

# **Variation Agreement**

## **# 1**

relating to

Partnership Schools | Kura Hourua

**Her Majesty the Queen in right of New Zealand acting by and on  
behalf of the Minister of Education**

Minister

**and**

**The Rise UP Trust**

Sponsor

**9 December 2014**

This Agreement is made on

9 December 2015

between (1) Her Majesty the Queen in right of New Zealand acting by and on behalf of the Minister of Education (Minister)

and (2) The Rise UP Trust (Sponsor)

## Introduction

- A. Section 158D of the Education Act 1989 (the Act) enables the Minister, in the name and on behalf of the Crown, to enter into a contract with a sponsor for the operation, by that sponsor, of a Partnership School | Kura Hourua in accordance with the requirements set out in the Act.
- B. The Minister and the Sponsor (jointly known as "the parties") are parties to such a contract dated 16 September 2013 (the principal Agreement) to operate a Partnership School | Kura Hourua under the agreed terms and conditions.
- C. Pursuant to clause 34.12 of the principal Agreement, this variation (the First Variation) amends the principal Agreement by providing for:
  - (a) Addition of Performance Standards to reflect the expansion of provision of education to include class years 7 and 8 and as provided for in New Zealand Gazette Notice dated 9 December 2014;
  - (b) an increase in the Maximum Roll.

## Effective Part

### 1. Amendments to the principal Agreement

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The parties agree to vary the principal Agreement with effect from the effective date by:

- (a) the deletion of Clause 1 (Maximum Roll) of Schedule 1 (Student Enrolment and Absences) and its substitution with the following:

**"1. Maximum Roll**

The Maximum Roll for the School is 100 in the 2014 Year and 200 for any Year from the 2015 Year onwards."

- (b) the insertion of a new Annex B – Gazette Notice #2 to Schedule 1 (Student Enrolment and Absences):

**"Annex B: Gazette Notice #2**

**New Zealand Gazette Notice**

**Education Act 1989**

**Approval of change in class level for the Rise UP Academy notice**

Pursuant to section 158B of the Education Act 1989, I hereby give the following notice:

I hereby approve the change of the class level for the Rise UP Academy. Education at the Rise UP Academy may be given for class levels 1 to 8.

The Rise UP Academy will enrol students in class levels 1 to 8.

This notice shall come into force the day after its publication in the *New Zealand Gazette*.

Dated at Wellington this 9th day of December 2014.

Hon Hekia Parata

**Minister of Education**

- (c) the deletion of Annex A (Performance Standards for Student Achievement Against National Standards) to Schedule 6 (Performance Management System) and its substitution with the following:

**“Annex A: Performance Standards for Student achievement against National Standards**

**1. Primary (Class Levels 1 to 8)**

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**1.1 Reading**

Class Level	Performance Standard			
	2014	2015	2016	2017
1	56.6%	70.0%	75.0%	85.0%
2	72.8%	82.0%	83.0%	85.0%
3	75.3%	83.0%	84.0%	85.0%
4	74.1%	83.0%	84.0%	85.0%
5	69.5%	79.0%	81.0%	85.0%
6	75.6%	82.0%	83.0%	85.0%
7	N/A	60.1%	TBC	85.0%
8	N/A	61.6%	TBC	85.0%

**1.2 Maths**

Class Level	Performance Standard			
	2014	2015	2016	2017
1	78.0%	85.0%	85.0%	85.0%
2	71.4%	80.0%	81.0%	85.0%

3	64.7%	75.0%	77.0%	85.0%
4	69.2%	79.0%	80.0%	85.0%
5	61.2%	72.0%	74.0%	85.0%
6	65.3%	76.0%	77.0%	85.0%
7	N/A	52.1%	TBC	85.0%
8	N/A	50.8%	TBC	85.0%

