



**Charter School
Agency**

Charter School | Kura Hourua Handbook

Dated: *[insert]*

CONFIDENTIAL

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1. Purpose of this Handbook

Charter Schools have increased choice and flexibility in areas such as governance, funding, curriculum, teaching, and hours of operation compared to State schools. This reflects the overall objectives for Charter Schools to:

- provide educators with greater freedom,
- create diversity in New Zealand’s education system, and
- raise overall achievement.

A Charter School Sponsor (referred to as Sponsor or you) is required to perform its functions and exercise its powers in such a way as to support every student at the school to attain their highest possible standards in educational achievement. This flexibility is balanced by Charter Schools having a high level of accountability to the Charter School Authorisation Board (Authorisation Board).

This Handbook forms part of the overall Charter School Agreement (Agreement) as between you and the Charter School Agency (Agency). It provides further detail on the obligations set out in the Agreement and the Performance Plan and some guidelines to help you meet your obligations. Defined terms in this document are as they are in the Agreement. The Handbook provides information about:

- the operational requirements set out in the Charter School Agreement and Performance Plan;
- how to fulfil the requirements;
- monitoring and interventions, including consequences should the requirements not be met;
- processes for extending the contract;
- processes for terminating the contract.

This Handbook does not replace a full review by the Sponsor of all legal obligations as contained in the Agreement. You are responsible for ensuring you are aware of, and comply with, all legal obligations applicable to Charter Schools (including the Agreement, other contracts, the Regulatory Framework that is specific to Charter Schools and all other Applicable Law).

Process for updating the Handbook

This Handbook will be updated by the Agency from time to time, in line with any applicable law and the Agreement (including the change management framework).

Agreement

This Handbook applies to the Charter School and forms part of, and is incorporated in, the Charter School Agreement.

SIGNED by Charter School Agency,
acting for and on behalf of the Crown:

SIGNED by [Sponsor name]:

Authorised Signatory

Authorised Signatory

Print Name and Position

Print Name and Position

Date

Date

2. Charter School Relationship Principles

The relationship principles that will guide you and the Agency in our dealings with each other under the Agreement are illustrated below:

ACHIEVEMENT FOCUS	
Our primary focus is on raising educational achievement for students in New Zealand. We are ambitious and innovative in driving towards this goal.	
COLLABORATION	ACCOUNTABILITY
We commit to working with each other, our colleagues across the Charter Schools network, and the wider education system, to improve outcomes for students and their families.	We are responsible and accountable for our actions and outcomes. We use evidence to support continuous improvement and performance assessment, and to drive innovation across the education system.
TRANSPARENCY	RESPECT
We are honest and open in our communication and will disclose relevant information to foster trust and confidence.	We respect each other's roles, responsibilities and contributions, and we are constructive in all our interactions.

The functions, roles and responsibilities of key entities in relation to Charter Schools is set out in Appendix A.

3. Operational requirements

This section is focused on the key operational obligations – set out in the Agreement and Performance Plan – that you must comply with. In addition, you must comply with requests and directions from the Agency from time to time on various matters relating to the School, and the Secretary for Education may require you to provide certain information.

Establishment

Establishment Plan

The Agency may require you to prepare an Establishment Plan (Plan) and submit this to the Agency within a specified timeframe. This Plan will need to set out information relating to the establishment of your Charter School, including key dates and milestones to be satisfied before the Commencement date.

The Agency has developed a *Sponsor Establishment Plan Checklist* for a new Charter School designed to guide you during this phase. This is included in the pack containing your Agreement, Performance Plan and Handbook. The Checklist provides an overview of what topics must be included in your Plan.

You must provide a copy of your Plan to the Agency, and – if requested – submit progress reports. Your Plan should be progressed and satisfied before you can complete and submit your *Establishment Completion Declaration* (see below), which is due on the date outlined in the Specific Terms of your Agreement.

The Agency will assign a facilitator to support you through this establishment phase.

Establishment Completion Declaration

The *Establishment Completion Declaration* template can be found in Appendix 1 of your Charter School Agreement. It covers your readiness to open in relation to four specific areas:

- Premises / Facilities
- School leadership and key teaching staff
- Operational documents
- Student enrolments.

This Declaration must be provided to the Agency before the deadline specified in Specific Term 14 of your Agreement.

Approval Conditions

Approval Conditions are specific conditions, as set by the Authorisation Board at the time of approving your application to operate a Charter School. These could be:

- **prerequisites to a Charter School opening** – in which case they must be satisfied before you can open your School, or
- **ongoing obligations** – in which case they will be set out in the Specific Terms of your Agreement.

Non-compliance with any Approval Condition can establish grounds for Performance and/or Termination Interventions.

