

Regulatory Impact Statement: Mandatory daily provision of school attendance data

Coversheet

Purpose of Document	
Decision sought:	This analysis is produced for the purpose of informing final Cabinet policy decisions on updating regulations to require schools to provide daily attendance data.
Advising agencies:	<i>Ministry of Education</i>
Proposing Ministers:	<i>Hon David Seymour, Associate Minister of Education</i>
Date finalised:	<i>19 April 2024</i>
Problem Definition	
The Government's attendance action plan includes objectives to improve data quality and publish attendance data daily to build a national focus on the issue. However, current data regulatory settings present challenges to achieving these objectives.	
Executive Summary	
<p>New Zealand is experiencing low and declining rates of school attendance. The Government has signalled that addressing this issue is one of their priorities and, on 9 April 2024, announced its attendance action plan. In this plan the Government set out key actions to address non-attendance including building a national focus on attendance through the publishing of daily attendance data trends.</p> <p>Currently, regulatory settings only require schools to provide data after the end of each term. Introducing a requirement for daily data provision will enable the publishing of real time daily attendance data.</p> <p>This issue can be addressed by updating the Education (School Attendance) Regulations 1951 to require schools to provide daily attendance data to the Ministry. This will enable daily publication of real time national and regional attendance data and building a public focus on the issue as part of a broader public information campaign.</p>	
Limitations and Constraints on Analysis	
<i>Commissioning constraints</i>	
<p>The key constraint is the Associate Minister's direction that a regulatory change to enable daily data provision is to be made and come into effect by Term 1 2025. This limits the Ministry's ability to consider alternative options in detail, engage with the sector, or carry out a trial of new arrangements.</p> <p>For specified kura boards¹ the current lack of engagement will be mitigated to some extent by a later commencement date of July 2025. This will allow time for engagement to consider bespoke regulatory and operational approaches to provision of attendance data</p>	

¹ A specified kura board means the board of any of the following: (a) Kura Kaupapa Māori; (b) designated character school with a character that is hapū or iwi-based or that affiliates with Ngā Kura ā Iwi o Aotearoa; (c) a State integrated school with a special character that is hapū or iwi-based.

for these kura.

Not consulting with Māori before undertaking policy development of the proposal has constrained our ability to carry out a fulsome Treaty analysis.

Responsible Manager(s) (completed by relevant manager)

Jennifer Fraser

General Manager, Schools Policy

Te Pou Kaupapahere

Ministry of Education

23 April 2024

Quality Assurance (completed by QA panel)

Reviewing Agency: Ministry of Education

Panel Assessment & Comment: The Ministry of Education's RIA panel assessed the Mandatory daily provision of school attendance data RIS on 12 April 2024, and assessed it as partially meeting the quality assessment criteria.

The RIS describes how the proposed options will meet the overall objective of mandating for daily attendance data. The panel notes that the proposal was developed in a tight timeframe, and that it was not possible to undertake consultation on the proposed options with the sector. This means that whilst the RIS has identified a small number of likely costs, it has not been possible to fully determine the impact that this regulatory change will have on the sector.

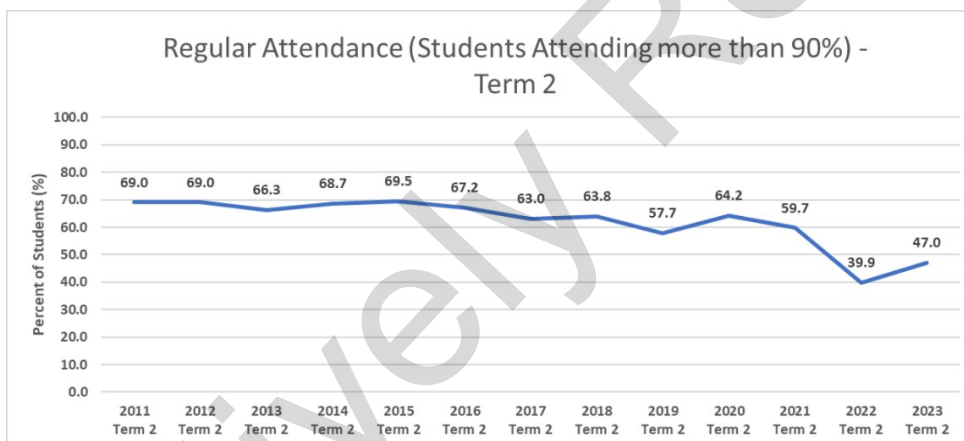
Section 1: Diagnosing the policy problem

