APPLICATION

To operate a Partnership School | Kura Hourua opening in 2014

ISSUED 6th MARCH 2013
DUE 12:00pm (Midday) 16th APRIL 2013
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# Content

<table>
<thead>
<tr>
<th>PART ONE - BACKGROUND</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 INTRODUCTION</td>
<td>10</td>
</tr>
<tr>
<td>1.1 VISION</td>
<td>10</td>
</tr>
<tr>
<td>1.2 KURA HOURUA – THE NAME</td>
<td>10</td>
</tr>
<tr>
<td>2 WHAT IS A PARTNERSHIP SCHOOL</td>
<td>KURA HOURUA?</td>
</tr>
<tr>
<td>2.1 LEGISLATION</td>
<td>11</td>
</tr>
<tr>
<td>2.2 WHY ARE PSKH BEING ESTABLISHED?</td>
<td>11</td>
</tr>
<tr>
<td>2.3 WHAT DOES A PSKH LOOK LIKE?</td>
<td>12</td>
</tr>
<tr>
<td>2.4 AUTHORISATION BOARD</td>
<td>13</td>
</tr>
<tr>
<td>2.5 HOW ARE PSKH DIFFERENT</td>
<td>13</td>
</tr>
<tr>
<td>3 FUNDING</td>
<td>14</td>
</tr>
<tr>
<td>3.1 OVERVIEW</td>
<td>14</td>
</tr>
<tr>
<td>3.2 THE FUNDING MODEL</td>
<td>14</td>
</tr>
<tr>
<td>4 ENROLMENT</td>
<td>16</td>
</tr>
<tr>
<td>4.1 PSKH MUST ACCEPT ALL STUDENTS</td>
<td>16</td>
</tr>
<tr>
<td>4.2 IS THERE A MAXIMUM NUMBER OF STUDENTS THAT PSKH CAN ENROL?</td>
<td>16</td>
</tr>
<tr>
<td>5 OUTCOMES AND PERFORMANCE MANAGEMENT</td>
<td>16</td>
</tr>
<tr>
<td>5.1 STUDENT ACHIEVEMENT</td>
<td>17</td>
</tr>
<tr>
<td>5.2 STUDENT ENGAGEMENT</td>
<td>17</td>
</tr>
<tr>
<td>5.3 PARENT, FAMILY/WHÅNAU AND COMMUNITY ENGAGEMENT</td>
<td>17</td>
</tr>
<tr>
<td>5.4 MISSION SPECIFIC OBJECTIVES</td>
<td>17</td>
</tr>
<tr>
<td>5.5 FINANCIAL MANAGEMENT</td>
<td>18</td>
</tr>
<tr>
<td>5.6 ORGANISATIONAL MANAGEMENT</td>
<td>18</td>
</tr>
<tr>
<td>5.7 OTHER OUTCOMES</td>
<td>18</td>
</tr>
<tr>
<td>6 NEXT STEPS</td>
<td>19</td>
</tr>
<tr>
<td>6.1 UNDERSTAND OUR REQUIREMENTS</td>
<td>19</td>
</tr>
<tr>
<td>6.2 OUR PROCESS</td>
<td>19</td>
</tr>
<tr>
<td>6.3 CHANGES TO OUR PROCESS</td>
<td>19</td>
</tr>
<tr>
<td>6.4 OUR CONTACT PERSON</td>
<td>19</td>
</tr>
<tr>
<td>6.5 OUR ADDRESS FOR PROPOSALS</td>
<td>19</td>
</tr>
<tr>
<td>6.6 OUR TIMELINE</td>
<td>20</td>
</tr>
<tr>
<td>6.7 SUBMISSION OF APPLICATIONS</td>
<td>20</td>
</tr>
<tr>
<td>6.8 APPLICATION VALIDITY PERIOD</td>
<td>21</td>
</tr>
<tr>
<td>6.9 THE RULES</td>
<td>21</td>
</tr>
<tr>
<td>6.10 INTERPRETING THIS REQUEST FOR PROPOSAL/APPLICATION</td>
<td>21</td>
</tr>
<tr>
<td>7 EVALUATION</td>
<td>23</td>
</tr>
<tr>
<td>7.1 HOW YOUR APPLICATION WILL BE EVALUATED</td>
<td>23</td>
</tr>
<tr>
<td>7.2 CONTESTABLE, COMPETITIVE PROCESS</td>
<td>24</td>
</tr>
<tr>
<td>8 GUIDE TO COMPLETING THE APPLICATION</td>
<td>25</td>
</tr>
<tr>
<td>9 FURTHER INFORMATION FOR APPLICANTS</td>
<td>26</td>
</tr>
<tr>
<td>PART TWO – APPLICATION</td>
<td>29</td>
</tr>
<tr>
<td>1 NOTICE OF INTENT TO RESPOND</td>
<td>31</td>
</tr>
<tr>
<td>2 APPLICANT PROFILE</td>
<td>32</td>
</tr>
<tr>
<td>3 PURPOSE AND GOALS</td>
<td>37</td>
</tr>
</tbody>
</table>
8.1 FORM OF CONTRACT ........................................................................................................... 63
8.2 STATUS OF RFA / APPLICATION ................................................................................... 63
8.3 MINISTRY AND BOARD'S RIGHTS .................................................................................. 63
8.4 CONFLICT OF INTEREST ................................................................................................. 64
8.5 PUBLIC STATEMENTS ....................................................................................................... 64
8.6 NEW ZEALAND LAW ......................................................................................................... 64
8.7 DISCLAIMER ....................................................................................................................... 64
8.8 INVOLVEMENT OF MINISTRY OFFICIALS ......................................................................... 64

