

***VARIATION No. 3***  
***to Contract No. 393-3647***  
***Agreement for the Provision of Services***  
***For the Ministry of Education in relation to***  
***In-service Professional Development***  
**Between**  
**The Ministry of Education**  
**and**  
**The Teachers' Refresher Course Committee (Incorporated)**  
**May 2012**

Ministry of Education  
P O Box 1666  
45-47 Pipitea St  
Thorndon  
Wellington  
Ph: (04) 463 8000  
Fax No: (04) 463 839

MoE use:

Register No. \_\_\_\_\_

Date Entered \_\_/\_\_/20\_\_

Code \_\_/\_\_/\_\_/\_\_

## Variation to Contract

---

**Contract** means the contract between the Parties:

## Parties

---

(Buyer)

**THE SOVEREIGN IN RIGHT OF NEW ZEALAND ACTING BY AND THROUGH**

Pauline Barnes, Group Manager, Establishment

(Referred to in this contract as the "Ministry")

Dated: May 2012

**and**

**The Teachers' Refresher Course Committee (Incorporated)**

Status: Registered Incorporated Society

Company Number: 448987

PO Box 12381

Wellington 6144

("the Contractor").

## Variation

The Buyer and the Supplier are parties to the Contract.

The Parties agree to vary the Contract. The scope of the Variation is set out in the attached Schedule of Changes. The Variation is effective from the Effective Date stated in the Schedule of Changes.

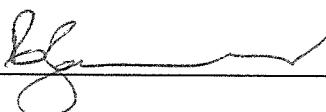
Subject to the changes made by this Variation the terms and conditions of the Contract remain in effect.

Words used but not defined in this Variation have the same meaning as they do in the Contract.

## Acceptance

---

Signed for and on behalf of  
the **Buyer**:

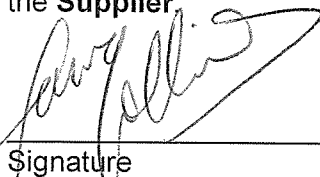
  
Signature

Name: **Pauline Barnes**

Position: Group Manager, Establishment

Date: 29/5/12

Signed for and on behalf of  
the **Supplier**:

  
Signature

Name: **Laura Collins**

Position: Executive Officer, TRCC

Date:

## Schedule of Changes

**Effective Date:** On signing

- A. The Ministry and the Contractor signed a contract dated 30 September 2008 ("the Principal Agreement") to facilitate the delivery of a programme of teacher professional development - 'for teachers by teachers'. This agreement was varied by the parties in September 2009 (Variation 1) and October 2010 (Variation 2) to extend its term.
- B. Clause 14 of the Agreement authorises the parties to vary the Contract by mutual written agreement. Any such variation shall be read together with and deemed part of the Agreement.
- C. Reason for variation:  
Following an independent review of the TRCC provision, which included input from both TRCC and the Ministry, it has been agreed by the parties that current TRCC contract provisions and evaluative processes should be strengthened to provide:
- (i) a better match between the TRCC provision and valued Ministry professional learning and development (PLD) outcomes, and also
  - (ii) greater evidence of impact in schools/centres of course participants' learning.
- More specifically it has been agreed by the parties that the current TRCC agreement should be varied to cover the matters agreed above, ending on 31 December 2013.
- D. The parties have agreed to:
- vary the current agreement to extend the term to **31 December 2013**, and
  - incorporate the above reasons for the variation into the agreement schedules.
- E. This Agreement records the variation.

### **NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

- 1) Clause 1 of the Principal Agreement is varied by replacing clause 1.1 with the following clause:  
1.1 Unless earlier cancelled or terminated in accordance with Clause 18, this Agreement shall expire on **31 December 2013**.
- 2) **Schedule One** is hereby varied by the replacement of the existing Schedule One with the following:

### **Changes:**

#### **Change to End Date**

The End Date as stated in Schedule 1 is amended to 31 December 2013.

## **Change to description of Services**

1. The description of the Services in Schedule 1 is amended by adding the following:

### **SCHEDULE ONE**

#### **Background**

The need for personal-professional development for teachers, alongside school improvement support, is strongly supported by international PLD literature. In the New Zealand literature, Timperley (2008) asserts that teacher learning needs are diverse and must be matched by appropriately diverse PLD provision. Some teachers can make changes to their teaching based on no more than the presentation of new knowledge and skills. Others need school-based support and challenge to be added to presentations about changes needed, before change in practice will occur. Effective PLD provides both as appropriate for individual teacher needs.