Performance and Reporting Requirements

The Charter School Agreement - Performance Plan sets out the performance requirements you must achieve with regards to:

- student attendance
- student achievement
- financial performance
- compliance with regulatory requirements in a number of specific areas.

This section provides further information on each of these requirements.

Student outcomes

Minimum performance thresholds have been set for each Charter School in the areas of student attendance and achievement. Thresholds are based on the School's EQI index number and band. While the Performance Plan states a minimum performance threshold, Charter Schools are expected to show progress over time towards the standardised performance target.

Information about the EQI bands and groups can be found on the Ministry of Education's (Ministry) website: [School Equity Index Bands and Groups | Education Counts](#). A higher EQI number indicates that a school has students facing more socioeconomic barriers on average, and a lower EQI number indicates that a school has students facing fewer socioeconomic barriers on average.

The EQI Band ranges are updated annually. For 2024, the EQI bands are:

EQI group	EQI band	EQI number	Barriers
1	1	344-402	Fewest
	2	403-428	Few
2	3	429-447	Below average
	4	448-469	Average
	5	470-494	Above average
3	6	495-521	Many
	7	522-569	Most

Student attendance

School attendance is a crucial prerequisite for supporting learning and progress. You must take all reasonable steps to ensure the daily attendance of students enrolled in your School when it is open, and you must report daily on attendance.

The attendance targets and minimum performance thresholds are captured in the Performance Plan. Progress within all attendance categories will be considered when assessing a Charter School's performance. Attendance categories are:

- **Regular attendance:** students with over 90% attendance (missing fewer than five days of school in a standard 10-week term)
- **Irregular absence:** students with more than 80% and up to 90% attendance (students missing 5 – 9 ½ days of a standard term)
- **Moderate absence:** students with more than 70% and up to 80% attendance (missing 10 – 14 ½ days of school in a term)
- **Chronic absence:** students with 70% attendance or less (missing 15 days or more of school in a term)

You must adopt an attendance management plan based on STAR (the Stepped Attendance Response System) within six months of their Commencement Date. This must be made available to

the Agency if requested. Information about STAR can be found on the Ministry website: [Stepped attendance response \(STAR\) system under development - Ministry of Education](#).

Student achievement

Raising student achievement is the core objective and key student outcome being sought by the Charter School model. You must govern your School so as to ensure that every student is able to attain the highest possible standard of educational achievement.

Charter schools are required to report student achievement at the same level of detail expected for State schools - including reporting by gender, year level, and ethnicity. You must report this as part of your Self-Audit and end of Year Reports.

In addition, if you are offering International Baccalaureate or Cambridge exams, you must provide data through the Ministry's International Assessments Collection Process.

Financial performance

Financial performance is one of the three Performance Outcome Areas as described in the Performance Plan. The Performance Plan outlines what is required to be included in reporting requirements relating to financial performance, but it includes:

- Key Financial Performance Measures to be reported in each, Annual Financial Statement and Mid-Year Financial Statements:
 - Operating surplus
 - Working capital ratio
 - Debt/equity ratio
 - Operating cash
 - Enrolment variance
- Financial Performance inclusion within the Self-Audit Report:
 - Annual Financial Statement
 - Mid-Year Financial Statement
 - Forecasts/Budgets
 - Financial probity attestation and declaration
 - Confirmation of contractual obligations relating to profit or dividends
 - Confirmation of sensitive expenditure policy

Financial Management and Probity

The Performance Management Framework within the Agreement is designed to hold Sponsors to account centred round the Performance Outcomes, including financial probity, with a robust and proportionate Intervention Framework.

You must ensure that all reports containing financial information or for financial purposes are collated using robust and accurate data, verified by qualified professionals as appropriate and completed on time.

You must:

- adopt financial management practices and procedures that are consistent with prudent business and accounting practice, including in respect of handling money and accessing bank accounts
- keep a full record of the nature, source and application of funds in your financial information
- ensure that any person with a prior conviction for an offence involving dishonesty does not carry out a role that involves handling money or accessing bank accounts

- comply with the financial performance and viability reporting obligations set out in Schedule 4 and the Performance Plan, including reporting on the expected use of funds through financial plans and forecasts
- ensure that all contractual obligations are discharged before profit or dividends can be used
- comply with your sensitive expenditure policy.

Standard Minimum Compliance

Standard Minimum Compliance (SMC) is made up of two parts:

- Compliance with standard minimum requirements in the areas of appointment of certified teachers and LATs; student enrolment requirements; school day, hours and term dates; property; reporting; insurance; and transport (if applicable).
- All contractual and legislative obligations relating to student wellbeing and child protection.