9 APPENDIX 1 – FUNDING INFORMATION ........................................................................... 65

10 SCHEDULES ....................................................................................................................... 67

10.1 SCHEDULE 1 - OUR PROPOSED CONDITIONS OF CONTRACT ................................. 67
PART ONE - BACKGROUND
Notice to all Applicants

The Education Amendment Bill sets out the legal framework for Partnership Schools | Kura Hourua and is currently being considered by the Education and Science Select Committee.

The Select Committee is due to report back to Parliament by 18 April 2013.

The application process for Partnership Schools | Kura Hourua is subject to the passage of the Education Amendment Bill through the House of Representatives.

No contracts will be entered into until this Bill becomes law.

The Minister or Ministry of Education reserves the right to cancel this procurement process without notice or penalty, should the legislation be withdrawn or fail to be passed by Parliament.
1 Introduction

New Zealand schools are doing a great job, but not for all their students. International studies such as the Programme for International Student Assessment (PISA) show that New Zealand has one of the widest variations between the performance of its highest achieving students and those with lower achievement levels.

This variation exists within schools and within classrooms, regardless of the school’s decile. Too many students are not getting the qualifications and skills they need to participate in a modern economy. The cost of this educational underachievement is high for our families and whānau, our communities and our country.

Raising achievement is crucial to meeting the Government’s Better Public Services target of 85 percent of 18 year olds having NCEA Level 2 or an equivalent in 2017. Partnership Schools | Kura Hourua are designed to bring together the education, business and community sectors to work together in innovative ways to better meet the needs of these students.

**Naming Convention within this Request for Application**
Throughout this application we refer to Partnership Schools | Kura Hourua simply as PSKH.

1.1 Vision

The PSKH schooling model has been designed by Government with a view to allowing a greater degree of flexibility in school management and a higher level of accountability for learning outcomes.

**Partnership Schools | Kura Hourua will:**
- focus on improving educational outcomes for learners who have not been well served in the current system. In particular they will demonstrate how they can make a difference in lifting the educational achievement of Māori, Pasifika and special needs learners and those from low socio-economic backgrounds;
- be innovative and creative in their approach to lifting educational performance;
- be strongly engaged with parents, family/whānau and community who will proactively support the achievement of high educational outcomes; and
- have strong governance support with skills and expertise to ensure the quality management of the school.

1.2 Kura Hourua – the Name

Waka Hourua is the Maori name for the traditional sea voyaging double-hulled canoes used on expeditions where great distances needed to be travelled. The two hulls joined together created a stronger and more versatile vessel better able to cope with all of challenges of the vast Pacific Ocean.

This is an apt metaphor for the journey of partnership the Government and community are embarking on with PSKH. The close partnership envisaged between the sponsor and the Government, and the sponsor and the community will create a stronger, more versatile school which is better able to meet their students’ and community’s needs.

Waka Hourua took many forms and shapes and were adorned with any range of special characteristics, just as Kura Hourua will be able to take on many forms and shapes with special characteristics tailored to their students’ needs.

