1298 1995/257



THE EDUCATION (1996 AREA SCHOOL STAFFING) ORDER 1995

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of November 1995

Present:

THE HON. DOUG KIDD PRESIDING IN COUNCIL

PURSUANT to section 91H (1) of the Education Act 1989, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ANALYSIS

1. Title and commencement

PART I

PRELIMINARY

- 2. Interpretation
- 3. Years of schooling

PART II

Rolls

- 4. Junior staffing rolls
- 5. Senior staffing rolls
- 6. Special education rolls
- 7. Certain students not to be counted
- 8. Part-time students

PART III

Limitation on Employment of Permanently Appointed Regular Teachers

Entitlement Staffing

- 9. Junior student specialist instruction rolls
- 10. Curriculum delivery time allowances
- 11. Weighted rolls
- 12. Management teacher time allowances

Additional Staffing Allowances

- 13. Te Atakura time allowances
- 14. Beginning teacher time allowances
- 15. Additional staffing allowances

Transfer of Staffing Entitlements 16. Agreements between Boards to transfer

- staffing entitlement 17. Restrictions on transfer of staffing
- entitlement

Limitation

 Limitation on appointment and employment of permanently appointed regular teachers

PART IV

LIMITATIONS ON EMPLOYMENT OF OTHER REGULAR TEACHERS

19. Total staffing entitlements

20. Limitation on appointment and employment of other regular teachers at area schools

- 21. Limitation on appointment and employment of regular teachers in positions of responsibility at area schools
- 22. Limitation on appointment and employment of regular teachers as deputy principals at area schools

PART V

Exemptions

- 23. Board-funded teachers
- 24. Protection of programmes
- 25. Protection of positions of responsibility
- 26. Protection of supernumerary teachers
- 27. Roll increases
- 28. Special problems
- 29. Revocation Schedules

ORDER

1. Title and commencement—(1) This order may be cited as the Education (1996 Area School Staffing) Order 1995.

(2) This order shall come into force on the 28th day after the date of its notification in the *Gazette*.

PART I

PRELIMINARY

2. Interpretation—(1) In this order, unless the context otherwise requires,—

"The Act" means the Education Act 1989:

"Area school" means a school, established under section 146 of the Act as a composite school, that offers education at a level below Form I:

"Beginning teacher", at any time, means a teacher who-

(a) At that time has completed less than 12 months teaching; and

(b) At that time holds a teaching position to which the teacher was appointed for a period of at least 10 weeks; and

(c) Before taking up that position, had completed a course of teacher training recognised by the Secretary for the purposes of this order:

"FTTE" means full-time teacher equivalent:

"Intermediate department" has the same meaning as in section 145 (1) of the Act:

"Junior staffing roll", in relation to an area school, means the roll determined for it under clause 4 (1) of this order:

"Level of full-time senior students", in relation to an area school, means any of the following:

(a) 1 or more full-time students of year 9 enrolled at the school:

(b) 1 or more full-time students of year 10 enrolled at the school:

(c) 1 or more full-time students of year 11 enrolled at the school:

(d) 1 or more full-time students of year 12 enrolled at the school:

(e) 1 or more full-time students of year 18 or above enrolled at the school:

- "New entrant", in relation to an area school at any time, means a student who at that time is enrolled at the school, and has not been enrolled at any registered school or registered schools for a total of more than 12 months:
- "Other regular teacher" means a regular teacher who is not a permanently appointed regular teacher:
- "Registered school" has the meaning given to that expression by section 2 (1) of the Act:
- "Regular teacher" means a teacher who is not a relieving teacher (within the meaning of section 91A (1) of the Act):
- "Secretary" means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of Part VIIIA of the Act:
- "Senior staffing roll", in relation to an area school means the roll determined for it under clause 5 (1) of this order:
- "Special education roll", in relation to an area school, means the roll (if any) determined for it under clause 6 (1) of this order:
- "Teacher" includes a principal, and any deputy principal (however described):
- "Total grading roll", in relation to an area school, means the sum of the school's junior grading roll, senior staffing roll, and special education roll (if any).

