

# Impact Summary: Strengthening the right to education by confirming the right to attendance

## Section 1: General information

### Purpose

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

This proposal is to amend the Education Act 1989 to strengthen the right to education by making the implied right to attendance explicit. It was approved in principle by the Social Wellbeing Cabinet Committee on 1 May 2019 when it agreed to release the proposal for public consultation [SWC-19-MIN-0041 and CAB-19-MIN-0203].

If approved by Cabinet, the proposal will be incorporated into the Education and Training Bill (the Bill). The Bill will repeal and replace the Education Acts 1989 and 1964, and the Industry Training and Apprenticeships Act 1992, with new education and training legislation.

The Bill is scheduled for introduction later this year.

### Key Limitations or Constraints on Analysis

The scope of the analysis is limited to the impacts of the proposed legislative amendments. The related learning support initiatives referenced for context have previously been subject to regulatory impact analysis.

Most of the evidence used to inform this proposal and assess its impacts is self-reported and qualitative. While there is a good understanding of the nature of the problem that students, their families and whānau, and schools face regarding limits to the right to attendance, it has been difficult to determine the size of the problem. The impact that this change will have on the attendance of students at schools has been hard to quantify because much of the quantitative data is based on complaints or feedback from parents who have tried unsuccessfully to get schools to allow their children to attend fulltime. It is impracticable to estimate how many more parents will seek fulltime attendance for their children if the proposal is implemented.

**Responsible Manager (signature and date):**

Dr Andrea Schöllmann, Deputy Secretary  
Education System Policy  
Ministry of Education



D. Schöllmann  
21/8/19

## Section 2: Problem definition and objectives

### 2.1 What is the policy problem or opportunity?

#### Current problem for school students

Some students are not being allowed to attend the school in which they are enrolled, fulltime<sup>1</sup>. The Ministry has self-reported and qualitative evidence that this often occurs where a student has a disability or additional learning support needs and is enrolled in a school, but is only allowed to attend for part of the day or week because learning support is not provided for the entire time that the school is open. We are also advised by Oranga Tamariki that limited attendance is an issue for children and young people they work with.

We have for some years now received consistent feedback from parents, disability groups and other organisations that students are being asked not to attend school full time because the school cannot support them. This has been reinforced by information received from submissions and meeting with disability organisations during the recent public consultation process.

In some cases schools do not have the resources or capability to provide the additional learning support, such as that provided by teacher aides, necessary for the student to attend school full time. But in other cases, we understand from parents and disability groups that the problem is that some schools have negative attitudes towards these students and are unwilling to include and support them. Parents talk of being disincentivised from enrolling their child at their school of choice and being encouraged instead to enrol them at one of the so-called “magnet schools” that are more accommodating of students with disabilities and additional learning support needs.

We do not know how many students are affected but feedback to date suggests that this happens frequently and has been a problem for many years. Denying students the ability to attend school results in poor learning outcomes for these students.

To give a brief snapshot: data on barriers to enrolment, attendance and participation recorded by regional Ministry staff for the period March/April 2017 showed 305 active cases under investigation by the Ministry. We think there are likely to have been a significant number of other disputes at that time between parents and schools which the Ministry was not involved in because parents had not sought help from the Ministry. We understand

<sup>1</sup> Fulltime means the entire time that the school is open for instruction.

anecdotally that in many of these cases parents will send their children to another school.

## **Current legislative framework**

### *Right to enrol and right to attend school*

The Education Act 1989 (the Act) provides for specific aspects of a right to education. Section 3 guarantees the right to free enrolment and free education in a State school for every person aged between the ages of 5 and 19 who is not an international student<sup>2</sup>. Section 8 affirms that those with special education needs (whether because of disability or otherwise) have the same rights to enrol and receive education at State schools as those who do not have special education needs.

The right to enrol has a correlative duty to enrol. Section 20 of the Act requires New Zealand citizens and residents between the ages of 6 and 16 to be enrolled in a registered school i.e. a State, State integrated or private school. The Secretary of Education is empowered under the Act to direct parents and schools to enrol a student but only in very limited circumstances:

- Section 9 relates to the enrolment of children requiring special education
- section 11P relates to reviews of the annulment of a student's enrolment for moving out of zone
- section 16 relates to students under the age of 16 who have been excluded from a State school.