Waka Hourua were used for great voyages which sought out new horizons by following new pathways. This reflects the journey that Kura Hourua will be undertaking within the New Zealand education environment.
Kura Hourua is the term that has been chosen to best represent the intent behind Partnership Schools, with hourua encapsulating the notion of partnership and journeys, and kura being the commonly used and known term for 'school'.

2 What is a Partnership School | Kura Hourua?

PSKH are a new type of school, which brings together education, business, parents, family/whānau and community to provide new opportunities for students to achieve education success.

PSKH are fully-funded schools outside the state system, accountable to the Crown for raising achievement through a contract to deliver a range of specified school-level targets. They have more freedom over how they operate, so they can innovate to better meet the needs of their students, and achieve their targets. This includes greater flexibility over curriculum, qualifications, employment, hours of operation, and school leadership. PSKH are open to all students who apply for entry, regardless of background or ability, and have no tuition fees.

PSKH are a model of charter school designed to work best for New Zealand’s unique education system. There are many different models of charter school worldwide.

The most common characteristic is that these schools receive public funding, but have greater flexibility around how they operate in exchange for greater accountability for their students’ educational outcomes. The PSKH model is designed to replicate the strengths rather than the weaknesses of the different models worldwide.

2.1 Legislation

The Education Amendment Bill 2012, which will enable the establishment of PSKH, was introduced to the House of Representatives on 15 October 2012. It is currently being considered by the Education and Science Select Committee. The Select Committee is currently scheduled to report back to the House on 18 April 2013.

Applicants should note that the establishment of PSKH is subject to the passage of the Education Amendment Bill through the House of Representatives.

No contracts will be entered into until the Bill becomes law. The Ministry of Education reserves the right to cancel this procurement process without notice or penalty, for example, if the legislation be withdrawn or fails to be passed by Parliament.

The descriptions provided below are based on the provisions of the Bill currently before the Select Committee and as such may be subject to change dependent on the will of Parliament. Any changes to these provisions prior to the Application Closing Date will be advised to Applicants by way of a Clarification via GETS.

2.2 Why are PSKH being established?

The New Zealand education system is world-leading in many respects. However, there are groups of students who are not reaching their potential in education. These are Māori, Pasifika, students from low socio-economic backgrounds, and students with special education needs.

Together they make up the Government's priority groups of students. Too many students from the priority groups are not getting the qualifications and skills they need to participate in a modern economy.

The cost of this educational underachievement is high for our families and whānau, our communities and our country. The Government has set an ambitious target of 85 percent of 18 year olds having NCEA Level 2 or an equivalent in 2017.

This will require new and innovative approaches of tackling educational underachievement. PSKH are one of these new approaches. There is an emerging body of longitudinal research from overseas which shows that well-run, well-led charter schools can successfully lift achievement for learners from minority or low socio-economic backgrounds.

The Government has decided to pilot a small number of PSKH. These will be in areas where learners are currently underserved by existing education provision. This will be a new option in
public education, which will bring together the education, business and community sectors to provide new opportunities for students to achieve education success.

The schools will have greater freedom and flexibility to innovate and engage their students in return for stronger accountability for improving educational outcomes. These schools will particularly focus on the Government's priority groups of Māori, Pasifika, learners from low socio economic backgrounds and learners with special education needs.

2.3 What does a PSKH look like?

2.3.1 Governance

The organisations who will govern PSKH are called sponsors. They can be from a range of backgrounds including businesses, philanthropists, iwi, community organisations, faith-based groups, private schools and culture-based educational organisations. They can be not-for-profit or for-profit. Sponsors can also operate multiple schools.

Under the terms of the proposed legislation, Tertiary Education Institutions and Boards of Trustees of state schools cannot be sponsors.

Potential sponsors will have to apply and meet a number of criteria. Legislation provides for an advisory body (the "Partnership Schools | Kura Hourua Authorisation Board" (the "Board")) to assess Applications from potential sponsors and make recommendations to the Minister of Education on those that should be considered for contracts.

2.3.2 Obligations

PSKH will have a fixed-term contract with the Minister of Education and will have to achieve specific school-level targets which could include:

- student achievement indicators (e.g. National Standards, NCEA or equivalent)
- student engagement indicators (e.g. student attendance, retention and progression post-school).
- parent, family/whānau and community engagement indicators
- organisational and financial performance indicators

Sponsors will be accountable to the Minister of Education for meeting their agreed contract targets. The contract will be administered and monitored on an ongoing basis by the Ministry of Education (see also 2.4 Authorisation Board).