(2) In this order, unless the context otherwise requires, terms defined in section 91_{A} of the Act have the meanings given to them by that section.

- (3) For the purposes of this order,—
- (a) The employment of a teacher on the basis of employment for a specified number of half-days every full week is the employment of one twentieth of that number of FTTEs; and
- (b) The employment of a teacher on the basis of employment for a specified number of teaching hours (or an average of that number of teaching hours) every full week is the employment of one twenty-fifth of that number of FTTEs.

(4) This order shall have effect as if every student who turns or turned 19 before 1996 is a full-time student.

5. Years of schooling—(1) This subclause applies to every student enrolled at an area school who—

- (a) First enrolled at an area school before turning 7; and
- (b) Since first enrolling at an area school has been educated at area schools without any substantial interruption (other than normal holidays).

(2) For the purposes of this order, a student to whom subclause (1) of this clause applies who first enrolled at an area school after the 30th day of June in any year (whether before or after the commencement of this order)—

- (a) Is or was a year 0 student in that year; and
- (b) Is or was a year 1 student in the next year; and
- (c) In every subsequent year is a student of a year 1 greater than the year before.

(8) For the purposes of this order, a student to whom subclause (1) of this clause applies who first enrolled at an area school before the 1st day of July in any year (whether before or after the commencement of this order)—

- (a) Is or was a year 1 student in that year; and
- (b) In every subsequent year is a student of a year 1 greater than the year before.

(4) This subclause applies to a student enrolled at an area school (being a student to whom subclause (1) of this clause does not apply) between the time the student first enrols (or enrolled) at an area school and the earlier of—

- (a) Ceasing permanently to be enrolled at any area school:
- (b) Any substantial interruption (other than normal holidays) in the student's education at area schools.

(5) For the purposes of this order, a student to whom subclause (4) of this clause applies—

- (a) In the year in which the student first enrols at an area school is (or was) a student of the year that, in the principal's opinion, is (or was) most appropriate for a student of that student's maturity, and educational and intellectual achievements; and
- (b) In every subsequent year, is or was a student of a year 1 greater than the year before.

(6) This subclause applies to a student enrolled at an area school (being a student to whom subclause (1) of this clause does not apply) between the time the student again enrols at an area school after any substantial interruption (other than normal holidays) in the student's education at area schools and the earlier of—

(a) Ceasing permanently to be enrolled at any area school:

(b) Any further such interruption.

(7) For the purposes of this order, a student to whom subclause (6) of this clause applies—

- (a) In the year in which the student again enrols at an area school is (or was) a student of the year that, in the principal's opinion, is (or was) most appropriate for a student of that student's maturity, and educational and intellectual achievements; and
- (b) In every subsequent year, is or was a student of a year 1 greater than the year before.

PART II

Rolls

4. Junior staffing rolls—(1) Subject to subclause (4) of this clause and to clauses 7 and 8 of this order, as soon as may be after the commencement of this order the Secretary shall determine for each area school a roll of junior students for 1996, by—

(a) Adding—

(i) The Secretary's best estimate of the number of students (other than students enrolled in special education classes) of year 0 or year 1 likely to be enrolled at the school on the 30th day of September 1996; and

(ii) Two thirds of that number; and

(iii) The Secretary's best estimate of the number of students (other than students enrolled in special education classes) of year

1296

2, year 3, year 4, year 5, year 6, year 7, or year 8 likely to be enrolled at the school on the 1st day of March 1996; and

(b) If the resulting sum is not a whole number, increasing it to the next whole number.

(2) Where before the 16th day of July 1995 the Board of an area school gave the Secretary its estimate of the numbers of students referred to in subparagraphs (i) and (iii) of subclause (1)(a) of this clause, the Secretary shall not determine the junior staffing roll for the school without considering—

- (a) The Board's estimate; and
- (b) All supporting written evidence and argument that the Board gave to the Secretary with its estimate.

(3) As soon as may be after determining an area school's junior staffing roll, the Secretary shall give the Board written notice of it.