#### **Expected Outcomes**

TRCC courses share the following expected outcomes with all other Ministry funded PLD:

1. Courses should have a strong focus on improving the effectiveness of teaching so that it accelerates student achievement, with a particular focus on the needs of Māori students, Pasifika students and those students with special educational needs.
2. Courses should ensure participants' teaching has a strong focus on being flexible and responsive to identity, language and culture needs of all students.
3. Courses should address one or several aspects of these official curricula; Te Whāriki, the New Zealand Curriculum, Te Marautanga o Aotearoa.
4. Courses should promote leadership across the system so that it is clearly focused on supporting effective teaching, inquiry and self review, and effective curriculum leadership in schools and centres, emphasising the shifts in 21<sup>st</sup> century pedagogical approaches and delivery required.
5. Courses should promote strengthened engagement of schools and centres with students, parents, whanau, iwi and communities.

More specific outcomes expected from TRCC courses are:

1. Raised levels of subject knowledge and pedagogical content knowledge of participants.
2. Enhanced decision-making by participants through raised expectations for student progress and better gathering, analysis and use of achievement data.
3. Improved teacher inquiry into past practice and better selection of new practices that accelerate student achievement, in particular for Māori students, Pasifika students and those students with special educational needs.

#### **Course Guidelines**

TRCC courses in any year should meet the following guidelines:

1. Courses should be targeted for classroom/centre teachers and also for centre/school leaders.
2. Courses should be integrating e-learning / ICT activities that blend and support the face-to-face learning with online learning.
3. They should support the creation of virtual professional learning communities committed to bringing about change in school/centre practice.

4. The face to face component of courses should usually run in school/centre holidays and be for 3 to 5 days in one block. These should be intensive, full day and face-to-face for all participants, and residential for most participants.
5. 16 courses should be delivered during the term of this variation (five between July 2013 and December 2013). Within this total there should be a range of single sector and cross sector courses.
6. Course presenters should be selected to ensure courses are based on a blend of the latest 'theory/research evidence' and the best 'practitioner resources and strategies'.
7. Courses should offer challenging discourse and always ask participants to consider: What needs to change back in my centre or school/classroom? How will I know I am successful in my shifts in practice?
8. Teachers, their unions, subject associations and a wide range of other educational organisations should be involved in suggesting course content and identifying suitable presenters.
9. The Ministry's designated officials shall approve the overall programme of courses proposed by TRCC for the variation period using the following criteria-
  - The TRCC programme shall provide a balance between supporting educational organisation and teacher requests, and Ministry national priorities/PLD outcomes.
  - Generally the TRCC provision should aim to complement other current Ministry funded PLD, and share outcomes and evaluative processes with other PLD providers wherever possible.
  - More specifically, TRCC will provide evidence that the course guidelines for the annual programme, set out above, have been taken into account.
  - TRCC will balance requests from larger subject associations with the identified needs of small subject/specialist content areas of identified specified teacher need and will give consideration to those that have had little support regionally and those that are not currently being supported by other PLD provision.
  - The expected timeframe for the Ministry to approve the proposed programme for 1 July to 31 December 2013 is as follows: TRCC will present the Ministry with an outline of the draft proposals in a formal letter in June 2012. The Ministry's approvals/recommendations will be presented at a formal meeting between TRCC and the Ministry in July 2012.

### **Course Planning and Evaluation**

For each course, an appropriate planning committee shall be established. Where courses are particularly for Māori or Pasifika teachers, the committee will be given the autonomy to develop a programme of courses and utilise the designated budget in culturally appropriate ways.

For courses planned from July 2013, all planning committees shall design an appropriate evaluation processes and an evaluation template adapted from the two, key highlighted outcomes domains specified in Appendix-i.

The Ministry's designated officials shall approve the proposed outcomes and evaluation processes for the course programme, and after the course has been held, receive an analysis of each course evaluation using an agreed format.

- 3) **Schedule Two** is hereby varied by the replacement of the existing Schedule Two with the following:

## **SCHEDULE TWO REPORTING**

### **Milestones**

The Contractor shall provide a Milestone Report to the Ministry within five working days of the expected date of completion of each milestone specified in this Schedule.

The Contractor shall provide a report summarising the work during the milestone period, commenting on any progress on milestone tasks, successes and emerging issues, and noting any planned modifications to the programme(s) as a result of ongoing formative assessment and reflection. Each progress report must include an explanation for any variance from the milestone tasks.

