must supervise / monitor progress (required in Finland and some American states)
 - Mandatory annual exams (required in Finland).

What options are being considered?

Option One – Status Quo

43. This option would keep the status quo: a single application is required, and the exemption certificate lasts until the student reaches 16 years of age. The parent or legal guardian continues to be responsible for monitoring their child's education.
44. This option also includes operational changes which could improve practice:
- a) *Updating the home education application form* to strengthen the information the Ministry receives about the applicant and the proposed home education programme.
 - b) *Centralising decisions on home education applications* to improve consistency interpreting 'as regularly and as well as a registered school'.

Option Two – increase the number of ERO reviews of home education

45. Under this option, ERO would increase the number of reviews to up to 200 children's home education arrangements each year. This will increase the oversight of home education to improve educational quality and achievement. Reviews would be proactive, rather than just reactive.
46. This option requires additional funding but does not require regulatory change.

Option Three – require those seeking to home educate to meet specific requirements prescribed in regulations to maintain an exemption from enrolment at a registered school

47. Under this option, to maintain exemptions to home educate, parents and/or legal guardians are required to adhere to specific requirements outlined in regulations. The regulations may specify:
- a. The regularity of required reporting, for example, additional reporting could be required at key transition points, for example, when students turn a certain age such as 8 years old, 11 years old, and 14 years old, or when students enter a certain year level such as in Year 4, Year 7, and Year 10.
 - b. reporting requirements, for example, requiring updated education plans would allow frequent assessment of education quality and provide greater assurance that the student is being taught at the appropriate level.
 - c. assessment requirements, for example, reporting on their achievement would also allow the Ministry to review how they are progressing against their educational goals.

48. This option would require legislative change.

Option Four – a combination of options two (ERO reviews) and three (specific requirements prescribed in regulations)

49. This option is a combination of options two and three, with a slight difference to how ERO reviews would happen. As in option three, the Ministry would require those seeking to home educate to meet specific requirements prescribed in regulations to maintain an exemption from enrolment at a registered school and ERO would increase the number of targeted reviews of home education. With the additional information available from the specific requirements, ERO could take a risk-based approach to reviewing, rather than the sample-based approach under option two. ERO would target reviews towards families where there are concerns based on the information supplied to the Ministry.

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

50. Each option has been assessed against the criteria set out in the table below. Oversight of education quality has been weighted at 50%, reflecting its status as the primary objective and the core driver of the policy intent. Safeguarding and child welfare has been weighted at 25%; while not the main intent of this policy, it remains a significant consideration. Cost has been weighted at 15%, as fiscal constraints make this the next most important factor. Ease of implementation accounts for the remaining weighting. Overall, Option 4 received the highest score (1.00), followed by Option 2 (0.50).

	Option one: Status quo	Option two: ERO reviews	Option three: requirements in regulations	Option four: requirements in regulations and ERO reviews	
Improves oversight of education quality 50%	0	1 ERO reviews will provide more oversight of the student's educational programme and progress. Reviews are limited and not all families will be assessed.	1 This option would allow the Ministry to assess the suitability of the child's education programme at multiple points in their education journey.	2 This option would allow the Ministry to assess the suitability of the child's education programme at multiple points in their education journey, and targeted ERO reviews would provide additional insight.	
Safeguarding and child welfare 25%	0	1 ERO conduct reviews which will consider any indications that the child's emotional, psychological, or physical safety may be at risk. Reviews are sample based (random), and not all families will be assessed.	0 This option does not provide increased visibility of the learning environment. It is based on trust that what the family is reporting is correct.	2 ERO will target reviews towards home education programmes that the Ministry may have concerns about, based on the information received from the additional regulatory requirements. ERO will consider any indications that the child's emotional, psychological, or physical safety may be at risk.	
Ease of implementation 10%	0	- 1 This option does not require regulatory change, and it has been done successfully before. It will require additional resource. Some families may view ERO visits as a negative and want to limit their interaction.	- 2 This option involves regulatory change. This option would likely result in an increased workload for Ministry staff and additional resource would be needed.	- 2 This option involves regulatory change. More ERO and Ministry staff would be required. Some families may view ERO visits as a negative and want to limit their interaction.	
Cost 15%	0	- 1 9(2)(f)(iv)	- 1 Additional funding may be needed for more staff to review education plans, achievement reports, or assessments. The cost will be quantified when the regulations are finalised.	- 2 Depending on the regulations, additional funding may be needed for more staff to review education plans, achievement reports, or assessments. The cost will be quantified when the regulations are finalised. 9(2)(f)(iv) . Targeted ERO reviews would create some efficiencies around our investment (rather than reviews being random)	
Overall assessment	0	0.50	0.15	1.00	
Key					
2 much better than the status quo		1 better than the status quo	0 about the same as the status quo	- 1 worse than the status quo	- 2 much worse than the status quo