However, the Act does not explicitly provide for a right to attend school. Instead, the right to attend for all the hours that the school is open for instruction, is implied through the correlative duties which are made explicit in the Act. In general, section 25 provides that students required to enrol in school must attend school whenever it is open, and requires boards of trustees to take reasonable steps to ensure that students do attend. Parents can be prosecuted if their children do not attend school.

For the purposes of section 25, a student attends school if, when the school was open for four or more hours for instruction, the student was present for four or more hours. Section 25B provides that a principal may release a student, who has been present at school for four or more hours, before the school closes for instruction, if satisfied that there are good reasons for the student to leave early.

The lack of clarity around the right to attendance makes it more difficult for students to realise that right.

### *Current mechanisms for realising the right to attendance*

Students who are not currently permitted by their school to attend fulltime can seek assistance from the Ministry. The Ministry has a number of statutory intervention powers in Part 7A of the Act that can be effective in assisting schools to meet their obligations and helping parents to ensure that their children can realise the right to attend. These powers

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<sup>2</sup> The right to free enrolment and free education under section 3 of the Act does not apply to State integrated or private schools.

range from requiring a board to provide information or engage specialist help to dissolving a Board and appointing a Commissioner.

An example of their applicability to the right to attendance is a recent situation where the Ministry put a financial adviser into a school where lack of resources to support attendance had been raised as a problem. A workable solution was developed for all parties within the existing resource constraints.

Some of these interventions are very new and have resulted from recent amendments to the Education Act aimed at broadening the range of interventions and increasing the number available at the lower-level. For example, requiring a board to attend a case conference.

The Act does not, however, provide for an equivalent to the power to direct enrolment i.e. the Ministry cannot direct a school to allow a student to attend fulltime.

#### *Inaccessibility of the law*

A related issue is that the diffused nature of the right to education across the Act makes it inaccessible for many people. Different rights and enforcement provisions are spread throughout the Act, making it hard for people unfamiliar with the law to use and feel as if they have a meaningful right to education or as if they can uphold that right. There is an opportunity to make it clearer how the Act gives effect to the right to education so that people are more aware of their rights and better able to realise them.

#### *International obligations*

The right to education is also provided for in several international treaties and conventions that New Zealand has ratified. In particular, the United Nations Convention on the Rights of the Child (UNCROC), and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). New Zealand's key obligations under UNCRPD and UNCROC include:

- Recognise the right of all children to education (UNCROC, Article 28(1)).
- Ensure the persons with disabilities can access an inclusive, quality and free primary and secondary education on an equal basis with others in their communities (UNCRPD, Article 24(2)(b)).
- Ensure effective individualised support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion (UNCRPD, Article 24(2)(e)).

The UN recommended that New Zealand establish an enforceable right to education in its last review of the UNCRPD in 2015. This is likely to come up again in the current review which is due to conclude later this year, if no changes are made.

The Court of Appeal held in 2003 that there is "no freestanding general right, held and enforceable by each individual student" under sections 3 and 8 of the Act<sup>3</sup>. The Human Rights Commission has stated that it believes the right to education is not explicitly provided for in New Zealand law, but that elements of the right are reflected in legislation, with

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<sup>3</sup>*Attorney-General v Daniels* [2003] NZCA 29, at 59, <http://www.nzlii.org/nz/cases/NZCA/2003/29.html>

education policy and administrative practice further supplementing the realisation of this right<sup>4</sup>.

Italy and New Brunswick, Canada, are widely regarded as being exemplars of what is required to enable children and young people to realise the right to education.

The Italian Framework Law for the Assistance, Social Inclusion, and the Rights of Persons with Disabilities no. 104 of 1992 is a national legally-binding policy. It provides for all children with disabilities to attend day nurseries, state and public schools, universities and any other education provider, and to fully participate in school life. Providers that refuse to enable attendance can be prosecuted and have their funding removed. Special needs pupils are required to have individually tailored educational plans defined by health service operators, specialised teachers, and a psycho-pedagogical expert, in collaboration with the parents.

New Brunswick has had a legally-binding policy on Inclusive Education since 2013 that requires all public schools to have education support teams and Personalised Learning Plans. It forbids segregated settings and targets all children, not only those with disabilities.

## 2.2 Who is affected and how?

The proposal will explicitly require schools to enable all students, regardless of their learning needs, to attend school fulltime while the school is open for instruction.