Milestone reporting will be quarterly in the first year and six monthly thereafter. All reports are due on the last working day of the month throughout the duration of the contract as follows:

Milestone 1	October 2012
Milestone 2	January 2013
Milestone 3	April 2013
Milestone 4	June 2013
Milestone 5	December 2013

In addition the Annual Report of the TRCC, including a set of audited accounts, will be submitted by September 30 and at the end of the contract.

**1. Work to be completed to achieve Milestone 1:**

- a) The expected date of completion of milestone 1 is the last working day of September 2012.
- b) Details of the tasks to be completed by the Contractor to achieve this milestone are set out in the table below:

<b>Milestone Tasks</b>	<b>Comments on Successes, Emerging Issues and/or Explanations of Variance</b>
1.1 Liaise with the Ministry personnel assigned to the project.	
1.2 Prepare a course programme based on the consultation and points outlined in Schedule One – Course Guidelines.	
1.3 Submit the progress report to the Ministry (including an electronic copy in RTF format) by the milestone report date on each of the above tasks and relevant performance measures, as per Schedule One - Expected Outcomes and Course Planning/Evaluation, including: <ul style="list-style-type: none"><li>• a copy of all completed course outcome plans and associated evaluations</li><li>• using the Monitoring and Evaluation rubrics (Appendix ii) as a guide, provide evidence/analysis of impact and outcomes for participating teachers and leaders</li><li>• a summary statement of trends, risks and issues that TRCC has identified its planned actions, including any risks to the Ministry</li><li>• an explanation of any variance of delivered courses, anticipated or actual completed within this period should be notified to the Ministry within three weeks of programme finish. Any such programmes are to be summarised and included in the milestone report.</li><li>• a copy of income and expenditure statements showing monies received and the amount spent on each aspect of the programme.</li></ul>	

**2. Work to be completed to achieve Milestone 2**

- a) The expected date of completion of milestone 2 is the last working day of December 2012.
- b) Details of the tasks to be completed by the Contractor to achieve this milestone are set out in the table below.

<b>Milestone Tasks</b>	<b>Comments on Successes, Emerging Issues and/or Explanations of Variance</b>
2.1 Liaise with the Ministry personnel assigned to the project.	
2.2 Prepare a course programme based on the consultation and points outlined in Schedule One – Course Guidelines.	
2.3 Submit the progress report to the Ministry (including an electronic copy in RTF format) by the milestone report date on each of the above tasks and relevant performance measures, as per Schedule One - Expected Outcomes and Course Planning/Evaluation, including: <ul style="list-style-type: none"><li>• a copy of all completed course outcome plans and associated evaluations</li><li>• using the Monitoring and Evaluation rubrics (Appendix ii) as a guide, provide evidence/analysis of impact and outcomes for participating teachers and leaders</li><li>• a summary statement of trends, risks and issues that TRCC has identified its planned actions, including any risks to the Ministry</li><li>• an explanation of any variance of delivered courses, anticipated or actual completed within this period should be notified to the Ministry within three weeks of programme finish. Any such programmes are to be summarised and included in the milestone report.</li><li>• a copy of income and expenditure statements showing monies received and the amount spent on each aspect of the programme.</li></ul>	



### 3. Work to be completed to achieve Milestone 3

- a) The expected date of completion of milestone 3 is the last working day of March 2013.
- b) Details of the tasks to be completed by the Contractor to achieve this milestone are set out in the table below.

Milestone Tasks	Comments on Successes, Emerging Issues and/or Explanations of Variance
3.1 Liaise with the Ministry personnel assigned to the project.	
3.2 Prepare a course programme based on the consultation and points outlined in Schedule One – Course Guidelines.	
<p>3.3 Following the Annual Review, prepare and forward a report to the Ministry by 30 March 2013, outlining the proposed draft programmes for the January-December 2014 year, with a summary of the evidence to support decisions made, for ministry approval/ recommendations.</p> <p>(Ministry approvals/recommendations to be made available to TRCC and discussed at a formal Ministry/TRCC meeting which is to be held by 30 April 2013).</p> <p>3.4 Submit the progress report to the Ministry (including an electronic copy in RTF format) by the milestone report date on each of the above tasks and relevant performance measures, as per Schedule One - Expected Outcomes and Course Planning/Evaluation, including:</p> <ul style="list-style-type: none"> <li>• a copy of all completed course outcome plans and associated evaluations</li> <li>• using the Monitoring and Evaluation rubrics (Appendix ii) as a guide, provide evidence/analysis of impact and outcomes for participating teachers and leaders</li> <li>• a summary statement of trends, risks and issues that TRCC has identified its planned actions, including any risks to the Ministry</li> <li>• an explanation of any variance of delivered courses, anticipated or actual completed within this period should be notified to the Ministry within three weeks of programme finish. Any such programmes are to be summarised and included in the milestone report.</li> <li>• a copy of income and expenditure statements showing monies received and the amount spent on each aspect of the programme.</li> </ul>	