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

Non-attendance is a long-standing issue in New Zealand

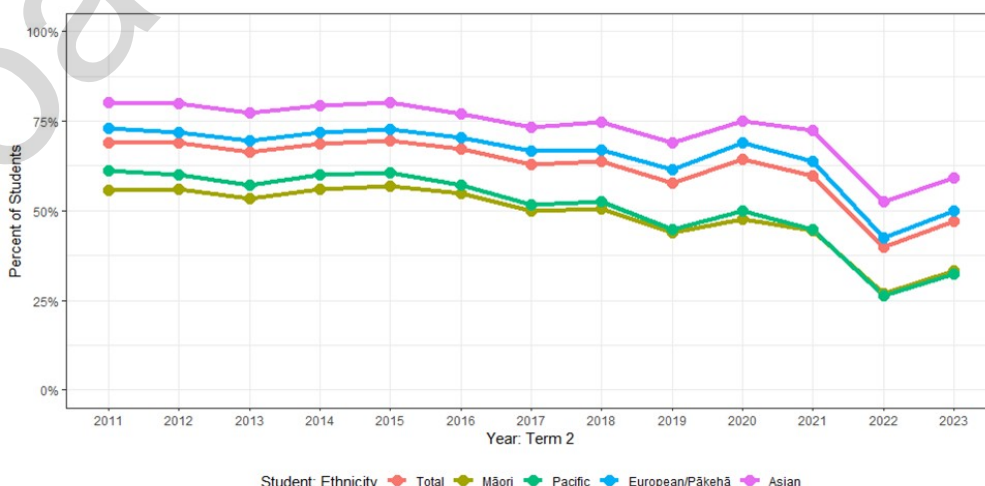
- 1 Regular school attendance is an important component of learning and educational achievement for students. Despite this, there has been a long-standing concern that attendance rates are low in New Zealand and have been steadily declining. Between 2015 and 2019 regular attendance rates declined from 69.5% to 57.7%. The COVID-19 pandemic has accelerated this decline due to disruptions and isolation requirements and was at 39.9% in Term 2 2022. There has been a recent recovery with attendance rates up to 53.6% in Term 4 2023. However, it is not back to pre-COVID levels yet and it is too early to say whether this is going to be an upward trend.
- 2 New Zealand's attendance rates are lower than in other countries that use similar attendance measures such as Australia, the USA, England, and Ireland. While these countries have seen a similar decline in attendance in recent years, New Zealand's decline has been steeper.

Figure 1: Regular attendance in New Zealand has been declining



- 3 While the declining attendance rates have occurred for all groups, it has been steeper for lower decile schools, Māori and Pacific students, and primary and intermediate students.

Figure 2: Regular attendance by ethnicity in Term 2 from 2011-2023



Schools are required to collect and provide the Ministry with attendance data

- 4 Schools are required under the [Education \(School Attendance\) Regulations 1951](#) (the Attendance Regulations) to record attendance for all students every half day and provide attendance data to the chief executive of the Ministry of Education at the end of each term. When schools record attendance data, they indicate whether the student is present, or absent and whether the absence is justified using one of 26 attendance codes.²
- 5 Most state-schools use a School Management System (SMS) for their day-to-day operations, including recording attendance data and sending that data to the Ministry. It's not clear how many schools input attendance data into their SMSs each day. There are currently six State schools that do not use an SMS.