- (4) If—
- (a) At a time before the commencement of this order the Secretary determined for any area school a roll of junior students for 1996; and
- (b) The determination of the roll would have been in accordance with subclauses (1) and (2) of this clause if this order had been in force at that time; and
- (c) The Secretary has, before or after the commencement of this order, notified the Board in writing of the roll determined,—

the roll determined shall have effect as if it is the roll required to be determined under subclause (1) of this clause; and the Secretary shall not be required to determine another.

5. Senior staffing rolls—(1) Subject to subclause (4) of this clause and to clauses 7 and 8 of this order, as soon as may be after the commencement of this order the Secretary shall determine for each area school a roll of senior students as at the 1st day of March 1996, by estimating the number of students (other than students enrolled in special education classes) of year 9 or above likely to be enrolled at the school on that day.

(2) Where before the 16th day of July 1995 the Board of an area school gave the Secretary its estimate of the number of students (other than students in special education classes) of year 9 or above likely to be enrolled at the school on the 1st day of March 1996, the Secretary shall not determine the senior staffing roll for the school without considering—

(a) The Board's estimate; and

(b) All supporting written evidence and argument that the Board gave to the Secretary with its estimate.

(3) As soon as may be after determining an area school's senior staffing roll, the Secretary shall give the Board written notice of it.

- (4) If—
- (a) At a time before the commencement of this order the Secretary determined for any area school a roll of senior students for 1996; and
- (b) The determination of the roll would have been in accordance with subclauses (1) and (2) of this clause if this order had been in force at that time; and
- (c) The Secretary has, before or after the commencement of this order, notified the Board in writing of the roll determined,—

the roll determined shall have effect as if it is the roll required to be determined under subclause (1) of this clause; and the Secretary shall not be required to determine another.

6. Special education rolls—(1) Subject to subclause (4) of this clause and to clauses 7 and 8 of this order, as soon as may be after the commencement of this order the Secretary shall determine for each area school (other than Harwarden Area School and Tolaga Bay Area School) a roll of special education students as at the 1st day of March 1996, by estimating the number of students likely to be enrolled in special education classes at the school on that day.

(2) Where before the 16th day of July 1995 the Board of an area school gave the Secretary its estimate of the number of students likely to be enrolled in special education classes at the school on the 1st day of March 1996, the Secretary shall not determine the special education staffing roll for the school without considering—

(a) The Board's estimate; and

(b) All supporting written evidence and argument that the Board gave to the Secretary with its estimate.

(3) As soon as may be after determining an area school's special education roll, the Secretary shall give the Board written notice of it. (4) If—

- (a) At a time before the commencement of this order the Secretary determined for any area school a roll of special education students as at the 1st day of March 1996; and
- (b) The determination of the roll would have been in accordance with subclauses (1) and (2) of this clause if this order had been in force at that time; and
- (c) The Secretary has, before or after the commencement of this order, notified the Board in writing of the roll determined,—

the roll determined shall have effect as if it is the roll required to be determined under subclause (1) of this clause; and the Secretary shall not be required to determine another.

7. Certain students not to be counted—In the determination of any roll for the purposes of this order, no account shall be taken of any foreign student (within the meaning of section 2(1) of the Act)—

- (a) Who is not a student of a kind or description exempted (pursuant to a notice under section 4c of the Act having effect in 1995) from the payment of all the amount required by section 4B of the Act to be paid; or
- (b) In respect of whom all the amount required by section 4B of the Act to be paid has been or is to be paid by the Ministry of Foreign Affairs and Trade.

8. Part-time students—Notwithstanding clause 2 (4) of this order (but subject to clause 7 of this order), for the purposes of this order, every part-time student enrolled or to be enrolled at an area school shall be treated as a fraction of a full-time student calculated by dividing by 20 the number of hours of tuition the student receives or is to receive in a normal week.