#### 4. Work to be completed to achieve Milestone 4

- a) The expected date of completion of milestone 4 is the last working day of June 2013.
- b) Details of the tasks to be completed by the Contractor to achieve this milestone are set out in the table below.

Milestone Tasks	Comments on Successes, Emerging Issues and/or Explanations of Variance
4.1 Liaise with the Ministry personnel assigned to the project.	
4.2 Prepare a course programme based on the consultation and points outlined in Schedule One – Course Guidelines.	
<p>4.3 Submit the progress report to the Ministry (including an electronic copy in RTF format) by the milestone report date on each of the above tasks and relevant performance measures, as per Schedule One - Expected Outcomes and Course Planning/Evaluation, including:</p> <ul style="list-style-type: none"> <li>• a copy of all completed course outcome plans and associated evaluations</li> <li>• using the Monitoring and Evaluation rubrics (Appendix ii) as a guide, provide evidence/analysis of impact and outcomes for participating teachers and leaders</li> <li>• a summary statement of trends, risks and issues that TRCC has identified its planned actions, including any risks to the Ministry</li> <li>• an explanation of any variance of delivered courses, anticipated or actual completed within this period should be notified to the Ministry within three weeks of programme finish. Any such programmes are to be summarised and included in the milestone report.</li> <li>• a copy of income and expenditure statements showing monies received and the amount spent on each aspect of the programme.</li> </ul>	

## 5. Work to be completed to achieve Milestone 5

- a) The expected date of completion of milestone 5 is the last working day of December 2013.
- b) Details of the tasks to be completed by the Contractor to achieve this milestone are set out in the table below.

Milestone Tasks	Comments on Successes, Emerging Issues and/or Explanations of Variance
5.1 Liaise with the Ministry personnel assigned to the project.	
5.2 Prepare a course programme based on the consultation and points outlined in Schedule One – Course Guidelines.	
5.3 Submit the progress report to the Ministry (including an electronic copy in RTF format) by the milestone report date on each of the above tasks and relevant performance measures, as per Schedule One - Expected Outcomes and Course Planning/Evaluation, including: <ul style="list-style-type: none"> <li>• a copy of all completed course outcome plans and associated evaluations</li> <li>• using the Monitoring and Evaluation rubrics (Appendix ii) as a guide, provide evidence/analysis of impact and outcomes for participating teachers and leaders</li> <li>• a summary statement of trends, risks and issues that TRCC has identified its planned actions, including any risks to the Ministry</li> <li>• an explanation of any variance of delivered courses, anticipated or actual completed within this period should be notified to the Ministry within three weeks of programme finish. Any such programmes are to be summarised and included in the milestone report.</li> <li>• a copy of income and expenditure statements showing monies received and the amount spent on each aspect of the programme.</li> </ul>	

## Annual Review

1. During the term of this Agreement, the Ministry and the Contractor shall engage in an annual review:
  - (a) The annual review is to begin by 1 February, and conclude by 31 March
  - (b) There shall be a meeting or a series of meetings between the Ministry and the Contractor in which matters specified below are to be discussed, and where possible agreed
  - (c) The Ministry and the Contractor shall be entitled to request from the other any financial or other information necessary for the purposes of the annual review.
2. The matters to be discussed, and where possible agreed in the annual review are:
  - (a) the performance of the Contractor in delivering and reporting on the services are as specified in Schedules One, Two and Three
  - (b) the financial statements prepared by the Contractor
  - (c) renegotiation of Schedules One, Two and Three as necessary in order to incorporate in the Agreement any changes made as a result of Government policy, or as agreed by the parties.

- 3) **Schedule Three** is hereby varied by the replacement of the existing Schedule Three with the following:

### **SCHEDULE THREE**

#### **Contract Value and Payment Schedules**

Subject to the Agreement terms and conditions the Contractor shall be paid a maximum of \$NZ 221,955.00 exclusive of GST for the period of the variation.