Attendance action plan

- 6 The action to mandate the daily provision of attendance data is one component of a wider set of actions within the Government's attendance action plan which was announced on 9 April 2024. The actions identified by the Government respond to low rates of regular attendance.

What is the policy problem or opportunity?

Regulatory settings do not support daily publishing of attendance data

- 7 The Associate Minister of Education has asked the Ministry to implement daily attendance data reporting in real time (daily) to build a national focus on the issue. Current regulatory settings do not support this change. The Attendance Regulations only require schools to provide attendance data once each term and more frequent provision is voluntary.

What objectives are sought in relation to the policy problem?

- 8 The objective sought is to collect real time attendance data from schools daily in order to build a national focus on attendance through daily reporting of attendance data.
- 9 This change would also enable us to use attendance data in a more agile way in the future to better target supports for students and whanau. However, any use of attendance data in this way is subject to future decisions.

² The Ministry publishes attendance data termly. This is disaggregated into national and regional attendance, gender, year level, ethnicity, Māori Medium Education, school type, equity index, and reasons for absence. Care is taken to ensure students personal information is not identifiable and data collection and publication complies with the Privacy Act 2020.

Section 2: Deciding on an option to address the policy problem

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

- 10 The Ministry has assessed the options based on the following criteria and compared them against the status quo. These criteria are developed to assess the overall costs and benefits of each option and the extent to which they meet the policy objectives.

Criteria	Description
Effectiveness	The extent to which the option achieves the policy objective.
Fiscal costs	The fiscal cost of implementing the option and how easy the option is to implement.
Compliance costs	The extent to which the option minimises fiscal and administrative burden on school boards.
Te Tiriti	The extent to which the option gives effect to Te Tiriti o Waitangi / The Treaty of Waitangi (Te Tiriti).

- 11 The criteria were chosen because they reflect the issues, opportunities, and risks involved in considering the frequency of attendance data.

What scope will options be considered within?

- 12 We considered both regulatory and non-regulatory options. We did not look to directly intervene in data collection using SMS systems due to legal and commercial risks.

What options are being considered?

- 13 We considered the following options to increase the frequency of attendance data:

- Option 1: Status Quo
- Option 2: Encourage and support daily data provision without regulatory change
- Option 3: Regulate for daily data provision
- Option 4: Regulate for weekly data provision

- 14 Each option will be assessed against the criteria and objectives outlined above.

Option 1: Status Quo

- 15 This involves no change to Attendance Regulations, and they would continue to require schools to provide attendance data to the Ministry once a term.

Option 2: Support daily data provision without regulatory change

- 16 A second option is to request that schools provide daily data voluntarily.

Option 3: Regulate for daily data provision

- 17 A third option is to make changes to regulations to require schools to provide attendance data from once a term to each day.

Option 4: Regulate for weekly data provision

- 18 Option 4 changes regulations to require schools to provide attendance data weekly.

19 All options would apply from Term 1 2025 for all schools except specified kura boards.

Proactively Released

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

Key	++	Much better than the status quo	+	Better than the status quo	0	About the same as the status quo	-	Worse than the status quo	--	Much worse than the status quo
-----	----	---------------------------------	---	----------------------------	---	----------------------------------	---	---------------------------	----	--------------------------------

Scoring: The overall assessment of options has been determined through averaging the ratings across the criteria. The maximum score possible is ++ and the minimum score possible is --

	Option 1: Status Quo	Option 2: Support daily data provision without regulatory change	Option 3: Support and regulate for daily data provision	Option 4: Support and regulate for weekly data provision
Effectiveness	0 Real time daily data reporting is not possible under the status quo as schools are only required to provide attendance data termly.	+	++	0
Fiscal Costs	0 There will be no additional implementation costs.	-	-	0
Compliance costs	0 There will be no additional compliance costs	0	--	-