Reporting on all of the above SMC areas must be included in your Self-Audit Report. This section sets out your obligations regarding each area and includes the measures that you must report against in each area, and which should be included in your Self-Audit report.

Standard Minimum Requirement Areas

Appointment of certificated teachers and LATs

You must appoint a person responsible for overseeing teaching and learning, who must hold a current practising certificate and have a proven background in educational leadership.

Only certificated teachers and people who hold a Limited Authority to Teach (LAT) can be appointed to teaching positions in Charter Schools.

At all times, at least 75 percent of teaching staff at a Charter School must hold a current practising certificate. The remainder of teaching staff must be people who hold a LAT. A minimum percentage of people with practising certificates in teaching positions will provide a level of qualified staff sufficient to support quality teaching and learning.

You must confirm as part of your annual self-audit report that you continue to meet this measure. Should the Agency become aware (through the self-audit report or at any other time) that this measure is not being met, the intervention framework will apply.

If you are concerned about breaching this target at any time, you should reach out to the Agency to try to establish a remedy to mitigate interventions. You can contact the Agency by emailing your Agency Relationship Manager using the contact information in your Agreement.

Overseas teachers not yet certificated in New Zealand

It may take some time for overseas-trained teachers to have their qualifications recognised in New Zealand and have their practising certificate granted by the Teaching Council of Aotearoa New Zealand. In these instances, the teacher with an overseas qualification must apply to the Teaching Council for LAT.

If this results in a breach of the above requirement, you should contact the Agency with your plan for how this will be managed to the required level and the timeframe for this. This plan will then be monitored by both parties.

Standard Minimum Compliance measure:

- *Minimum of 75% of certificated teachers employed.*
- *All teaching positions not held by certificated teachers are held by people who hold a LAT.*

Student Enrolment

Enrolment policy

You must enrol any domestic student entitled to free enrolment and free education under section 33 of the Education and Training Act 2020 (the Act). Domestic students are students who:

- are New Zealand citizens, or
- hold residence visas, or
- are covered by an Education (Domestic Students) Notice. The current notice (as at the time of producing this Handbook), published on 22 February 2023, can be found at [Education \(Domestic Students\) Notice 2023 - 2023-go633- New Zealand Gazette](#).

You may decline to enrol a student if:

- enrolment of that student means that you would exceed the physical capacity of the Charter School premises (as specified in your Agreement);
- a parent, or other person who has accepted responsibility for the education of the student, refuses to accept that the Charter School operates in accordance with any religious, philosophical, or other distinguishing characteristics approved by the Authorisation Board and notified in the Gazette.

Instead of enrolment schemes, Charter Schools are restricted in the number of students that can be enrolled by the physical capacity of the school premises. The physical capacity of premises will be agreed during contract negotiations and noted in Specific Term 5 of your Agreement. If you receive more enrolment applications than the physical capacity of the premises allows for, you must prioritise applicants in the order set out in section 212U of the Act.

Converting schools

When a State school converts, all students currently enrolled at the school must be allowed to attend the Charter School.

If a converted Charter School previously had an enrolment scheme when it was a State school, the order of priority, if oversubscribed, is set out in the Act.

International students

International students can be enrolled at a Charter School under the following conditions:

- you must consent to the enrolment;
- enrolment of an international student does not mean that a domestic student that has applied for enrolment is unable to be enrolled;
- you will not receive any funding from the Agency in respect of that student.

Notwithstanding this, you may establish specific places for international students, and this must be agreed at the time of contracting and captured in Specific Term 23 of your Agreement. If you enrol an international student you must notify the Secretary for Education:

- the student's name, age, and nationality; and
- the day on which the student began (or will begin) to receive tuition at the school.

You must do this as soon as practicable after the international student is enrolled, and can report this using ENROL (see the section on using ENROL below).

You must seek agreement from the Agency in advance if you intend to enrol international students in excess of the upper limit that has been applied in the Specific Terms of your Agreement. You should

do this by emailing your Agency Relationship Manager using the contact information in your Agreement.

Standard Minimum Compliance measures:

- *Compliance with requirements to accept all domestic enrolments, unless they meet any exceptions outlined in the Education and Training Act 2020*
- *Enrolment for existing students is protected at a converting school*
- *If applicable, enrolment complies with any distinguishing characteristic for the school approved by the Authorisation Board*
- *School roll does not exceed the physical capacity of the school as agreed in the Charter School Agreement*
- *Where enrolment applications exceed the number of places available, the school has complied with the enrolment priorities set out in the Education and Training Act 2020*
- *The enrolment of international students has been notified to the Ministry.*

School day, hours and term dates

Charter Schools have the flexibility to set their own term dates, and days and hours of operation. These are agreed as part of the contracting process.