The following amounts shall be paid by automatic payment on the 28<sup>th</sup> of each month for the Variation's duration, unless revised as part of the annual review.

<b>Payment Schedule</b>	<b>Date</b>	<b>Fees/Costs \$ (ex GST)</b>
	28 July 2013	\$36,992.00
	28 August 2013	\$36,992.00
	28 September 2013	\$36,992.00
	28 October 2013	\$36,992.00
	28 November 2013	\$36,992.00
	28 December 2013	\$36,995.00
<b>Total Fees/ Costs ex GST</b>		<b>\$221,955.00</b>

Principal Agreement:

3 year rolling contract 30/9/2008 to 30/6/2011 \$1,331,730.00

Variation 1:

1 year 2011-30 June 2012 \$ 443,910.00

Variation 2:

1 year 1 July 2012-30 June 2013 \$ 443,910.00

Variation 3:

6 months July 2013-Dec 2013 \$ 221,955.00

The Parties confirm in all other respects the Principal Agreement.

**(Appendix- i)**

**Ministry PLD Contract Monitoring and Reporting: Outcomes Reporting Domains**

Evidence Based PLD has three initial components

1. High quality Kura and school capability assessment - in-depth needs and strength assessment/analysis



2. High quality decisions about resource allocation- prioritization, choice of approach, an effective mix



3. Highly effective PLD delivered- high quality facilitation, effective and efficient delivery

Leading to 2 Key Outcome Domains

**Note:** TRCC, as a provider, is expected to focus its evaluation on domains 3, 4 and 6 with a view to impacting on 5.



4. Highly effective governance, leadership and management, classroom teaching, school, centre capability and processes for inquiry and self review



5. Improved student learning for all, and accelerated learning for target groups- particularly Māori and also Pasifika, and students with special learning needs, and low socio-economic groups

Followed by one final component

6. PLD provider's sound evaluation and use of learning- inquiry and self review to improve future quality and effectiveness

(Appendix ii)

**Template for Evaluating TRCC Course Effectiveness Against Key MOE Value Outcomes**

<b>Criterion</b>	<b>Developing Effectiveness</b>	<b>Minimally Effective</b>	<b>Ineffective</b>
1. Level of shift towards key leadership outcomes for participant	There are substantial shifts towards key outcomes- curriculum leadership, effective teaching, inclusive culture, self review capability	There are selective or modest shifts towards key outcomes- curriculum leadership, effective teaching, inclusive culture, self review capability	There are few or no shifts towards key outcomes- curriculum leadership, effective teaching, inclusive culture, self review capability
2. Impact on participant capability to meet students needs and engage effectively with parents in key outcome areas	Participant capability to meet needs of Māori students, Pasifika students and students with special education needs, and the needs of their parents, is significantly enhanced	Participant has capability to meet needs of Māori students, Pasifika students and students with special education needs, and the needs of their parents, is somewhat improved	Participant has capability to meet needs of Māori students, Pasifika students and students with special education needs, or the needs of their parents, is not appreciably improved
3. Impact on capability of participant to create/improve culturally responsive contexts for learning	Participants significantly grow their capability to create/improve culturally responsive contexts for learning	There is some improvement in aspects of capability to create/improve culturally responsive contexts for learning	There is no appreciable improvement in capability to create/improve culturally responsive contexts for learning
4. Impact of attempts to accelerate 'at risk' students' achievement by participant	There is clear evidence that progress/achievement is accelerating for all 'at risk' students	There is evidence some 'at risk' students are making progress/accelerating achievement	There is no clear evidence that 'at risk' students are making the aimed for progress/ accelerating achievement
5. Impact of culturally responsive teaching on students in key target group (Māori, Pasifika,, special needs students)	There is clear evidence of strong outcomes- Māori achieving education success as Māori, Pasifika students with strong identities/languages/ cultures, and special needs students' learning in ways that maximise potential	There is limited/ mixed evidence of desired outcomes- Māori achieving education success as Māori, Pasifika students with strong identities/ languages/ cultures, and special needs students' learning in ways that maximise potential	There is no clear evidence of desired outcomes- Māori achieving education success as Māori, Pasifika students with strong identities/ languages/ cultures, and special needs students' learning in ways that maximise potential

**Note:** All TRCC courses are expected to be evaluated against at least two of these criteria, plus at least one, developed by the planning committee, that is specific to the course.