Disability groups and parents of students whose right to attendance has been restricted are supportive of this change but many consider that it does not go far enough. They expressed concerns through the consultation process about the proposal needing to be properly resourced to ensure meaningful attendance. This includes ensuring there is an adequate number of staff and that current teaching staff have adequate training to support people with learning support needs. Some groups are also concerned that the proposal does not include any mechanisms to enforce or uphold the right to attendance.

Principals and schools tend to support the change in principle, but do not feel adequately supported or resourced to help students realise this right. Through consultation, themes emerged around schools not feeling that they had sufficient funding, staffing, or training to ensure that all students could be supported to attend school for full hours. Additionally, they were worried about the impact on other students in the classroom if students with high needs had the right to attend school fulltime and consequently took up all the teacher's time, or caused other disruptions to the classroom so that the learning of others was impacted.

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<sup>4</sup> Human Rights Commission, Human Rights in New Zealand 2010, ch. 12, "Right to Education," at 169 (2010), [https://www.hrc.co.nz/files/5114/2388/0504/HRNZ\\_10\\_Right\\_to\\_education.pdf](https://www.hrc.co.nz/files/5114/2388/0504/HRNZ_10_Right_to_education.pdf),

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

No constraints have been identified.

The proposals complement other work underway that will also support students to realise their right to education and support schools to meet their related obligations. Related work includes:

- Implementation of the Learning Support Action Plan and other learning support initiatives targeting children and young people with additional learning support needs and disabilities, as well as those most at risk of disengaging from the education system. More than \$336M funding over five years was approved for related initiatives in Budget 2019 that include the following interventions: the implementation of approximately 600 learning support coordinators to support schools and kura to better identify and respond to the disability and learning support needs of students, early intervention services, maintaining access to education for deaf and hard-of-hearing students, residential special schools and improving access to assistive technologies.
- The Accord between the Ministry, NZEI Te Riu Roa and PPTA Te Wehengarua provides for a number of initiatives that may help address some of the challenging behaviour management issues schools face. In particular, work to develop and deploy a para-professional workforce employed by Boards that supports teaching.
- The government response to the Tomorrow's Schools Review.

## Section 3: Options identification

### 3.1 What options have been considered?

The three options considered are set out below:

Option 1 - Status quo. The Act would not be amended to confirm the right to attendance and make it easier to understand how the Act gives effect to other aspects of the right to education. This option will not address the problems identified by submitters (particularly parents) who have clearly stated their experience of children and young people being denied their right to attend. It will not improve schools' understanding of their obligations and nor will it make it easier for students and parents to understand and seek to realise their rights. It will also do nothing to improve our compliance with our international obligations and may harm the Ministry's reputation.

Option 2 - The Act would be amended to clarify that the right to education includes the right to attend school for all the hours that it is open for instruction.

A related amendment would be made to enable a student's parents, the principal and the Secretary for Education to agree to vary hours as part of a transition plan where the particular needs of the student require this. The transition plan will be limited to a maximum of six months duration, and can only be initiated by a request from the parents. This is

intended to meet the needs of parents who were concerned that the proposal could disadvantage those students with disabilities or additional learning needs whose families consider that their needs are best met by attending for fewer hours. The transition plan must be considered by all parties involved to be in the child's best interests.

The Act would also be amended to locate all the provisions giving effect to the different aspects of the right to education, and correlated duties, together, to make it easier for students to understand and realise their rights.

This will give students and parents more certainty about the right to attend school fulltime and could make them more confident to challenge the school rather than feeling forced to accept part time hours or enrol their child elsewhere. Making the implied right to attendance explicit will make schools more aware of their legal obligations and moves us closer to meeting our international obligations.

This option will not go as far as many stakeholders would like in strengthening the right to education because it does not specify requirements in relation to participation or quality of education and it does not make the right enforceable. It is, however, supported by the current set of statutory interventions.

Option 3 – In addition to all the features of option 2, the Act would be amended to give the Secretary of Education the power to direct a school to support an enrolled student to attend school for all the hours that it is open for instruction. This would, if backed up with sanctions for non-compliance, make the right to attendance enforceable by the Ministry. It would make us more compliant with our international obligations than options 1 and 2 and partly address stakeholder concerns around lack of enforceability. Schools might, however, consider it unfair and unreasonable to be subject to a power to direct attendance before the various resourcing and support initiatives, identified as being integral to enabling fulltime attendance, have been implemented.