In return for this flexibility, you must report that you are operating in accordance with the agreed school days, hours and term dates. You must seek agreement from the Agency in advance if you intend to change the arrangements set out in your Agreement. You should do this by emailing your Agency Relationship Manager using the contact information in your Agreement.

Standard Minimum Compliance measure:

- *Compliance with school day, hours and term dates, as set out in Charter School Agreements.*

Property

You must ensure that you meet any and all laws or obligations that apply to you in connection with the property you use to operate your Charter School, to ensure that a safe physical and emotional environment is provided for students and staff.

Assignment

You must ensure that any lease you enter into in relation to operating your Charter School under the Agreement contains a provision to enable you to novate or assign the use of such property to either the Crown or to a new Sponsor (the entity to be determined at the Agency's/Crown's discretion).

Physical capacity of premises

The physical capacity of your Charter School's premises is noted on the Building Warrant of Fitness held on the School site and will help you to determine your Charter School's maximum roll size. In doing so you must take into account the number of students, teachers and staff as well as any other person that may be on site during the course of normal operations (e.g., subcontractors). The physical capacity also applies to other activities (e.g., after school activities such as meetings with parents or whānau, or community activities held on-site).

The section above on enrolment policy outlines the enrolment process you must follow if you receive more enrolment applications than the School's physical capacity allows for.

You must seek agreement from the Agency in advance if you intend to change the physical capacity of your School's premises. You should do this by emailing your Agency Relationship Manager using the contact information in your Agreement.

Property maintenance fees

Unless expressly permitted to do so under the Specific Terms of your Agreement, you must not charge a Responsible Person a property maintenance fee. If this is permitted, you must comply with the rate and on any conditions set out in the Specific Terms.

A property maintenance fee will only be permitted in Specific Terms if a School was previously a State integrated school with an integration agreement that allowed the proprietor to charge attendance dues.

If you are permitted to charge a property maintenance fee, the ETA sets out detailed provisions around the use of revenue from the fee, and what you may do in the case a fee is not paid.

You must also keep accounts in a manner approved by the Chief Executive of the Agency, showing the total amount of fees received and how the fees have been spent. The accounts must be:

- balanced at a date each year approved by the Chief Executive of the Agency, and
- audited by a qualified auditor (within the meaning of s 35 of the Financial Reporting Act 2013).

You must include a copy of these accounts - together with the auditor's report on them – as part of your Annual Financial Statement reporting.

Standard Minimum Compliance measures:

- *Compliance with all applicable laws (including all regulations and bylaws) in relation to the ownership, use or occupation of, activities undertaken at, and/or otherwise affecting, the property (including all land and buildings/facilities) that a Charter School operates from. This includes, without limitation, the laws and regulations set out in Section 6.1: Legislation relating to property.*
- *If applicable, a copy of accounts related to property fees, and the auditor's report, has been provided to the Agency.*

Reporting requirements

You must comply with a number of reporting requirements as set out in the Performance Plan:

- Daily attendance reporting
- Roll returns twice or four times a year (as appropriate for their type of school)
- Annual Self audit report to the Agency
- End of Year report to the Agency
- Public Annual Report.

Daily attendance reporting and roll returns must be completed using a Student Management System (see the section below on using a Student Management System for more detail).

Your Annual Self-Audit and End of Year Reports must be submitted to the Agency by emailing your Agency Relationship Manager using the contact information in your Agreement. The Agency will provide a *Sponsor Assurance Statement and Self-Audit Checklist* to be used for the Self-Audit Report.

Standard Minimum Compliance measure:

- *Compliance with reporting requirements as set out in the Performance Plan.*

Insurance

You are required to hold ongoing insurance cover while operating a Charter School. The nature and minimum amount of cover is negotiated at the time of contracting, and you must confirm that you hold insurance as part of your Establishment Plan. You must also confirm as part of your annual Self-Audit Report that you continue to hold appropriate insurance cover at the same, or higher, level as agreed in your contract terms.

You must seek agreement from the Agency in advance if you intend to change the arrangements set out in your Agreement. You should do this by emailing your Agency Relationship Manager using the contact information in your Agreement.

You can choose to join the Ministry's risk management scheme. Information on how to join the scheme, including how the levy is calculated, can be found on the Ministry's website: <https://www.education.govt.nz/education-professionals/schools-year-0-13/funding-and-financials/contents-liability-and-cyber-insurance>. Levies will be deducted from your ongoing entitlement payments (ie your payment will be nett of this amount).

Standard Minimum Compliance measure:

- *The Sponsor holds appropriate insurance cover at the minimum level agreed in their contract terms for the duration of the term of the Agreement.*

Transport

Charter schools are able to apply to the Ministry for transport assistance for eligible students. Schools with eligible students can choose to either receive funding to provide their own transport services, or to take part in an existing school transport service provided by the Ministry. Because the entitlement is attached to individual eligible students and not to schools, eligibility can change over time.