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

51. Option four would deliver the most benefits and is the best option for addressing the problem and meeting the policy objectives. Regulations would enable the Ministry to have a high level of oversight of home education quality – this could be through reporting or assessments. This information can be used to target ERO reviews towards families whose home education programmes may be unsuitable. Over time, this will provide the Ministry with greater assurances about the quality of education and achievement for home educated learners.
52. This option would:
- enable the Ministry to have regular contact with families,
 - provide a significant lift in oversight of home educated learners,
 - enable ERO to conduct targeted risk-based reviews,
 - in the short term, result in increased identification of poor-quality education in home education, and enhanced transparency and accountability, and
 - in the long term, result in fewer issues identified in home education, and where concerns are identified, quicker action to address these concerns.
53. This option will add an administrative burden on home educating families that is unlikely to be well received. Home educators have chosen to operate outside the education system and often prefer to limit their engagement with the Ministry. We consider that home educators should be providing an education that is appropriate to the age and developmental stage of their learners under the current legislative requirements, so the additional requirement to report on this should not have any major impacts on families. Any additional administrative burden on home educating families is outweighed by the benefits of ensuring a quality education for home educated learners.

Other options would not provide enough oversight

54. The operational changes being proposed through option one have the benefit of improving internal processes and practice, and bringing more consistency to how the current requirements are interpreted and assessed. This option is constrained by limited information and the single point in time that information is provided. Option one is unlikely to make a significant difference to strengthening the oversight of home education.
55. Option two has the benefit of conducting up to 200 ERO reviews each year. While the information collected from these reviews would contribute to improving our understanding of the quality of education being provided by home educators, it is only 2% of the home education population. The volume of reviews would be unlikely to provide enough coverage to provide assurance that home educated learners are receiving a quality education. Because information about the arrangements would be lacking, ERO would take a sample-based approach, as there would be no way to identify risk other than reacting to issues raised.
56. Option three has the benefit of requiring home educators to adhere to specific requirements in regulations, which could involve providing updated information about their education plans and the progress and achievement of their learners. This means the Ministry will have more assurance that home educated learners are receiving an education appropriate to their age and developmental stage, and are progressing in their

educational achievement. The risk of this approach is that limited resourcing for in-person checks (around 10 per year) would remain. Paperwork supplied by home educating families is not always deemed as reliable due to AI use and assistance from external parties. In-person checks can provide more clarity on the suitability of home education arrangements.

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

- 57. The Ministry supports the preferred option in the Cabinet paper to strengthen the oversight of home education by amending section 38 of the Act to require applicants to meet specific requirements prescribed in regulations to maintain an exemption from enrolment at a school.
- 58. The Minister has indicated she would like to increase the number of ERO reviews of home education. This is a non-regulatory change and would need to be progressed through Budget processes.

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

Affected groups <i>(identify)</i>	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option compared to taking no action			
Home Educators	Home educators will be required to meet specific requirements set out in regulations to maintain their exemption. This may involve providing regular updates to the Ministry on their education plans for learners and their learner’s educational progress and achievement. Many home educators will already be collecting this information as part of developing their ongoing education plans for their learners. Reporting will be free for home educators, so while there are time impacts, there will not be any monetary cost.	Low	Medium
Ministry	To review the additional application or assessment material, and respond to unsuccessful reviews, the Ministry will need additional staff. A project team may be needed to support implementation.	This cost is unable to be quantified yet	Medium

