



**THE EDUCATION (1996 INTERMEDIATE 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.

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ORDER

1. Title and commencement—(1) This order may be cited as the Education (1996 Intermediate 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:

“Adjusted staffing notice”, in relation to an intermediate institution, means a written notice, received by the institution’s Board from the Secretary, of—

(a) The institution’s adjusted staffing roll for 1996; and

(b) The day on which its staffing will begin to be limited by reference to that roll:

“Adjusted staffing roll”, in relation to an intermediate institution, means the roll re-estimated for it by the Secretary under clause 6 of this order:

“Adjusted total staffing quotient”, in relation to an intermediate institution, means its total staffing quotient calculated by reference to its adjusted staffing roll:

“Basic staffing quotient”, in relation to an intermediate institution, means the quotient calculated for it under clause 15 of this order:

“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:

“The Board”, in relation to an intermediate institution, means the institution’s Board:

“FTTE” means full-time teacher equivalent:

“Initial staffing roll”, in relation to an intermediate institution, means the roll estimated for it by the Secretary under clause 4 of this order:

“Initial total staffing quotient”, in relation to an intermediate institution, means its total staffing quotient calculated by reference to its initial staffing roll:

“Intermediate department” and “intermediate school” have the same meanings as in section 145 (1) of the principal Act:

“Intermediate institution” means an intermediate school or an intermediate department:

“Notified day”, in relation to an adjusted staffing notice, means the day notified in that notice as the day on which the staffing of the intermediate institution to which it relates will begin to be limited by reference to the adjusted staffing roll for 1996 notified in that notice:

“Other regular teacher” means a teacher who is not a permanently appointed regular teacher:

“Primary institution” means a primary school (within the meaning of section 145 (1) of the Act), an intermediate school, or an intermediate department:

“Principal”, in relation to a primary institution, means the institution’s principal; and in relation to a student who enrolls or enrolled at a primary institution at any time, means the institution’s principal at that time:

“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 VIII A of the Act:

“Teacher” includes a principal, any deputy or second deputy principal (however described), and any head of an intermediate department:

“Total staffing quotient”, in relation to an intermediate institution, means the quotient calculated or specified for it under clause 16 of this order:

“Unaugmented”, in relation to the initial total staffing quotient or adjusted total staffing quotient of an intermediate institution, means reduced by its beginning teacher time allowance (if any) under clause 12 of this order.

(2) In this order, unless the context otherwise requires, terms defined by section 91A 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 10 half-days every full week is the employment of 1 FTTE; and

(b) The employment of a teacher on the basis of employment for a specified number (fewer than 10) of half-days every full week is the employment of one tenth of that number of FTTEs; and

- (c) The employment of a teacher on the basis of employment for a specified number of half-days every full fortnight is the employment of one twentieth of that number of FTTEs; and
- (d) 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.

3. Years of schooling—(1) This subclause applies to every student enrolled at an intermediate institution who—

- (a) First enrolled at a primary institution before turning 7; and
- (b) Since first enrolling at a primary institution has been educated at primary institutions 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—

- (a) Is or was a year 7 student in the year in which the student first enrolled at an intermediate institution;
- (b) In every subsequent year, is or was a student of a year 1 greater than the year before.

(3) This subclause applies to every student enrolled at an intermediate institution (being a student to whom subclause (1) of this clause does not apply) between the time the student first enrolls (or enrolled) at an intermediate institution, and the earlier of—

- (a) Ceasing permanently to be enrolled at any intermediate institution;
- (b) Any substantial interruption (other than normal holidays) in the student's education at intermediate institutions.

(4) For the purposes of this order, a student to whom subclause (3) of this order applies—

- (a) In the year in which the student first enrolls at an intermediate institution, 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;
- (b) In every subsequent year, is (or was) a student of a year 1 greater than the year before.

(5) This subclause applies to every student enrolled at an intermediate institution (being a student to whom subclause (1) of this clause does not apply) between the time the student again enrolls (or enrolled) at an intermediate institution after any substantial interruption (other than normal holidays) in the student's education at intermediate institutions, and the earlier of—

- (a) Ceasing permanently to be enrolled at any intermediate institution;
- (b) Any further such interruption.