<p>Te Tiriti (See Te Tiriti analysis for more detail)</p>	<p>0</p> <p>Māori have not been granted opportunities to exercise their rangatiratanga in the context of attendance data provision. Because Māori attendance data is a tāonga³ this undermines the obligation under article 2 of Te Tiriti.</p>	<p>0</p> <p>Because Māori will not be granted opportunities to exercise their rangatiratanga in the context of collection and use of Māori attendance data provision under this option, this would undermine the obligation for the Crown to provide opportunities for Māori to exercise their rangatiratanga under article 2 of Te Tiriti.</p>	<p>+</p> <p>Under article 1 of Te Tiriti the Crown has a right to govern and good governance must protect Māori interests and ensure equitable Māori engagement and/or leadership in priorities and decisions.</p> <p>The Ministry intends to engage with specified kura boards to investigate if a bespoke regulatory or operational approach may be more appropriate for these schools. This will partially mitigate the risk of not meeting this obligation. However, over 94% of Māori students do not attend Kaupapa Māori education settings. The interests of these students will not be addressed through the planned engagement. Therefore, there is a risk that we do not fully understand the impacts of this change on Māori students in mainstream education.</p>	<p>+</p> <p>Under article 1 of Te Tiriti the Crown has a right to govern and good governance must protect Māori interests and ensure equitable Māori engagement and/or leadership in priorities and decisions.</p> <p>The Ministry intends to engage with specified kura boards to investigate if a bespoke regulatory or operational approach may be more appropriate for these schools. However, over 94% of Māori students do not attend Kaupapa Māori education settings. The interests of these students will not be addressed through the planned engagement. Therefore, there is a risk that we do not fully understand the impacts of this change on Māori students in mainstream education</p>
<p>Overall assessment</p>	<p>0</p>	<p>0</p>	<p>0</p>	<p>0</p>

³ As found by the Waitangi Tribunal.

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

We recommend option 3

- 20 While all options score the same on the above criteria assessment table, we consider that on balance, option 3 is best option to achieve the Minister's core objective of daily data reporting.
- 21 Option 4 would enable weekly publishing of data. However, this would not be as close to real-time as option 3.
- 22 It should be noted that all costs are expected to be minimal and, in time, efficiencies are likely to be found to further reduce them.

Risks and mitigations

Data quality

- 23 The short submission window means schools do not have the same opportunity to correct attendance codes as they do for termly data, and the Ministry cannot carry out data quality checks and follow up with schools to ensure data is accurate. There is a risk that this may lead to publication of misleading or inaccurate data.⁴ To mitigate this risk, the Ministry will ensure that daily attendance data is published as provisional. For these reasons, it is also unlikely that we will be able to disaggregate daily data with the same level of detail as termly.

Privacy considerations

- 24 We have engaged with the Office of the Privacy Commissioner on the preferred option. They highlighted that transparency with the schools, students, and whānau is key to building trust and confidence. They emphasised the importance of protections against privacy breaches that may occur with more frequent publishing, ensuring secondary use of data is consistent with the Privacy Act including assurances that individual data is not identifiable.
- 25 Although there will be no change to the type of data collected or published through this proposal, the Ministry will undertake an early privacy impact analysis before bringing future attendance proposals, for example, how attendance data will be used, to Cabinet and will work with the Office of the Privacy Commissioner as appropriate.

⁴ Privacy Principle 8: an agency must not disclose information without taking steps to ensure that information is accurate, complete, and not misleading.

What are the marginal costs and benefits of the option?

- 26 The Cost Benefit Analysis table sets out the costs and benefits of Option 3 against the status quo. Benefits from option 3 are indirect and unquantifiable. While we have labelled all benefits as 'low' we do consider that they will be marginally higher for option 3 than for other options.