2.3.3 Flexibility

The sponsors of PSKH will have greater flexibility than state schools (subject to any restrictions negotiated through the final contract) to decide how they operate and use funding. This enables sponsors to use new and different approaches to teaching and learning, property and school organisation.

PSKH will be able to:

- negotiate the number of non-registered teachers they employ
- negotiate salary levels and employment conditions with employees
- employ a chief executive, responsible for the day-to-day running of the school, who is not a registered teacher
- set their own length of school day and year
- set their own curriculum providing it uses the vision, principles, values and key competencies of The New Zealand Curriculum or equivalent statements in Te Marautanga o Aotearoa.

Note: this is subject to the passage of the Education Amendment Bill 2012.

Proposed legislation requires that the proportion of non-registered teachers employed by each PSKH be negotiated as part of the contract. Schools may choose to employ subject matter experts to deliver part of their curriculum, such as individuals with post-graduate degrees or trades...
certificates who have not undertaken formal teacher training. All non-teaching and unregistered teachers will be subject to police vetting.

2.4 Authorisation Board

The Minister of Education has appointed an independent Authorisation Board (the "Board") to develop advice and recommendations for the Minister on which applications should be considered for contracts (refer CAB Min (13) 4/2).

The Board will also have a role in periodically reviewing the progress of each PSKH against agreed outcomes and providing advice to the Minister on how they are performing.

The membership of the Board includes individuals who have the appropriate range of skills, experience and perspectives to carry out their responsibilities. The appropriate process has been followed in terms of the State Services Commission Appointments Guidelines.

2.5 How are PSKH Different

2.5.1 How are PSKH different from existing schools?

The most significant difference between PSKH and existing schools (both state and private) is that they are contracted by the Crown to deliver specific school-level targets, and are held to account for doing so. The contract is with a sponsor who is a private individual or organisation.

2.5.2 What do sponsors bring to PSKH?

Sponsors are considered key to enabling new partnerships for delivery of education. They can bring innovative approaches to teaching and learning, and governing and leading a school. They can also contribute expertise in administration (e.g. human resources, financial management and procurement), as well as additional resources.

2.5.3 Who can be a sponsor?

Sponsors can be from a range of backgrounds including businesses, philanthropists, iwi, community organisations, faith-based groups, private schools, and culture-based educational organisations. They can be not-for-profit or for-profit. Existing state schools and tertiary education institutions cannot be sponsors under the proposed legislation.

2.5.4 Can a sponsor run more than one Partnership School/ Kura Hourua?

Sponsors can operate multiple schools, providing they demonstrate the capability and capacity to do so. State and state-integrated school boards of trustees can run multiple schools and the PSKH model has the same provisions.

2.5.5 Can PSKH focus on a special interest?

PSKH can focus on a particular language, vocational pathway, or other specialist area such as the performing arts or science and technology. They can also apply a particular pedagogical philosophy, or adopt a faith or culture-based setting.

2.5.6 Can PSKH provide religious instruction?

A PSKH can provide religious instruction as part of delivering a full curriculum if it has a faith-based character.

2.5.7 Who will approve PSKH?

The Minister of Education will approve all proposals to open PSKH.
2.5.8 What kind of contract will sponsors have with the Crown?

Sponsors have a fixed term contract to deliver specified school-level targets negotiated with the Crown. The contract contains milestones for reviewing progress and achievement against the targets, and is renewed or revoked depending on the sponsor’s performance.

2.5.9 Will PSKH have to report against the National Standards and Ngā Whanaketanga Rumaki Māori?

PSKH with students in Years 1-8 must report against the National Standards or Ngā Whanaketanga Rumaki Māori.

2.5.10 Will the Ombudsmen and Official Information Act apply to PSKH?

Subject to the passage of the Education Amendment Bill 2012, these acts do not apply to PSKH as they are not Crown Entities. However the contracts and other information that may be held by the Ministry will continue to be subject to the Official Information Act.

3 Funding

This section describes the key principles related to the funding approach and model. Refer to Appendix 1 – Funding Information for examples of the funding for each of the components of the funding model for the purposes of developing a high level budget for your Application.

3.1 Overview

3.1.1 How will PSKH receive their government funding?

PSKH will receive a non-tagged grant covering the resourcing components provided to state and state-integrated schools – salaries, operations grant, property funding, and centrally-funded services (such as transport, professional development and special education services).