Schools that receive funding to organise their own school transport services

If you choose to receive transport funding from the Ministry to organise and manage your own school transport services, you must comply with the terms and conditions set out in the Funding Agreement between your school and the Ministry.

In addition to the reporting and auditing requirements set out in the Funding Agreement, you will need to comply with the terms and conditions of the Funding Agreement and all relevant legislative requirements for the provision of transport services. This may include (but is not limited to) emergency and incident management, insurance requirements, and driver licensing.

Schools that take part in a Ministry-contracted service

If you choose to take part in Ministry-contracted daily school bus services, you will need to comply with any arrangements between the Ministry and your school. If changes are made to these services, schools are responsible for communicating these changes to their school community.

State and state-integrated schools that currently receive Ministry-contracted daily school transport services and have converted to a Charter School, can choose to continue to use these services. Schools will need to continue to comply with any arrangements between the Ministry and the school to continue to receive these services.

General information on school transport, including the eligibility criteria and the School Transport Roles and Responsibilities Guidelines for Daily bus and Specialised Education School Transport Assistance can be found on the Ministry's website.

Schools that choose to organise their own transport services by contracting a bus company or running a bus service themselves either using Charter School Transport Funding or privately i.e. not using Ministry funding, will need to comply with their obligations under the legislation set out in Section 6.2 below.

The NZ Transport Agency | Waka Kotahi website provides information on the requirements for operating a passenger service: [Running a passenger service | NZ Transport Agency Waka Kotahi](#)

Standard Minimum Compliance measure (all schools):

- *Compliance with obligations under relevant legislation set out in Section 5.2 of the Charter School Handbook*

In addition:

Schools utilising Ministry-contracted transport services:

- *a school bus controller is in place*
- *compliance with any arrangements between the Ministry and the school*
- *follows the relevant Ministry School Transport roles and responsibilities guidelines*

Schools receiving Charter School Transport Funding:

- *follows the relevant Ministry School Transport roles and responsibilities guidelines*
- *compliance with additional requirements as set out in their service specific Funding Agreement with the Ministry.*

Confirmation of compliance with contractual and legislative obligations relating to student wellbeing and child protection

Student wellbeing and child protection is an absolute priority. This forms a key aspect of monitoring for the Agency (and wider government) to ensure appropriate management and care of all students at all times. There is a high expectation that you operate every aspect of your School with student wellbeing and child protection at the forefront of your operations. This includes compliance at all times with applicable law including (but not limited to):

- Childrens Act 2014 (particularly police vetting and checks)
- Health and Safety at Work Act 2015
- Education and Training Act 2020
- Privacy Act 2020

Standard Minimum Compliance measure:

- *Compliance with all contractual and legislative obligations relating to student wellbeing and child protection.*

4. Additional operational requirements

Using Enrolment and Student Management Systems

Using ENROL

All schools in New Zealand must ensure that an enrolment record is kept for each student who is enrolled at the school. To do this, Sponsors must use ENROL, which is an enrolment management application containing enrolment records for all students in New Zealand. This register is updated and used by schools when students enrol, change schools or leave the school system. The collection of this enrolment information is authorised by section 77A of the Education Act 1989.

Organising access to ENROL, including training to use the system, must be part of your Establishment Plan. Your facilitator will help with this.

Enrolments can be entered retrospectively in ENROL. However, ENROL must be updated **within five school days of the first day of attendance**. This means that enrolments of students who begin on the first day of term one must be entered into ENROL five days after the school opens. If a student enrolls during the school year, ENROL must be updated within five days of the first day of the student's attendance at the school.

Your School's enrolment form needs to capture some basic demographic information (such as gender and ethnicity) which will be used to monitor the participation, retention and achievement of different groups across the education system. This will help to ensure that everyone has an opportunity to succeed and that the education system is meeting the needs of everyone.

School enrolment form guidelines can be found on the Ministry website: [School Enrolment Form Guidelines | Education Counts](#).

Using a Student Management System

Student Management Systems (SMSs) are software platforms for schools to manage their day-to-day operations. They also support assessment for learning by allowing the use of rich data to inform improvements in learning and teaching.

You must use a School Management System (SMS) approved by the Ministry for reporting attendance information and roll returns. Organising an SMS, including training to use the system, must be part of your Establishment Plan. Your facilitator will help with this.

Roll returns

Roll returns provide information about the students enrolled at each school in New Zealand. Roll return data is used to inform monitoring, reporting and policy activity across the education system. Since Charter Schools are funded on a per-child basis, roll returns will be used to calculate and review the ongoing funding provided to schools.