PART III

LIMITATION ON EMPLOYMENT OF PERMANENTLY APPOINTED REGULAR TEACHERS

Entitlement Staffing

9. Junior student specialist instruction rolls—(1) In this clause—

'Junior students instructed elsewhere", in relation to an area school at any time, means the number of students enrolled there who are at that time usually attending some other school for—

(a) Instruction in home economics or workshop craft; or

(b) Other specialist instruction approved by the Secretary:

"Junior students instructed internally", in relation to an area school at any time, means the sum of—

(a) The number of students below year 9 enrolled there; and

(b) The number of students below year 9 enrolled there who are at that time usually attending any special education unit or class attached to it; and

(c) The number of students below year 9 enrolled at any primary school who at that time are usually attending a centre for instruction in home economics or workshop craft attached to the school.

(2) When the number of junior students instructed internally at an area school is greater than the number of junior students instructed elsewhere, its junior student specialist instruction roll is the difference between them.

(3) When the number of junior students instructed internally at an area school is not greater than the number of junior students instructed elsewhere, its junior student specialist instruction roll is 0.

10. Curriculum delivery time allowances—An area school's curriculum delivery time allowance (in FTTEs) is the sum obtained by adding—

(a) The greater of 1 and the sum of—

(i) The number of year 0, year 1, year 2, and year 3 students on its junior staffing roll, divided by 23; and

(ii) The number of year 4, year 5, year 6, year 7, and year 8 students on its junior staffing roll, divided by 29; and

(b) Where—

(i) The school has a junior staffing roll of less than 160; and

(ii) The quotient obtained by dividing that roll by the integer of the sum referred to in paragraph (a) of this subclause is over 28,-

the difference between that sum and the next whole number; and

(c) The quotient obtained by dividing by 120 its junior student specialist instruction roll calculated or ascertained under clause 9 of this order; and

(d) The sum of—

(i) The number of year 9 and year 10 students enrolled there on its senior staffing roll, divided by 25; and

(ii) The number of year 11 students on its senior staffing roll, divided by 23; and

(iii) The number of year 12 students on its senior staffing roll, divided by 18; and

(iv) The number of students of year 13 or above on its senior staffing roll, divided by 17; and

(e) If its senior staffing roll is greater than 200, the number of levels of full-time senior students on its secondary staffing roll; and

(f) If its senior staffing roll is not greater than 200, the number obtained by-

(i) Dividing that roll there by 200; and

(ii) Multiplying the resulting quotient by 0.6; and (iii) Adding 0.4 to the resulting product; and

(iv) Multiplying the resulting sum by the number of levels of full-time senior students on its senior staffing roll,-

and if the resulting sum is not exactly divisible by 0.1 rounding it up to 1 decimal place.

11. Weighted rolls—An area school's weighted roll at any time is the sum of-

- (a) The product of 4 and the number of year 0, year 1, year 2, and year 3 students then enrolled there; and
- (b) The product of 8.5 and the number of year 4, year 5, year 6, year 7, and year 8 students then enrolled there; and
- (c) The product of 7 and the number of year 9 and year 10 students then enrolled there; and
- (d) The product of 9 and the number of year 11 students then enrolled there; and
- (e) The product of 15 and the number of year 12 students then enrolled there; and
- (f) The product of 16 and the number of students of year 13 or above then enrolled there; and
- (g) Half its junior student specialist instruction roll calculated or ascertained under clause 9 of this order.

12. Management teacher time allowances—An area school's management teacher time allowance (in FTTEs) is the number obtained by adding-

- (a) The product of 0.003 and its weighted roll calculated under clause 11 of this order; and
- (b) The product of 0.017 and the square root of that weighted roll; and
- (c) In the case only of Hawarden Area School and Tolaga Bay Area School, 0.05,—

and if the resulting sum is not exactly divisible by 0.1 rounding it up to 1 decimal place.

Additional Staffing Allowances

13. Te Atakura time allowances—The Te Atakura time allowance (if any) of an area school in 1996 (in FTTEs) is a number calculated by adding-

- (a) The product of 0.3 and the number of permanently employed beginning teachers then employed at the school in the teaching of Te Reo Maori who before 1993 successfully completed training at a College of Education under the Te Atakura scheme; and
- (b) The product of 0.5 and the number of permanently employed teachers (other than beginning teachers) then employed at the school in the teaching of Te Reo Maori who before 1993

successfully completed training at a College of Education under the Te Atakura scheme.