Proactively Released

Option 3: Support and regulate for daily data provision

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</i>
Additional costs of the preferred option compared to taking no action			
Regulated groups (State school boards and school principals ⁵)	Ongoing costs of SMS subscription (for 6 schools)	Cost of SMS: \$5,400 – 10,500 per annum.	High
	One-off cost for onboarding and training (for 6 schools)	Low	
	Possible ongoing administration cost.	Low For most schools there will be no cost, however it's possible that for some schools there will be. In many schools, attendance is initially recorded on a paper register and is entered into the SMS separately by administrative staff. In smaller schools, administrative staff may not work every day and data entry may done once a week or less. To fulfil a daily data provision requirement, these schools would need to change their practices to enable daily data entry, which would likely occur additional cost.	Low
Regulators (Ministry of Education)	9(2)(j)	Low	High
	One-off cost of design, development, and implementation of changes to Ministry technology.	9(2)(j)	

⁵ Because we are yet to work out whether bespoke arrangements will be used for specified school boards, there is still uncertainty about whether there will be different costs involved.

	<p>Per-annum cost of monitoring, analysis, and reporting of daily attendance data.</p> <p><i>These costs will be absorbed by ongoing departmental baseline funding.</i></p>	<p>\$80,000 - \$200,000</p> <ul style="list-style-type: none"> • Min: 0.5 FTEs where 1 FTE on a junior data analyst salary costs \$60k and an overhead of \$100k. • Max: 1 FTE on a senior data analyst salary of \$100k with an overhead of \$100k. 	
Others (e.g., parents, students, whānau).	No other costs.		Medium
Total one-off costs	9(2)(j)		
Total ongoing costs per annum	9(2)(j)		
Additional benefits of the preferred option compared to taking no action			
Regulated groups	There may be some benefits that indirectly arise from the intervention such as improved support for schools.	<p>Low</p> <p>These benefits cannot be quantified.</p>	Low
Regulators	More complete and more timely attendance data will be available to the Ministry. This will be a system enabler to support the Ministry's overall attendance response.	<p>Low</p> <p>These benefits cannot be quantified.</p>	Low
Others (e.g., students, parents, communities).	No direct benefits.		Low

Te Tiriti o Waitangi Analysis

27 The Crown has a duty to actively promote and protect Tiriti rights and interests and to develop education settings in a way that supports Māori-Crown relationships. The following summary of Te Tiriti and Ka Hikitia implications considers the ways in which this policy may intentionally or unintentionally impact Māori and assesses each options against articles 1-3 of Te Tiriti.

Key: Each option is ranked based on the following criteria.	Poor	Limited	Fair	Excellent
	<p>Little or no consideration of the article, principle, or outcome domain.</p> <p>Little or no evidence can be provided to answer questions.</p> <p>Significantly more consideration of the article, principle, or outcome domain is needed.</p>	<p>Limited consideration of the article, principle, or outcome domain.</p> <p>Limited evidence can be provided to answer questions.</p> <p>More consideration of the article, principle or outcome domain is needed.</p>	<p>A fair amount of consideration of the article, principle, or outcome domain.</p> <p>Sufficient evidence can be provided to answer questions but there are gaps.</p> <p>More could be done to ensure consideration is excellent.</p>	<p>In depth consideration of the article, principle, or outcome domain.</p> <p>Sufficient evidence is provided to answer all questions with no gaps.</p> <p>Still potential for more development.</p>
	Article 1: Kāwanatanga	Article 2: Tino Rangatiratanga	Article 3: Ōritetanga	
Interpretation	The Crown has the right to govern (kāwanatanga). Good governance must protect Māori interests and ensure equitable Māori engagement and/or leadership in priorities and decisions.	Provides Māori with tino rangatiratanga or absolute sovereignty over all their whenua, kāinga and taonga.	Promises to Māori the benefits of royal protection and full citizenship. This Article emphasises the rights of Māori to live as Māori in a manner consistent with whānau, hapū and/or iwi values and traditions.	
Related Ka Hikitia outcome domains	<p>Te Rangatira: Māori exercise their authority and agency in education.</p> <p>Te Tangata: Māori are free from racism, discrimination and stigma in education.</p>	<p>Te Rangatira: Māori exercise their authority and agency in education.</p> <p>Te Tuakiritanga: Identity, language and culture matter for Māori learners.</p>	<p>Te Whanāu: Learners with their whānau are at the centre of education.</p> <p>Te Kanorautanga: Māori are diverse, and we must respond to their diversity and lived experiences.</p>	
Relevance to problem definition	Genuine engagement with Māori representatives on any new requirement is critical to supporting Māori-Crown relationships and meeting our partnership responsibilities. This is explicitly referenced in section 4 of the	Māori have have rights and interests in relation to the collection, ownership and storage of Māori data. Te Kāhui Raraunga Māori data governance model notes that most Māori data sits in systems designed and controlled by Government.	The Government has an obligation to actively protect Māori students to ensure that they have equitable achievement rates in the education system. Evidence shows a strong correlation between school attendance and academic achievement in English medium education. Data indicates that attendance is not such a significant factor for	