All Charter Schools must provide a roll return on the same basis as State schools; that is, in March and July each year. Charter Schools with students in funding year levels 9 to 15 must also submit returns in June and September each year.

The electronic roll return is completed using SMS data.

Management of subcontractors and other Personnel

If you are considering subcontracting any services, you must notify the Agency before you appoint a Subcontractor that is material to your compliance with the Agreement. You must do this by emailing your Agency Relationship Manager using the contact information in your Agreement.

The Agency will then advise whether its approval is required before the relevant Subcontracting agreement can be entered into.

If you notify the Agency of any Personnel being investigated or convicted of a criminal offence, you must:

- promptly notify your Agency Relationship Manager; and
- include information about whether the offence involves dishonesty or physical harm against a person or other relevant issue, and whether the relevant person has been handling money on behalf of your School or has access to bank accounts.

Obligations to notify the Agency

The Agreement sets out a number of obligations to notify the Agency (and comply with its reasonable requests). For example (but not limited to):

Change to Key Persons	If there is any change to your key persons. For example: <ul style="list-style-type: none"> • Chief Executive • Person Responsible for Teaching and Learning • Relationship Manager and Contract Manager • any other Key Person identified by the Authorisation Board or that has a material role in the management or operation of your School
Compliance	Of any matter that is: <ul style="list-style-type: none"> • likely to affect (in any material respect) your compliance with your Charter School Agreement or operation of your School or a ground for intervention • material to the Agency’s role (including monitoring and reporting on your compliance with the Agreement)
Legal structure and ownership	If there is any change to your legal structure or governing members
Financial viability	Of any information relevant to your financial viability, including any anticipated funding that will not be available either in the expected amount or at the expected time (and an equivalent replacement source of funding is not secured), if you have failed to pay any debt from borrowed money (or you reasonably anticipate that you will fail to pay such debt in future) or any other Insolvency Event has occurred or is reasonably likely to occur.
Charter School studies	If you receive a request to participate in any study or research (other than a study identified in the Agreement e.g., PISA, PIRLS and TALIS)
Other	If you adopt Distance Learning or you update your Distance Learning Practices in any material respect

To do this, you must email your Agency Relationship Manager using the contact information in your Agreement.

Distance Learning

If your School offers distance learning, you must provide details to the Agency of how the School will:

- measure and ensure student engagement and attendance
- manage pastoral care including the online safety of students
- address adequate supervision arrangements for students aged under 16 years.

You must provide this information at the time of entering into the Agreement (if applicable) or if the Charter School adopts distance learning after the Commencement Date.

You must seek agreement from the Agency in advance if you intend to update an existing distance learning practice in any material respect. They should do this by emailing your Agency Relationship Manager using the contact information in your Agreement.

Donations scheme

Charter schools with an equity index (EQI) of 432 or higher can choose to join the Ministry's school donations scheme. The EQI for new Charter Schools for Year 1 is calculated to inform contract negotiations and help determine the amount of funding a school receives. The index is then refined over 4 years as more information about the students enrolled at your school becomes available.

The EQI number for existing State schools will be transferred to their new organisation number when they convert to a Charter School.

If a School's initial EQI is 432 or higher at the point of signing the contract with the Agency, you can indicate during negotiations that you want to join the donations scheme. If you join, you cannot ask parents or caregivers for donations (other than for overnight camps).

Otherwise, if a School's EQI moves above 432 a Sponsor can apply to join the scheme as part of their July roll return. Payments under the scheme will then start the following year.

If your School joins the scheme, it will then automatically stay in the scheme – even if the School's EQI drops below 432 – unless you notify the Agency that you no longer want to be part of the scheme.

More information on the donations scheme is available on the Ministry's website: [The school donations scheme - Ministry of Education](#). Note that the opt-in process as described on the website does not apply to Charter Schools.

If your charter school is not part of the donations scheme you may request donations. However, it is your responsibility to ensure the voluntary nature of these requests is clear to your parent and whānau community. This is the same for State schools.

Complaints process

A Charter School must have a complaints policy. The Agency recommends having an easily accessible Complaints Policy outlining the process to be followed to make a complaint. The complaint should be dealt with by the School's Person Responsible for Teaching and Learning or Sponsor in the first instance. Thereafter a complainant must have access to an independent review if the issue remains unresolved. The Ombudsman is an appropriate independent third party that can work with complainants to resolve complaints in relation to schools. [Ombudsman New Zealand | Tari o te Kaitiaki Mana Tangata](#).

Agreement Term

Extension of Agreement

The Initial Term of your Agreement is for 10 years (unless terminated earlier). The Agreement can be renewed for two further terms of up to 10 years each. (See *Section 2 General Terms Clause Part 1 Overview and Establishment, clause 2 Term for more information*).