14. Beginning teacher time allowances—(1) In subclause (2) of this clause, "qualifying beginning teacher" means beginning teacher whose employment is, by virtue of clause 2 (2) of this order, the employment of 0.5 of an FTTE or more.

(2) The beginning teacher time allowance (if any) of an area school at any time in 1996 (in FTTEs) is a number calculated by adding—

- (a) The product of 0.2 and the number of qualifying beginning teachers then employed at the school full-time; and
- (b) The product of 0.1 and the number of qualifying beginning teachers then employed at the school otherwise than full-time.

15. Additional staffing allowances—In 1996, the additional staffing allowance (if any) of an area school shall be calculated by adding—

- (a) Its Te Atakura time allowance (if any), calculated in accordance with clause 13 of this order; and
- (b) Its beginning teacher time allowance (if any), calculated in accordance with clause 14 (2) of this order; and
- (c) In the case only of Hawarden Area School and Tolaga Bay Area School, 1.0.

Transfer of Staffing Entitlements

16. Agreements between Boards to transfer staffing entitlement— (1) In this clause and clause 17 of this order,—

"Entitlement transfer agreement" means written agreement between the Boards of 2 state schools to the effect that in 1996—

(a) 1 of the schools (or an intermediate department attached to it) will relinquish to the other (or an intermediate department attached to it) a specified number of FTTEs of teacher entitlement; and

(b) Either—

- (i) The entitlement will be used to sustain the employment at the other (or the department attached to it) of 1 or more teachers whose duties will include the tuition in a specified subject of students enrolled at the school or department relinquishing the entitlement; or
- (ii) Each of 2 or more specified portions of the entitlement will be used to sustain the employment at the other (or the department attached to it) of 1 or more teachers whose duties will include the tuition in a specified subject of students enrolled at the school or department relinquishing the entitlement:
- "Lender institution", in relation to an entitlement transfer agreement, means the school that is to relinquish entitlement under the agreement:
- "Recipient institution", in relation to an entitlement transfer agreement, means the school at which the teachers whose employment is to be sustained by the use of the entitlement to be relinquished under the agreement are to be employed.

(2) Subject to clause 17 of this order, where an entitlement transfer agreement (or a duplicate of it) has been given to the Secretary before the 1st day of January 1996,—

(a) If the lender school is an area school, it has an entitlement deduction of the number of FTTEs specified in the agreement; and

(b) If the recipient school is an area school, it has an entitlement addition of the number of FTTEs specified in the agreement.

(3) For the purposes of the definition in subclause (1) of this clause of the term "entitlement transfer agreement", an agreement between the Boards of 3 or more schools relating to the relinquishment and use of teacher entitlement shall be treated as a number of agreements between various pairs of them.

17. Restrictions on transfer of staffing entitlement—(1) In this clause,—

- "Music tuition provision" means a provision (or provisions) in an entitlement transfer agreement to the effect that entitlement will be used to sustain the employment of 1 or more teachers whose duties will include tuition in instrumental or vocal music:
- "Specialist tuition provision" means a provision (or provisions) in an entitlement transfer agreement to the effect that entitlement will be used to sustain the employment of 1 or more teachers whose duties will include tuition in home economics or workshop craft.

(2) No area school has an entitlement addition under clause 16(2) (b) of this order arising out of a music tuition provision.

(3) No area school has an entitlement deduction under clause 16(2)(a) of this order arising out of a music tuition provision unless—

(a) The recipient institution's name appears in the first column of the First Schedule to the Education (1996 Secondary and Form I to VII School Staffing) Order 1995; and

(b) The sum of—

(i) The number of FTTEs to be relinquished under the provision; and

(ii) The number (if any) of FTTEs of entitlement to be relinquished to the recipient institution in 1996 under music tuition provisions contained in entitlement transfer agreements already entered into, or entered into at the same time as the agreement containing the provision,—

does not exceed the number specified in the second column of that schedule opposite its name.