3.1.2 Will PSKH have greater flexibility than state and state-integrated schools over how they use their funding?

The sponsors of PSKH will have more flexibility to make decisions about how they use government funding to meet their school-level targets. However, they will be held to account if their school is not making the most of the increased flexibility, and is failing to meet their agreed targets.

3.2 The Funding Model

3.2.1 Components of the funding model

PSKH will be fully-funded schools outside the state system, accountable to the Crown for raising student achievement through a contract to deliver a range of specified school-level targets.

The funding model for PSKH is intended to give sponsors flexibility to manage their resources; provide a broadly similar level of funding to that for schools and students in the state system; be transparent; and allow the Crown to manage fiscal risk. The funding will be non-tagged to allow sponsors flexibility to make investment decisions that support the achievement of the contracted outcomes.

The funding model is derived from the following parts:

a) Property Support - an annual sum for property that will allow the sponsor of a PSKH to, for example, rent facilities for a school based on a formula already used in the school system for some schools;
b) Operations and Staff Resourcing - an annual salaries and operations sum made up of base funding to ensure the viability of the school and per student funding that will depend on roll numbers;

c) Centrally Funded support to schools - an annual per student amount that is a proxy for centrally-funded support to state schools (with the exception of support for high and moderate special needs students who will continue to receive support from existing services); and

d) One-off set-up funding and some ongoing extra assistance in the first years of establishment will be provided on the same basis as state schools.

The model is based on funding for decile 3 state schools. PSKH will also be eligible for entitlements that attach to individual students or schools such as transport assistance, Māori Language Programme Funding and an allowance for isolated schools.

3.2.2 Property Support

It is assumed that many PSKH will rent premises. The schools may be established in remodelled commercial or other premises, or possibly in existing educational buildings such as a closed state school or by a private school converting to a PSKH.

It is intended to use the Cash for Buildings funding model as the basis for the property support funding stream for PSKH. Cash for Buildings gives state schools the option of receiving annual cash payments instead of new buildings when they become entitled to additional space.

It calculates an annual cash flow which, when discounted to today’s dollars, is equal to cash flows associated with construction and maintenance of new Ministry-owned space.

The Cash for Buildings model includes three components:

- site works costs and the cost of constructing the building(s), including a furniture and equipment grant (capital costs);
- 40 years of operations grant property funding (maintenance costs); and
- 30 years of five year agreement (SYA) funding (modernisation costs).

The Crown believes funding PSKH on the basis of cash for buildings provides equivalence with the property support for state schools where property is leased. It is a formula that is already known by the school sector and is explained on the Ministry of Education’s website. It provides sponsors with flexibility – if you wish, you can use this funding stream with other money to build your own school.

3.2.3 Operations and Staffing

The key intent for the operations and staffing components of the proposed funding model will be to provide a simpler, more flexible cashed-up model where funding is broadly equivalent to that provided to equivalent schools and students in the state system. Additionally, it is intended to cash up teacher’s salaries and not pay these from a centrally managed Crown fund.

The funding model is weighted to accommodate differences across the following variables:

- school size;
- variation in student rates by age (year level);
- socio-economic status; and
- equivalence with the state system through a per student rate.

3.2.4 Centrally Funded Support

State schools receive a considerable amount of support that is centrally-funded. Much of it is provided on a targeted basis to individual students, teachers and schools. The main components are special education assistance; itinerant and in-school specialist teacher assistance; professional learning and development; transport assistance; curriculum resources; and student engagement initiatives to support disengaged students.
It is intended that most of this support is provided on a cashed-up basis to PSKH. Assistance that may continue to be funded centrally is for students with moderate and high special education needs. This is highly specialised and experts are not equitably available across the country on the open market.

4 Enrolment

This section describes the key principles related to the section title. Applicants are reminded to review in detail the relevant parts of the Bill and the Draft Agreement to ensure they fully understand the requirement.

4.1 PSKH must accept all Students

This RFA seeks proposals targeted at the Government’s priority groups. PSKH must accept all students who apply for entry, regardless of background or ability. If oversubscribed, they will conduct a ballot for available places with priority given to the siblings of current and former students.

Sponsors need to ensure that the student body reflects the groups they specified that they would target in the contract, or action may be taken by the Crown. PSKH are accountable to the Crown for accelerating the progress and achievement of all of their students.