Before the end of the relevant term (Initial or relevant renewal term), the Agency will contact you to discuss the process to be followed, based on the Agency's decision whether to renew the Agreement or not.

Although there is no required timeframe for the Agency to notify you of any renewal or subsequent expiry, the Agency will endeavour to provide timeframes to enable the you to meet your obligations under the Agreement.

If the Agency chooses to renew the Agreement, the Agency will notify you if:

- there is a requirement to review any terms of the Agreement, or
- there is any additional due diligence or other information required from you to inform the Agency's decision regarding renewing the Agreement.

End of Term procedure

The Agreement may terminate or come to an end in one of six ways:

- Termination Intervention (as determined by the Authorisation Board)
- Termination for convenience by Sponsor
- Mutual agreement by Sponsor and Agency
- Expiry of Term with no renewal
- As a result of a Force Majeure event
- Following the termination of a school lease (where the Authorisation Board may terminate this Agreement).

In any of the above situations, the Agency will issue in writing any instructions for you to follow in regard to Disengagement relating to the Agreement. This could include a request to prepare a Disengagement Plan that includes specific minimum requirements. The Sponsor will work with the Agency to ensure a smooth termination.

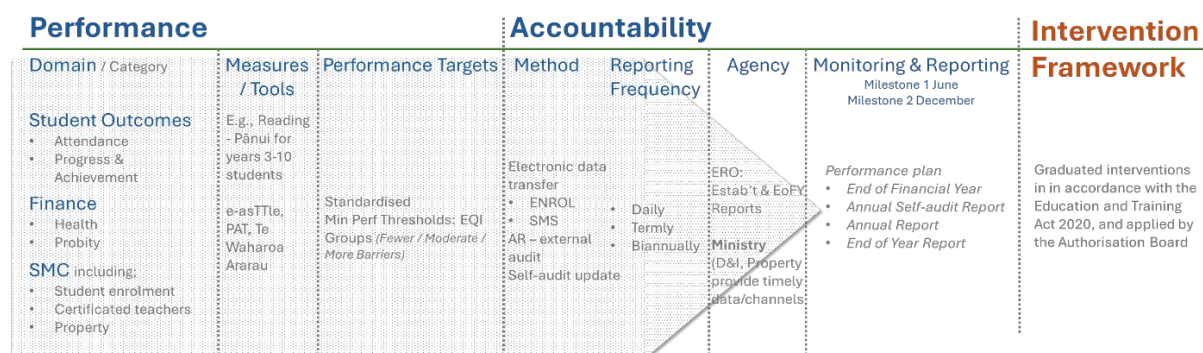
The Authorisation Board could, as part of a Performance Intervention require you to complete a Disengagement Plan prior to an event of termination or expiry.

5. Monitoring and Interventions

The Agency has primary responsibility for the monitoring of Charter Schools against Agreements, through clear and regular reporting requirements and self-audits. It will report on school progress as required to the Authorisation Board.

ERO will conduct a required pre-establishment review of new Charter Schools and complete verification reports within the first year of establishment. ERO will then conduct cyclical monitoring (3 years) to validate and verify the information Charter Schools provide to the Agency against their contracts. These reports will be published to ensure public transparency.

The diagram below illustrates the line of sight between performance, accountability and intervention, within the Charter School performance management framework.



Intervention framework

The Agency will, in the first instance, engage with sponsors to resolve any issues of non-compliance.

Decisions to apply interventions will be based on the circumstances of each case. These may include the extent and risk of harm to the safety and well-being of children, seriousness of non-compliance and the willingness of the sponsor and school to resolve any issues of non-compliance.

The Authorisation Board may apply a range of graduated interventions for managing the performance of charter schools, from increased reporting to requiring the Chief Review Officer to undertake a review. For serious under-performance or breaches of contract, the Authorisation Board can terminate the contract with a Sponsor.

The Intervention Framework sets out specific actions that can be used where a Sponsor is not meeting its contractual or legislative obligations. The Authorisation Board will consider progress over time when applying an intervention. You need to understand your obligations under section 212ZG of the ETA should the Authorisation Board choose to apply an intervention.