(4) No area school has an entitlement addition or entitlement deduction under clause 16 (2) of this order arising out of a specialist tuition provision.

Limitation

18. Limitation on appointment and employment of permanently appointed regular teachers—There shall not be employed at any area school at any time in 1996 permanently appointed regular teachers whose employment generates a number of FTTEs greater than the number obtained by—

(a) Adding—

(i) Its curriculum delivery time allowance, calculated in accordance with clause 10 of this order; and

(ii) Its management teacher time allowance, calculated in accordance with clause 12 of this order; and

(iii) Its additional staffing allowance (if any), calculated in accordance with clause 15 of this order; and

1302

(iv) The sum of its entitlement additions (if any) under clause 16 (2) (b) of this order; and

(b) Subtracting from the resulting sum the sum of its entitlement deductions (if any) under clause 16 (2) (a) of this order.

PART IV

LIMITATIONS ON EMPLOYMENT OF OTHER REGULAR TEACHERS

19. Total staffing entitlements—(1) An area school's total staffing entitlement is a number calculated by—

(a) Adding—

(i) Its curriculum delivery time allowance, ascertained in accordance with clause 10 of this order; and

(ii) Its management teacher time allowance, ascertained in accordance with clause 12 of this order; and

(iii) Its additional staffing allowance (if any), calculated in accordance with clause 15 of this order; and

(iv) Its community education co-ordination time allowance (if any) calculated under subclause (2) of this clause; and

(v) If in 1995 the Secretary has approved an allowance for instrumental, vocal, or instrumental and vocal, tuition at the school, an instrumental and vocal tuition allowance that is the product (correct to 2 decimal places) of 0.001 and the sum of school's senior staffing roll and the number of year 7 and year 8 students on its junior staffing roll; and

(vi) The sum of its entitlement additions (if any) under clause 16 (2) (b) of this order; and

(b) Subtracting from the resulting sum the sum of its entitlement deductions (if any) under clause 16 (2) (a) of this order.

(2) An area school that offers a continuing education programme has a community education co-ordination time allowance calculated by adding—

- (a) The quotient (correct to 2 decimal places) obtained by dividing the number of tutor hours in the 1996 programme by 3800, if there are no more than 200 tutor hours in the programme in 1996; and
- (b) 0.1, if there are more than 200 but no more than 1000 tutor hours in the programme in 1996; and
- (c) 0.2, if there are more than 1000 but no more than 1500 tutor hours in the programme in 1996; and
- (d) 0.3, if there are more than 1500 but no more than 4000 tutor hours in the programme in 1996; and
- (e) 0.4, if there are more than 4000 but no more than 5000 tutor hours in the programme in 1996; and
- (f) 0.5, if there are more than 5000 tutor hours in the programme in 1996.

20. Limitation on appointment and employment of other regular teachers at area schools—There shall not be employed at any area school at any time in 1996 other regular teachers whose employment generates a number of FTTEs greater than the number of FTTEs by which—

- (a) The number of FTTEs generated by the employment at the school at that time of permanently appointed regular teachers,—is less than—
- (b) The total staffing entitlement referred to in clause 19 of this order.

21. Limitation on appointment and employment of regular teachers in positions of responsibility at area schools—(1) There shall not be employed at an area school at any time in 1996 regular teachers holding F2, F3, F4, FTPR1 (fixed-term position of responsibility 1), or FTPR2 (fixed-term position of responsibility 2) positions whose employment generates a number of position of responsibility units greater than the number specified in the second column of the schedule to this order opposite the specification in the first column of that schedule of the school's total staffing roll.

- (2) For the purposes of subclause (1) of this clause,-
- (a) One F2 teacher represents 1 position of responsibility unit:
- (b) One F3 teacher represents 2 position of responsibility units:
- (c) One F4 teacher represents 3 position of responsibility units:
- (d) One FTPR1 teacher represents 1 position of responsibility unit:
- (e) One FTPR2 teacher represents 2 position of responsibility unit.