Any specialism offered by a PSKH is a mode of learning rather than an entry criterion. For example, a PSKH can offer a programme specialising in the performing arts or technology or outdoor pursuits, but cannot select students on the basis of their skills and experience in this area. It is open to all those who wish to learn at a school specialising in the performing arts or technology or outdoor pursuits.

4.2 Is there a maximum number of students that PSKH can enrol?

Sponsors will negotiate a maximum roll for any given year with the Crown as part of the contract. This will be renegotiated annually with consideration of evidence of parental demand for the school and successful delivery of agreed outcomes for existing students. This preserves the principle that successful schools should be able to help as many students as they are able without external restraint, but allow the Crown to budget each year.

Sponsors are also expected to demonstrate evidence of parental demand as part of their proposals, and this will be carefully assessed as part of the authorisation process.

5 Outcomes and Performance Management

The PSKH Working Group is finalising the performance framework and the explicit minimum performance expectations that will apply to any successful Applicant, for approval by the Minister.

Successful Applicants will be required to deliver specific outcomes to the Minister.

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<tr>
<th>Example Outcomes</th>
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<tbody>
<tr>
<td>student achievement</td>
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<td>student engagement</td>
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<td>the mission or special characteristics of the school</td>
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<td>parent, family/whānau and community engagement</td>
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<td>financial management</td>
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<tr>
<td>organisational management</td>
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These outcomes are being developed with the following guiding principles:

- **Manageability** - there should be a “vital few” outcomes. If schools are required to meet too many outcomes, their focus tends to be on compliance rather than on teaching and learning.
- **Measurability** – outcomes should be capable of having explicit indicators that are valid, reliable and measurable. Both parties to the contract need a clear understanding of what is to be achieved, what can be measured, and how it is to be measured.

- **Relevance** - outcomes for Partnership Schools should be an expression of what the Government wants to purchase from Partnership Schools.

For illustrative purposes a concept of the performance framework is provided in the Draft Agreement (Refer Schedule 6 – Performance Regime)

### 5.1 Student Achievement

The rationale for establishing PSKH is to trial a new type of school in order to help raise student achievement, especially for the priority groups. Performance indicators and measures in this area are to be based on the Government's goals as well as measures that demonstrate student progression and added value that your school provides.

Secondary schools will be required to have measures based on the Government’s goals of 85% of students reaching NCEA Level 2 or equivalent by 2017. We anticipate this to be the minimum target – it could be set higher for some schools, depending on the specific offerings contained in the application.

PSKH are expected to break down any targets to reflect data for the priority groups and their achievement (except where this would breach an individual’s privacy).

### 5.2 Student Engagement

Because student engagement is a prerequisite to high student achievement, there will be specific performance outcomes ensuring high standards, covering attendance and provision of a safe physical and emotional environment. A child or young person who is not attending school or who feels unsafe at school will not achieve.

Applicants also should note that making all reasonable efforts to ensure that an enrolled student attends and providing a safe physical and emotional environment are both legal requirements on the sponsor under the provisions of the Bill.

### 5.3 Parent, Family/Whānau and Community Engagement

Effective partnerships between schools and parents, whānau and communities can result in better outcomes for students. The better the relationship and engagement, the more positive the impact on students' learning. Successful Applicants will need to demonstrate that they value and make use of the expertise and skills of parents, family/whānau and the community to achieve the required outcomes.

PSKH will be expected to measure the effectiveness of its engagement with parents, family/whānau and community, and how their views are sought, listened to and reflected in what happens at the school.

### 5.4 Mission Specific Objectives

PSKH are expected to have a point of difference from mainstream schools. We are looking for an innovative approach to education that works for those students whom the system has traditionally underserved.

Where a school has special characteristics that underpin its approach to education, we anticipate an objective rating of those. For example, schools that are based around teaching in a particular language and/or culture could show how well their students are progressing in these areas, or schools that have a focus on preparing young people for work or further study could be required to demonstrate how successful those students have been in obtaining placements in suitable employment or higher education courses.
5.5 Financial management

Financial management objectives will measure the overall financial health of the PSKH. We anticipate applying common industry standards that will be used to set targets for this. Examples of possible indicators include current ratio; debt to asset ratios; enrolment variance; and cash flow.

5.6 Organisational Management

PSKH will be required to meet all legal obligations under general, education law and under the contract whilst maintaining a level of freedom to manage itself and focus on achieving specified teaching and learning objectives.