	Act.	In WAI 2522, the Waitangi Tribunal noted that data is a tāonga that requires culturally grounded models of protection and care. The Crown has a responsibility to ensure that Māori data is not used in ways that cause harm through creating stigmatising or deficit-based narratives about Māori.	achievement in Kaupapa Māori education settings and Māori medium schools as it is for Māori in English medium schools. ⁶ Attendance data is a tool that can be used to improve school and government response to attendance issues. The attendance dataset needs to contain a sufficient amount, granularity and scope of Māori data in order for it to be effectively used to achieve equity of outcomes for Māori learners.
Option 1: Status quo	POOR	POOR	POOR
	Option 1 will continue with existing provisions. The Attendance Regulations, which were made in 1951, were not developed in partnership with Māori and do not differentiate between different types of State schools.	Māori have not been granted opportunities to exercise their rangatiratanga in the context of attendance data provision. Because Māori attendance data is tāonga, this undermines the obligation under article 2 of Te Tiriti.	As there has been no engagement with Māori in the development of the Attendance Regulations it is not clear whether the Ministry is collecting attendance data that is meaningful for Māori ākonga, whānau and iwi and for their educational aspirations. This means it is unclear whether current data collected is contributing to equity of educational outcomes for Māori.
Option 2: Encourage and support daily data provision without regulatory change.	POOR	POOR	POOR
	Option 2 would not involve engagement with Māori on priorities and decisions in the collection and use of daily attendance data. However, because daily provision of attendance data is voluntary in this option and schools would not be obligated to comply.	Because Māori will not be granted opportunities to exercise their rangatiratanga (authority and agency in decision making) in the context of collection and use of Māori attendance data provision under this option, this is the same as option 1.	As there will be no engagement with Māori in the developing and implementing this option it is not clear whether the Ministry will be collecting attendance data that is meaningful for Māori ākonga, whānau and iwi and for their educational aspirations. This means it is unclear whether the data collected will contribute to equity of educational outcomes for Māori.
Option 3: Support and regulate for daily data provision	LIMITED	LIMITED	LIMITED
	The Ministry intends to engage with specified kura boards to investigate if a bespoke regulatory or operational approach may be more appropriate for these schools. However, over 85% of Māori students do not attend Kaupapa	Providing a role for Māori in the design or implementation of the mandatory daily provision of attendance data would allow for the exercise of rangatiratanga in the context of this proposal. The planned engagement with specified kura boards will be a step towards to meeting this aspect of our	Mandatory provision of daily attendance data will result in more timely and nuanced attendance data for the whole the student population. The planned engagement with specified kura boards may provide an opportunity for influencing the type and frequency

⁶ Ministry of Education. *Ngā Haeata o Aotearoa 2020 Report: How well is the education system supporting ākonga Māori to achieve education success as Māori?* July 2022.