The options were assessed against the following criteria:

- certainty for students, parents and schools
- intervention is proportionate to what is known about the size and nature of limited attendance and why schools do not comply with the current law
- ease of implementation
- moving us closer to meeting international obligations.

The options assessment is summarised in Appendix 1.

### 3.2 Which of these options is the proposed approach?

Option 2 is the proposed approach. It represents a significant step in the incremental approach we are taking to making more aspects of the right to education realisable by children and young people. It is not intended to make us fully compliant with our international obligations. As can be seen from the approaches in Italy and New Brunswick, this could require radical changes including prosecuting schools and removing their funding, and closing special schools. Instead, the proposed approach is aimed at highlighting the importance of schools and the Ministry supporting all children and young people to attend school fulltime.

It is likely to be more effective than option 1 because (based on the criteria above) it will give students and parents more certainty about the right to attend school fulltime and is more likely to incentivise schools to comply voluntarily with their existing obligation to enable fulltime attendance.

The proposed option is a more proportionate response to the problem, and easier to implement, than option 3. As discussed earlier, the statutory interventions available to the Ministry under Part 7A of the Act include several that have only recently been introduced. This expanded range of statutory interventions may be more effective in guiding and supporting a school to comply than has been the case previously. This measure coupled with the increased resourcing and capability for schools provided through the Learning Support Action Plan may mean that voluntary compliance can be obtained without resorting to the stronger sanction of a power to direct. If this proves not to be the case, legislation can be amended at a later date to provide for a new power to direct in relation to attendance.

## Section 4: Impact Analysis (Proposed approach)

### 4.1 Summary table of costs and benefits

*Summarise the expected costs and the benefits in the form below. Add more rows if necessary.*

*Give monetised values where possible. Note that only the **marginal** costs and benefits of the option should be counted, ie costs or benefits additional to what would happen if no actions were taken. Note that "wider government" may include local government as well as other agencies and non-departmental Crown entities.*

See <http://www.treasury.govt.nz/publications/guidance/planning/costbenefitanalysis/x/x-guide-oct15.pdf> and <http://www.treasury.govt.nz/publications/guidance/planning/costbenefitanalysis> for further guidance



<b>Affected parties</b> <i>(identify)</i>	<b>Comment:</b> nature of cost or benefit (eg ongoing, one-off), evidence and assumption (eg compliance rates), risks	<b>Impact</b> <i>\$m present value, for monetised impacts; high, medium or low for non-monetised impacts</i>
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**Additional costs of proposed approach, compared to taking no action**

Regulated parties	<p>Schools not currently complying with their existing attendance obligations may have additional costs (non-quantifiable) if publicity about the law change, or parents asserting their child's right to fulltime attendance, incentivises them to meet those obligations.</p> <p>Schools who are meeting their existing obligations may face additional demand, and related costs, from parents who haven't previously thought there was any point seeking fulltime attendance for their child but who now feel more confident to have their unmet needs addressed.</p> <p>It is very difficult to estimate compliance costs for schools because of the impracticability of estimating current unmet needs and future demand for additional schooling hours.</p>	Low to medium at an aggregate level – but could be high for some schools at an individual level
Regulators	<p>Potential non-monetised cost to the Ministry responding to complaints from parents and requests for assistance from schools</p> <p>It is difficult to estimate the cost to the Ministry because of the impracticability of estimating current unmet needs and future demand for additional schooling hours.</p>	Low
Wider government	N/A	N/A
Other parties	N/A	N/A
<b>Total Monetised Cost</b>	N/A	N/A
<b>Non-monetised costs</b>		Low

**Expected benefits of proposed approach, compared to taking no action**

Regulated parties – students and parents	Potential for students currently prevented from attending school full time to be supported by their school to attend for all the hours it is open for instruction	Low to medium at an aggregate level but could be high at an individual level
Regulated parties - schools	Better understanding of their legal obligation to allow all enrolled students to attend school full time	Low

Regulators	Enhanced reputational value for the Ministry	Low
Wider government	Some incremental improvements to New Zealand's compliance with international obligations (UNCROC and UNCRDP)	Low
Other parties	N/A	N/A
<b>Total Monetised Benefit</b>	N/A	N/A
<b>Non-monetised benefits</b>		Low

**4.2 What other impacts is this approach likely to have?**  
N/A

## Section 5: Stakeholder views

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

The Ministry of Education undertook public consultation on this proposal between 14 May and 14 June 2019. Emails about the proposals were sent out to peak bodies, disability organisations, and other key stakeholders. Key contacts in the disability sector were also phoned by the Ministry. The Ministry notified schools of the consultation through the School Bulletin. Social media posts were used to disseminate information about the consultation more widely. The Ministry also met with representatives from the Coalition of Disabled Peoples' Organisations (DPO) to hear their thoughts on the proposal. During the consultation process, 69 submissions were received on the proposal to strengthen the right to education.