The contract is likely to include indicators that measure the effectiveness of self review systems (governance) and effective staff performance management systems (governance and management).

Well designed and consistently administered staff performance management systems are a tool to help develop good teachers and school managers. Effective teaching is the greatest in-school factor in promoting student achievement.

5.7 Other Outcomes

Other outcomes may be included in the performance framework as a result of deliberations by the PSKH Working Group. Any changes will be advised to all prospective Applicants.
6 Next steps

If you are interested in submitting an Application then please read this document as it sets out the next steps in the process.

6.1 Understand our requirements
Make sure you fully read this document before starting to write your response. In particular develop a strong understanding of our Requirements and how your proposal will be evaluated. If anything is unclear or you have any questions then please email our Contact person for further information.

6.2 Our process
As this is a contestable and competitive Application we have set out a step-by-step process for Applicants to follow as well as some rules. Make sure you follow our process and abide by the rules. Remember, it is important when preparing your Application to use the Applicant Response Form and complete the Applicant Declaration. Having done the work, don’t be late in submitting your proposal – you must get your proposal to us by the closing date.

6.3 Changes to our process
If we need to change anything about this process or want to provide Applicants with additional information we will let all Applicants know by placing a notice on the Government Electronic Tenders Service (GETS) at www.gets.govt.nz. If you downloaded this Request for Application from GETS you will automatically be sent notifications of any changes.

6.4 Our Contact person
Please direct all enquiries to our Contact person listed below. You must not attempt to gain information from any other Ministry employee or Board member.

Drew Preddy
Procurement Manager
Partnership Schools | Kura Hourua Application
Email: partnership.schools@minedu.govt.nz

6.5 Our address for proposals
Proposals must be submitted to the following address:

For Applications sent by post:
Application to operate a Partnership School | Kura Hourua
Attention: Drew Preddy
Ministry of Education
PO Box 1666
Wellington 6140

For Applications delivered by hand or courier:
Application to operate a Partnership School | Kura Hourua
Attention: Drew Preddy
Ministry of Education
Level 3, 45-47 Pipitea Street
Wellington 6011
6.6 Our timeline
The following information sets out our process and indicative timeline.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Completion Date</th>
</tr>
</thead>
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<tr>
<td>Application Issue Date — Clarification Period begins</td>
<td>6th March 2013</td>
</tr>
<tr>
<td>Notification of Intent to Respond due</td>
<td>5:00 pm Friday 22nd March 2013</td>
</tr>
<tr>
<td>Last date for Applicant Clarifications</td>
<td>Friday 5th April 2013</td>
</tr>
<tr>
<td>Last date for response to Applicant Clarifications</td>
<td>Tuesday 9th April 2013</td>
</tr>
<tr>
<td>Application Closing Date</td>
<td>12:00 (midday) Tuesday 16th April 2013</td>
</tr>
<tr>
<td>Evaluation of Written Applications (including clarifications, if any)</td>
<td>May 2013</td>
</tr>
<tr>
<td>Shortlisted Applicant Interviews (see note)</td>
<td>May 2013</td>
</tr>
<tr>
<td>Reference Checking</td>
<td>May 2013</td>
</tr>
<tr>
<td>Notification of Preferred Applicant(s)</td>
<td>TBC</td>
</tr>
<tr>
<td>Contract Negotiations</td>
<td>TBC</td>
</tr>
<tr>
<td>Contracts Signed</td>
<td>TBC</td>
</tr>
<tr>
<td>School opened</td>
<td>January 2014</td>
</tr>
</tbody>
</table>

Please note:
1. All times are in New Zealand time. The Authorisation Board reserves the right to alter the timeline, if required.
2. Shortlisted Supplier Interviews — If you are invited to an interview, you will be required to present in Wellington at a location to be determined by the Board. Interviews will be held over a one week period, with time slots given on a first in first served basis.

6.7 Submission of Applications
All Applications must be received by the Application Closing Date stated above. Applicants must submit paper copies of their Application and a CD-ROM (or) memory stick containing an electronic copy of their Application.

Seven paper copies of the Application document (with at least one copy unbound and/or stapled) and One paper copy of the excel spreadsheet regarding financial details must be submitted in accordance with the RFP rules (Part 3 – Standard Terms).

If there is inconsistency between the paper and electronic copy of your Application, the Board will use the paper copy as the basis of its evaluation of your Application.
6.8 Application Validity Period

Proposals shall remain valid and open for acceptance for a period of not less than 180 days as calculated from the Closing Date.