	A new system for monitoring and reporting will need to be developed and implemented.		
ERO	ERO is proposing to increase the number of reviews it conducts of home educated students each year up to 200.	9(2)(f)(iv)	High
Total monetised costs	Additional funding will be required through budget processes for the additional reviews proposed by ERO. The Ministry is yet to determine the total cost of the new requirements (as they are yet to be finalised), however it is likely these will need to be funded through budget processes.	This cost is unable to be quantified yet	Medium
Non-monetised costs	The costs for the time required for home educators to comply with the additional reporting requirements cannot be quantified	Low	Medium
Additional benefits of the preferred option compared to taking no action			
Home Educators	Home educators may need to report to the Ministry and develop clear education plans that are appropriate to the age and developmental stage of their learners, and have a focus on understanding their learners educational progress and achievement.	Medium	Medium
Home educated learners	The quality of home education will improve, resulting in better outcomes for home educated learners.	High	Medium
Ministry	The Ministry will collect better information about home education resulting in a better understanding of its quality, and gain greater assurance about the education achievement and progress of home educated learners.	High	Medium
ERO	Combining the legislated requirement to submit more regular education plans and achievement progress allows for ERO reviews to be more targeted, leading to more efficient use of resource. There are increasing costs associated with poor home education provision. This includes need for ERO to review reactively and respond to concerns,	Medium	Medium

	as well as the increased costs associated with poor learning outcomes in this cohort.		
Total monetised benefits	None	Low	Medium
Non-monetised benefits	Greater oversight of the quality of education provided in home education arrangements will provide assurance that home educated learners are receiving an education that is as regular and as well as a registered school.	<i>High</i>	<i>Medium</i>

Section 3: Delivering an option

How will the proposal be implemented?

59. The Ministry will be responsible for the ongoing operation and enforcement of the new arrangements. To support effective implementation of this proposal, we are seeking a delayed commencement date until 1 July 2027 for the changes to section 38 of the Act. This delay will provide sufficient time for the regulations to be drafted, for home educators to prepare for the new requirements, and for the Ministry to establish processes and systems to manage the increase in reporting information.
60. As part of implementation planning we will consider:
 - determining who would be responsible for reviewing reported material such as education plans. Education Advisors, who assess applications, may not have curriculum knowledge and be able to make a good judgement on the child’s education plan. We could consider providing them with training or shifting this responsibility elsewhere.
 - considering an appropriate response to unsatisfactory reviews, for example, if the exemption would be revoked or an improvement plan would be put in place. Ministry resources may be needed to support the implementation of this.
 - the process for working with ERO to determine which home educators to review.
 - what additional guidance, if any, will be required for home educators to support compliance with the new requirements.
 - aligning any design decisions with operational changes that are underway.
61. ERO will implement the additional reviews of home education arrangements. These reviews of home educators already happen (and have been implemented at a larger scale in the past) so will be operated in a similar way. ERO will work with the Ministry to target reviews towards families where there may be concerns about their home education practice.
62. Without additional funding ERO would have resourcing constraints, and the only way reviews could be funded would be by reviewing fewer schools. This would result in ERO being unlikely to meet its performance measures; this is a big trade-off for issues in schools going unchecked.

63. Implementation risks and mitigations include:

- Home education sector pushback: we have not engaged with the sector on this change. Families will be required to submit information, which will create some administrative work. Home educating families also tend to prefer less regulation. We can mitigate this risk to an extent through clear communication and guidance on these changes.
- Resource constraints: staff who process home education applications have an increasing workload (due to increased applications) that is already challenging to manage. They will not have capacity to review additional material. More staff will be needed to address these constraints.

64. Once regulations are in place, homeschooling exemptions will be revoked if regulations are not met. Parents must then enrol their child in a registered school. Failing to do so is an offence under section 243 of the Education and Training Act 2020 and may result in a fine of up to \$3,000.

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

65. The Ministry will monitor the education plans, progress reports, or assessment data we receive. We will track the outcome of these. Overtime we would expect to see increased quality of home education.

66. ERO will be able to collect data on how reviews of home education provision are improving. With a bigger sample of home education reviews to draw from, ERO will be able to better track the quality of home education nationally. ERO will also develop a new measure to reflect the increase in the number of annual home education reviews, aligning to Government priorities for increasing child safety and achievement.