22. Limitation on appointment and employment of regular teachers as deputy principals at area schools—At any time in 1996—

- (a) There shall not be employed at any area school with a total grading roll of less than 126 a deputy principal of a grade above grade 1:
- (b) There shall not be employed at any area school with a total grading roll of less than 226 but more than 125 a deputy principal of a grade above grade 2:
- (c) There shall not be employed at any area school with a total grading roll of less than 326 but more than 225 a deputy principal of a grade above grade 3.

PART V

EXEMPTIONS

23. Board-funded teachers—The Secretary shall, in exempting the board of an area school from the limitations imposed by clauses 18 and 20 of this order, have regard to—

- (a) Consents given to the Board under section 91F of the Act; and
- (b) The need to ensure that payment of the salaries, or parts of salaries, to which the consents relate are paid out of public money appropriated by Parliament.

24. Protection of programmes—The Secretary shall, in exempting the Board of an area school from the limitation prescribed by clause 18 of this order, have regard to—

- (a) Whether the school's staffing has been (or but for the exemption would be) affected by a fall in its roll; and
- (b) Whether it is desirable to exempt the Board from the limitation (sufficiently to restore the school's staffing to its 1995 level or some lower level) in order to protect a specified programme of instruction whose continued provision would otherwise be at risk.

1304

25. Protection of positions of responsibility—The Secretary shall, in exempting the Board of an area school from the limitation prescribed by clause 21 of this order, have regard to—

- (a) Whether the school's staffing has been (or but for the exemption would be) affected by amalgamation, merger, or change of status, or by a fall in its roll; and
- (b) Whether it is desirable to exempt the Board from the limitation in order to preserve a position of responsibility that would otherwise be at risk.

26. Protection of supernumerary teachers—The Secretary shall, in exempting the Board of an area school from the limitations prescribed by clauses 18 and 20 of this order, have regard to whether it is necessary to do so in order to preserve the continued employment in 1996 of any permanently appointed teachers employed at the school immediately before the 1st day of January 1996 who are for the time being supernumerary, having been declared surplus by virtue of the amalgamation, merger, change of status, or closure of, or a fall in the roll of schools at which the teachers were employed (whether the school at which they are now employed or other schools).

27. Roll increases—The Secretary shall, in exempting the Board of an area school from a limitation prescribed by clause 18, clause 20, or clause 21 of this order, have regard to the extent (if any) to which the school's total staffing roll is less than it would be if calculated as at the day on which the Secretary is considering whether or not to do so.

28. Special problems—The Secretary shall, in exempting the Board of an area school from a limitation prescribed by clause 18, clause 20, or clause 21 of this order, have regard to the extent (if any) to which there are special teaching problems at the school (being problems not common at area schools, or problems more acute or widespread at the school than is common at area schools).

29. Revocation—The Education (1994 Area School Staffing) Order 1993 is hereby revoked.

1306

. . .

Clause 21 (1)

SCHEDULE POSITIONS OF RESPONSIBILITY

Total Staffing						Position of Responsibility
Roll						Units
1-125	•••			•••	•••	1
126-158	•••	•••		•••		2 3
159-190				• • •		8
191-223	•••	•••		•••		4 5
224-255		•••				5
256-287				•••		6
288-320	•••			•••		7
821-852	•••			•••		8
353-384				•••		9
385-417				•••		10
418-449						11
450-481						12
482-514				•••		13
515-546						14
547-578						15
579-611						16
612-643						17
644-675	•••	•••	•••	•••	•••	18
676-708	•••	•••	•••	•••	•••	19
Over 708	•••	•••	•••	•••	•••	20
0,61 /00	•••	•••	•••	•••	•••	20

DIANE WILDERSPIN, Acting for Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

_ _

This order, which comes into force 28 days after notification in the Gazette, prescribes limitations on the numbers, and kinds and descriptions, of regular (that is to say non-relieving) teachers to be employed at area schools in 1996, and criteria to which the Secretary of Education is to have regard in exempting Boards of area schools from those limitations.

Issued under the authority of the Acts and Regulations Publication Act 1989. Date of notification in *Gazette:* 16 November 1995. This order is administered in the Ministry of Education.