*Views of parents, disability community and those representing their interests*

Thirty seven submitters were parents, members of the disability community, or those representing their interests. Thirty one of these submitters support the intention of the proposal to explicitly include the right to attendance in legislation. Two submitters opposed this proposal and two did not express an opinion. The majority of these submitters consider that the proposal does not go far enough. What we heard strongly and clearly from these stakeholders was that being allowed to sit in a classroom for the same number of hours as other students is not enough. Each student should be supported to learn effectively.

In general, these stakeholders consider that there should be legislative frameworks to uphold and enforce the right to education and provide redress where the right is breached. Many of them consider that these frameworks and mechanisms should include a legislated code of rights for all students and a code of practice for professionals working alongside students with special needs. They also recommend the establishment of an independent education dispute resolution service to address all education-related complaints between students/whanau and schools.

Stakeholders including the Disability Rights Commissioner, the Children's Commissioner and

IHC recommend that the legislation is amended to give an explicit commitment to New Zealand's international obligations, particularly those under UNCROC and UNCRPD.

*Views of schools, staff and those representing their interests*

Thirty two submissions were from schools and their staff, and peak bodies and organisations that represent their interests. Twenty three of these submitters supported the right to attend but consider that schools do not have sufficient resources to meet the obligation and that the proposal should not be implemented unless and until it is properly resourced. Seven of these submitters opposed the proposal, but often the key basis for this opposition was inadequate support provided to schools to enable full time attendance. Two of these submitters did not express an opinion. The main resourcing concerns are that the proposal will require significant additional funding, more specialist staff (teacher aides and learning support advisers), and more training for classroom teachers.

Schools and their peak bodies were also strongly concerned about the impact of students with behavioural problems on teachers and other students. Many of these submitters commented on the need to balance the right of those students to attend school with the right of others to learn and the need to keep everyone safe. There is a perception that the Ministry does not understand the reality for teachers of having to manage students with extreme behavioural issues. Schools and their peak bodies also commented on the need for the Ministry to assume its share of the responsibility for enabling students to realise their right to attendance and wanted to avoid schools being unfairly targeted by any changes resulting from this proposal.

*Impact of feedback on the proposal*

The proposal is largely unchanged from the version consulted on. A lack of additional resources may be a problem for some schools, but the implementation of the Learning Support Action Plan (particularly learning support coordinators), the Review of the Ongoing Resource Scheme and the implementation of the Learning Support delivery model over the next five years will assist with ensuring there are a range of supports available to support both schools and children and young people who need assistance.

While some schools face resourcing barriers to allow some students with high needs to attend school, we have heard that for other schools the barriers to attendance are not due to resourcing, but to the school's attitudes towards enrolling students with high needs. Submitters referred to being "disincentivised" by certain schools to enrol their child.

Consideration of a school's ability to resource additional attendance hours will inform the Ministry's monitoring and enforcement strategy. Should the proposal be given effect, the Ministry does not intend to actively monitor all schools for compliance but will take a risk-based approach to monitoring and enforcement with the latter expected to be largely complaint-triggered.

## Section 6: Implementation and operation

### 6.1 How will the new arrangements be given effect?

The proposal will be given effect to through the Education and Training Bill, which is scheduled for introduction in late 2019. The Bill is unlikely to be passed before the second half of 2020. We anticipate this amendment will come into force as soon as the Bill receives Royal assent because it is simply confirming an existing legal obligation on schools.

The Ministry will be responsible for ongoing operation and enforcement of the new arrangements. The enforcement strategy will take into account the implementation timing for the initiatives in section 2.3 that some schools will need to be able to access in order to meet their obligations.

Lack of information about the nature and size of the problem of limited attendance may make it necessary to review the new arrangements. This is discussed in **section 7.2**.