Level of intervention	Description	Examples include:
Performance interventions	These interventions are aimed at improving performance. The Agency has discretion to apply these interventions.	<p>Reporting: Requiring the sponsor to develop and implement a remedial plan to address performance failure(s).</p> <p>Action: A written notice about the sponsor's performance failure(s) that may also recommend or require specific actions from the sponsor.</p> <p>Review: may include:</p>

		<ul style="list-style-type: none"> • requiring the sponsor to engage someone with the relevant expertise to undertake an audit, or • requiring the sponsor, at their cost, to appoint an independent and qualified adviser to assist the sponsor to improve performance.
Termination interventions	<p>These interventions can only be applied by the Authorisation Board.</p>	<p>Review: require ERO to conduct a review of the charter school requesting specific information and requiring a specific action.</p> <p>Issuing a statutory notice: This could require the sponsor to undertake certain actions or provide specific information.</p> <p>Termination: Replacement of the sponsor and/or termination of the contract.</p>

6. Relevant contractual and Legislative Compliance

You must comply with any and all relevant laws (including legislation, regulations, guidance or otherwise) that apply in connection with this Agreement and to ensure student wellbeing and child protection. In addition, we expect you to comply and meet with all contractual obligations that you have entered into.

This section below outlines some of the legislation that is likely to apply to you as a Sponsor in operating your Charter School but is not necessarily exhaustive. Where you have any issues or become aware of any potential or perceived issues, please contact the Agency by emailing your Agency Relationship Manager as soon as possible.

6.1 Legislation relating to property

- the Education and Training Act 2020;
- the Building Act 2004;
- the requirements relating to building warrants of fitness in the Building Act 2004;
- the Building Code made under the Building Regulations 1992;
- the Health and Safety at Work Act 2015;
- the Resource Management Act 1991;
- the Property Law Act 2007;
- the Land Transfer Act 2017;
- any applicable District Plan requirements; and
- the Education (Hostels) Regulations 2005, if the Charter School has a hostel.

6.2 Legislation relating to provision of Transport services

- Health and Safety at Work Act 2015
- Land Transport Act 1998
- Transport Act 1962
- Operator Licensing Rule 2007
- Transport (Vehicle & Driver Registration & Licensing Act 1986)
- Road User Charges Act 1977
- Carriage of Goods Act 1979
- any mandatory standards relating to emissions.

6.3 Other regulatory requirements

- Education (Hostel) Regulations 2005
- Ministry of Education – Education Circulars
- Education Review Office (ERO) Guidance

6.4 Other applicable law

- Children’s Act 2014
- Health and Safety at Work Act 2015
- Human Rights Act 1993

- New Zealand Bill of Rights Act 1990
- Official Information Act 1982
- Ombudsmen Act 1975
- Privacy Act 2020
- Local Government (Rating) Act 2002

Appendix A: Functions, roles and responsibilities of key entities related to Charter Schools

Entity	Function is to...	Roles and responsibilities are...
Charter School Sponsor	<ul style="list-style-type: none"> govern the school to ensure that every student is able to attain the highest possible standard of educational achievement 	<ul style="list-style-type: none"> ensure that a safe environment is provided to students and staff develop and deliver a curriculum for teaching, learning and assessment at least equivalent to State schools report regularly on child progress to parents / caregivers report to CSA as set out in the Performance Plan
Charter School Agency	<ul style="list-style-type: none"> implement and operate the charter school model work with other statutory bodies provide advice to Minister(s) 	<ul style="list-style-type: none"> contract with Sponsors monitor and report Sponsor's performance under the Agreement provide secretariat support to the Authorisation Board provide advice to the Authorisation Board on interventions
Charter School Authorisation Board (Authorisation Board)	<ul style="list-style-type: none"> decide on applications to operate charter schools oversee the performance of charter schools provide advice to the Minister decide whether to apply an intervention 	<ul style="list-style-type: none"> approve or decline applications from potential sponsors decide whether any intervention is necessary in overseeing a school's performance
Ministry of Education	<ul style="list-style-type: none"> statutory responsibilities across the education system. administer education legislation and provide overall advice on performance of the system provide policy advice to the Minister(s) of Education 	<ul style="list-style-type: none"> provide policy advice regarding all aspects of charter school model provide advice to the Authorisation Board regarding applications for charter schools host the Agency based on a service agreement collect reporting data on behalf of the Agency act as landlord for charter schools using Ministry-owned property provide some services to eligible charter schools
Education Review Office	<ul style="list-style-type: none"> administer reviews of the performance of the Charter Schools 	<ul style="list-style-type: none"> provide advice to the Authorisation Board regarding applications for new or converting charter schools pre-establishment checks on new charter schools light-touch, regular review cycle (every 3 years) which includes verifying information reported to the Charter School Agency conduct a special review of the governance and sponsor, if requested
New Zealand Qualifications Authority	<ul style="list-style-type: none"> contribute to management and regulation of the education system make rules and regulate parts of the education sector 	<ul style="list-style-type: none"> manage the New Zealand Qualifications and Credentials Framework manage standard-setting for some unit standards and qualifications. run the NCEA assessment system for secondary schools administer the Code of Pastoral Care for international students recognise overseas qualifications