	<p>Māori education settings. The interests of these students will not be addressed in the planned engagement. Therefore, there is a risk that we do not fully understand the impacts of this change on Māori students in mainstream education.</p>	<p>partnership responsibilities. When engaging with Māori, attention should be given to how Māori are consulted in a way that best gives effect to Māori voices.</p> <p>However, over 85% of Māori students do not attend Kaupapa Māori education settings. The interests of these students will not be addressed in the planned engagement. The Crown's responsibility to ensure Māori data is not used in ways that cause harm should be kept in mind in future publication decisions involving data resulting from daily attendance data provision.</p>	<p>of data that is collected so that it is meaningful for Māori and their aspirations for education. However, over 85% of Māori students do not attend Kaupapa Māori education settings. The interests of these students will not be addressed in the planned engagement.</p>
Option 4: Support and regulate for weekly data provision	LIMITED	LIMITED	LIMITED
	Same as for option 3.	Same as for option 3.	Same as for option 3.

Proactively Released

Section 3: Delivering an option

How will the new arrangements be implemented?

Process for making changes to the Act and Attendance Regulations

- 28 The proposed changes to regulations are intended to be made by July 2024 with regulations taking effect from Term 1 2025. A later commencement date of July 2025 has been proposed for specified kura boards to allow time for engagement to consider whether bespoke regulatory and operational approaches to provision of attendance data are appropriate.

Communications to schools

- 29 The Ministry will engage with schools to ensure they are aware of their regulatory requirements and to support them in the transition to providing daily attendance data. As guidance currently only requests attendance data voluntarily, we expect making schools aware of this regulatory requirement will increase the proportion of schools providing attendance data.
- 30 The Ministry will also engage with schools and other end users to develop a more detailed understanding of how data will be reported or otherwise made available, to ensure this best meets their needs and supports them to access and use attendance data to improve attendance levels.
- 31 All aspects of implementation will require extensive communication with schools to ensure that they are aware of, and are prepared for, the changes.

Changes to school SMSs and Ministry systems

- 32 Implementing the new daily reporting arrangements will require changes to SMSs to ensure that comprehensive and timely data is submitted by schools in the appropriate format, and that the data is appropriately ingested and stored by Ministry systems. It will also require schools who currently do not use SMSs to begin using them.
- 33 The Ministry will engage with the SMS providers to develop data collection requirements and support them to implement the changes as quickly as possible. The necessary changes to Ministry systems will also be implemented.
- 34 Although schools collect attendance data at least twice per day, not all schools code this information every day. The implementation of mandatory daily reporting will require many schools to change their coding practices so that all codes are recorded every day. For example, in some schools, particularly smaller ones, coding is done by part time administrative staff who do not work every day.
- 35 Implementation will also include direct engagement with the six schools that do not currently provide attendance data electronically to ensure they are supported in their transition to using SMSs. These schools are recording attendance through paper-based systems and the Ministry supports them to do this as a legal alternative due to their unique circumstances. The Ministry will work with these six schools to support them to provide daily attendance data. Practical support may include advice on how to choose an SMS that meets their needs, and frontline support by regional staff to work through issues and challenges. I will report back to you if there are challenges that require specific regulatory provision.

- 36 Practical support may include advice on how to choose an SMS that meets their needs, and frontline support by regional staff to work through issues and challenges.
- 37 The Ministry will likely contribute to financial costs involved in implementing changes to SMS functionality, within existing project funding or with funding for next financial year.

How will the new arrangements be monitored, evaluated, and reviewed?

- 38 We will regularly monitor the quality of data being submitted by each school and provide feedback to schools and SMS providers on the results, as part of a continuous improvement approach.
- 39 We will continuously review the overall quality (timeliness, coverage etc) of data across the system, in order to inform decisions about further policy and operational changes for attendance data provision (e.g., data collection specifications, data validation requirements).