There will be a communications strategy for publicly announcing the commencement of the Bill. This will likely include communicating to all schools through the School Bulletin, and informing relevant peak bodies. The Ministry of Education social media platforms will also publicise the law change. In addition to this, we will communicate directly with key stakeholders and will ensure that information is produced in a range of accessible formats.

## Section 7: Monitoring, evaluation and review

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

The Ministry of Education uses a range of monitoring, evaluating and reviewing mechanisms to find out about the impact of regulatory changes on education providers. These mechanisms occur in the context of regular and ongoing relationships between education providers and the Ministry of Education. Additionally, there are regular meetings with a range of advisory groups and peak bodies, which are both topic and sector specific, which are used to collect feedback on the impacts of regulatory changes.

In addition to this, New Zealand is a signatory to a variety of international treaties and conventions. Some of these include rights to education:

- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- United Nations Convention on the Rights of the Child (UNCROC)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

The New Zealand Government is monitored against these periodically, generally every four to five years. This includes monitoring and evaluation of New Zealand's fulfilment of the

right to education. New Zealand is also subject to the Universal Periodic Review (UPR) which reviews the human rights records of the UN member states. These international monitoring mechanisms will help to show whether these changes have allowed more children and young people to realise their right to attend school fulltime.

## 7.2 When and how will the new arrangements be reviewed?

If, as a result of the monitoring and feedback outlined in section 7.1, it becomes apparent that the intervention has not been effective or has unintended or unexpected consequences, the new arrangements would be reviewed.

In addition to this, the arrangements are already reviewed by the UN at four to five yearly intervals as part of monitoring New Zealand's compliance with various international treaties that contain a right to education (explained in **section 7.1**).

**Appendix 1 – summary of options for strengthening the right to education by confirming the right to attendance**

Assessment criteria	Option 1 – status quo	Option 2 – confirm right to attend, with ability for parents, school and Ministry of Education to agree temporary variations to attendance hours, in legislation	Option 3 – support the legislative change with statutory power for Ministry of Education to direct attendance and sanctions for failure to comply
Certainty	<p>x</p> <p>Law will remain unclear and students and parents will not have increased certainty about the right to fulltime attendance. Parents and schools that have agreed to reduced attendance hours, even at the parents' request, remain in breach of the current law.</p>	<p>√√√</p> <p>Parents and students will be more certain of their rights and schools will be more certain of their obligations. Parents and schools will be able to lawfully enter into temporary plans (with the agreement of the Ministry of Education) that provide for reduced attendance hours.</p>	<p>√√</p> <p>Uncertainty for students, parents and schools regarding the use of the power to direct attendance. Parents may have unrealistic expectations about the threshold for intervention. Schools may be concerned that the power will be exercised before they are adequately resourced and supported to enable fulltime attendance.</p>
Proportionality	<p>X</p> <p>Do nothing is a disproportionate response to the problem of students not being enabled by the school to attend school fulltime</p>	<p>√√</p> <p>Clarifying the law may, in conjunction with the increased resources and support for schools, be enough to incentivise more schools to comply voluntarily</p>	<p>√</p> <p>It is difficult to make a compelling case for introducing a power to direct attendance when the Ministry's recently updated statutory interventions framework is largely untried in relation to limited attendance</p>

Assessment criteria	Option 1 – status quo	Option 2 – confirm right to attend, with ability for parents, school and Ministry of Education to agree temporary variations to attendance hours, in legislation	Option 3 – support the legislative change with statutory power for Ministry of Education to direct attendance and sanctions for failure to comply
Implementation ease	√√√ Implementing this option will require explaining to stakeholders why the Ministry has not taken the opportunity provided by the Education and Training Bill to reduce uncertainty by confirming the right to attendance.	√√ There is some administrative complexity regarding the process (yet to be developed) by which parents, schools and the Ministry will agree temporary plans to allow for a student to attend part-time where that is in the student's best interest	√ Policies and processes will have to be developed regarding the Ministry's use of the power to direct attendance and policy work will be required to develop appropriate sanctions for failure comply.
International obligations	X Doing nothing will not help us to meet our international obligations.	√ The proposed amendments will move us incrementally closer to meeting our international obligations.	√√ The introduction of a power to direct attendance, if backed up with sanctions for failure to comply, is the only option that enables the Ministry to enforce the right to full attendance.
Overall assessment	x	√√	√

Key: X = does not meet the criteria, √ = meets the criteria, √√ = clearly meets the criteria, √√√ = strongly meets the criteria

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