6.9 The rules

This Application is subject to the standard conditions provided in Part 3 of this RFA document.

6.10 Interpreting this Request for Proposal/Application

Words starting with capital letters can have special meaning. When used in this Request for Proposal/Application the following words in bold have the meaning described.

Authorisation Board (the “Board”) Pending The Authorisation Board is an advisory body appointed by the Minister to represent her as evaluator of the Applications and to provide on-going support and advice to the Minister.

Business Day A day when most businesses are open for business in New Zealand. It excludes Saturday, Sunday and public holidays. A Business Day starts at 8:30am and ends at 5pm.

Minister of Education (the “Minister”) The Minister of Education (Minister) is the purchaser of the Requirements. The Minister is the Sovereign in right of New Zealand who acts by and through the government of New Zealand

Ministry of Education (the “Ministry”) The Ministry of Education (Ministry) provides secretariat services to the Board, is responsible for administering the Application process and supporting the implementation of contracted outcomes (if any).

Clarification Period The period within which any Applicant can ask for a clarification or additional information in relation to the Application.

Closing Date The date when Applications must be delivered to the Board’s nominated representative (other than in exceptional circumstances), as set out in paragraph 6.6 of Part One.

Competitor A person or organisation that is in competition with an Applicant to operate a PSKH now, or in the future.

Conflict of Interest A conflict of interest happens if an Applicant (or any employee of the Applicant):

- has any obligation to another person that would limit the Applicant’s right or ability to perform its obligations under any Contract with the Minister; or
- has any other interest which would be likely to adversely influence the Applicant’s performance of its obligations under any Contract.

A Conflict of Interest means that the Applicant’s independence, objectivity or impartiality can be called into question. A conflict of interest may be:

- actual: where the conflict currently exists
- potential: where the conflict is about to happen, or could happen, or
- perceived: where other people may reasonably think
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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| Confidential Information     | Information that:  
|                              | is by its nature confidential  
|                              | is marked by either the Board, the Ministry or an Applicant as 'Confidential', 'Commercially Sensitive'  
|                              | is provided by the Board, the Ministry, an Applicant, or a third party 'In Confidence'  
|                              | the Board, Ministry or an Applicant knows, or ought to know, is confidential  
|                              | is of a sensitive nature, or commercially sensitive to the Board, Ministry, an Applicant or a third party.                              |
| Contact Person               | The Board's appointed official who is the single point of contact for all Applicant enquiries and other matters relating to this RFP/Application. |
| Contract                     | The legally enforceable written contract for the operation of the PSKH arising as a result of this RFA.                                      |
| Draft Agreement              | Means the PSKH Key Agreement Terms and Principles attached as Schedule 1 to this RFA.                                                   |
| Evaluation Criteria          | The criteria used by the Board to evaluate Applications.                                                                                  |
| Expense                      | Any actual and reasonable out-of-pocket costs that will be incurred by the Applicant in the delivery of the Requirements.                |
| GETS                         | Government Electronic Tenders Services [www.gets.govt.nz](http://www.gets.govt.nz)                                                      |
| GST                          | The value added tax under the Goods and Services Tax Act 1985, as amended.                                                                 |
| Intellectual Property        | An intangible asset that consists of human knowledge or ideas. Some examples are patents, copyrights, trademarks, design, software and similar industrial, commercial or artistic property. |
| Partner / Subcontractor       | A named party (person or organisation) working in collaboration with or under a sub-contracting arrangement with the Applicant to deliver the service. |
| Preferred Applicant(s)       | Following the evaluation of Application(s) the Applicant(s) who's Application(s) have been ranked overall as the top scoring Application(s). |
| Application                   | A written offer submitted in response to this RFP/Application.                                                                                |
| Request for Application (RFA)| Request for Application (RFA) is this document, including all its parts. It is an invitation to all Applicants to submit an Application.         |
| Requirements                  | The services more fully described in Part 1 and Part 2 of this RFA.                                                                           |
| Schedule                     | Any schedule to this RFA that is to be read in conjunction with this RFA.                                                                 |
| Applicant                    | A person, business, partnership, company or organisation that submits an Application in relation to this RFA.                               |
| Successful Applicant          | Following successful negotiations the Applicants (if any) who are awarded a contract.                                                        |
| $                            | Unless otherwise stated all currency is in New Zealand dollars.                                                                               |