### 1.3 Writing

Class Level	Performance Standard			
	2014	2015	2016	2017
1	70.8%	78.0%	79.0%	85.0%
2	69.0%	77.0%	78.0%	85.0%
3	63.6%	73.0%	74.0%	85.0%
4	63.5%	74.0%	75.0%	85.0%
5	56.8%	68.0%	69.0%	85.0%
6	61.3%	71.0%	72.0%	85.0%
7	N/A	50.7%	TBC	85.0%
8	N/A	51.9%	TBC	85.0%

- (d) the deletion of Annex B (Performance Standards for Student Achievement – Improvement against National Standards) to Schedule 6 (Performance Management System) and its substitution with the following:

#### **"Annex B: Performance Standards for Student achievement against National Standards**

#### **1. Primary (Class Levels 1 to 8)**

##### **1.1 Reading**

Class Level	Performance Standard
1	Collect baseline data
2	Collect baseline data
3	Collect baseline data
4	Collect baseline data
5	Collect baseline data
6	Collect baseline data
7	Collect baseline data

8	Collect baseline data
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## 1.2 Maths

Class Level	Performance Standard
1	Collect baseline data
2	Collect baseline data
3	Collect baseline data
4	Collect baseline data
5	Collect baseline data
6	Collect baseline data
7	Collect baseline data
8	Collect baseline data

## 1.3 Writing

Class Level	Performance Standard
1	Collect baseline data
2	Collect baseline data
3	Collect baseline data
4	Collect baseline data
5	Collect baseline data
6	Collect baseline data
7	Collect baseline data
8	Collect baseline data

- (e) the insertion of a new Clause 2 Secondary (Class Levels 7-13) in Annex C (Performance Standards for engagement) to Schedule 6 (Performance Management System);

## **"2. Secondary (Class Levels 7 to 13)**

<b>Measure</b>	<b>Performance Standard</b>			
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Unjustified absences	0.28 multiplied by the number of Students multiplied by the number of days the School is open	0.28 multiplied by the number of Students multiplied by the number of days the School is open	TBD	TBD
Stand downs	2.1 days per year per 100 Students	2.1 days per year per 100 Students	TBD	TBD
Suspensions	0.42 days per year per 100 Students	0.42 days per year per 100 Students	TBD	TBD
Exclusions	0.15 days per year per 100 Students	0.15 days per year per 100 Students	TBD	TBD
Expulsions	0	0	TBD	TBD

## **2. Effective Date**

The provisions of this First Variation will come into effect on the date this First Variation is signed by both parties ("**Effective Date**").

## **3. General Provisions**

- 3.1 This First Variation is intended to supplement and form part of the terms and conditions contained in the principal Agreement. The parties declare that the terms and conditions set out in the principal Agreement remain in full force and effect except to the extent that they have been amended or added to by this First Variation .
- 3.2 If there is any conflict between the terms and conditions contained in the principal Agreement and the terms and conditions set out in this First Variation, the terms and conditions of this First Variation will prevail.
- 3.3 Headings, underlining and bold type are for convenience and do not affect the interpretation of this First Variation, unless the context requires otherwise.
- 3.4 Each party will do, execute and perform all such acts, deeds, matters and things as may be reasonably required by the other party to enable them to obtain the full benefit and advantage of the terms, intent and meaning of this First Variation.

## Execution

SIGNED as an agreement.

SIGNED by Her Majesty the Queen  
in right of New Zealand acting by  
and on behalf of the Minister  
of Education in the presence of :

)  
)  
)  
)

Hukia Parake

Witness Signature

s 9(2)(a) OIA

Print Name

PRIVATE SECRETARY

Witness Occupation

WELLINGTON

Place of residence

SIGNED by The Rise UP Trust

[Redacted Signature]

SITA SELUPE  
Name

Sally KIMDFO  
Name

s 9(2)(a) OIA

In the presence of ,

[Redacted Signature]

Print Name

Administration

Witness Occupation

Auckland

Place of residence