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

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

PART II

ROLLS

4. Secretary to estimate March 1996 rolls—(1) Subject to subclause (3) of this clause, as soon as may be after the commencement of this order, the Secretary shall—

- (a) Estimate the roll as at the 1st day of March 1996 of every intermediate institution; and
- (b) Notify the Board of every intermediate institution in writing of the roll estimated for it.

(2) Where before the 16th day of July 1995 the Board of an intermediate institution gave the Secretary notice of its likely roll (in the Board's opinion) as at the 1st day of March 1996, the Secretary shall not estimate its roll under subclause (1) of this clause without considering—

- (a) That notice; and
 - (b) All written evidence and argument the Board supplied with it.
- (3) If—

- (a) At a time before the commencement of this order, the Secretary estimated the roll as at the 1st day of March 1996 of any intermediate institution; and
- (b) The estimation of the roll would have been in accordance with subclause (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 estimated,—

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

5. Principals to ascertain and notify actual 1996 rolls—As soon as may be after the 1st day of March 1996, the principal of every intermediate institution shall—

- (a) Ascertain the institution's roll as at that day; and
- (b) On a form provided by the Secretary for the purpose, give the Secretary notice of that roll.

6. Re-estimation of March 1996 rolls—(1) Subject to subclause (2) of this clause, as soon as may be after the 10th day of March 1996, the Secretary shall—

- (a) Re-estimate the roll as at the 1st day of March 1996 of every intermediate institution; and
- (b) Notify the Board of every intermediate institution, in writing, of the roll re-estimated for it.

(2) Where a notice under clause 5 of this order from the principal of an intermediate institution has reached the Secretary before the 11th day of March 1996, the Secretary shall not re-estimate the roll of that institution without taking into account—

- (a) The matters contained in the notice; and
- (b) All written evidence and argument that the Board gave the Secretary with the notice.

7. Certain students not to be counted—In the estimation or re-estimation of a school's roll for the purposes of this order, no account shall be taken of—

- (a) Any foreign student (within the meaning of section 2 (1) of the Act)—
 (i) 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 all the amount required by section 4b of the Act to be paid; or
 (ii) 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;
- (b) Any person enrolled at a side school, satellite class, attached special education unit or class, or hospital class.

PART III

ALLOWANCES AND QUOTIENTS

*Allowances***8. Senior student time allowances**—(1) In this clause—

“Students instructed elsewhere”, in relation to an intermediate institution at any time, means the number of students of year 7 or above enrolled at it who are at that time usually attending some other primary institution for—

- (a) Instruction in home economics or workshop craft; or
 (b) Other specialist instruction approved by the Secretary:

“Students instructed internally”, in relation to a intermediate institution at any time, means the sum of—

- (a) The number of students of year 7 or above included in its initial or adjusted staffing roll (as the case requires); and
 (b) The number of students of year 7 or above enrolled at the institution who are at that time usually attending any special education unit or class attached to it; and
 (c) The number of students of year 7 or above enrolled at any other primary institution who are at that time usually attending a centre for instruction in home economics or workshop craft attached to the intermediate institution.

(2) When the number of students instructed internally at an intermediate institution is greater than the number of students instructed elsewhere, its senior student time allowance is the quotient obtained by dividing the difference by 120.

(3) When the number of students instructed internally at an intermediate institution is not greater than the number of students instructed elsewhere, its senior student time allowance is 0.

9. Curriculum delivery time allowances—(1) Subject to subclause (2) of this clause, an intermediate institution’s curriculum delivery time allowance (in FTTEs) is the sum obtained by adding—

- (a) The number of students on its staffing roll, divided by 29; and
 (b) Where—

- (i) The institution has a roll under 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) Its senior student time allowance calculated or ascertained under clause 8 of this order,—

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

(2) The curriculum delivery time allowance of an intermediate school that comprises a main school and 1 or more side schools is the higher of—

- (a) The allowance calculated for it under subclause (1) of this clause; and
- (b) The sum of the allowances calculated for each of those schools separately under that subclause.

10. Weighted rolls—An intermediate institution's weighted roll at any time is the sum of—

- (a) The product of 3.5 and the number of students then included in its staffing roll; and
- (b) The product of 0.5 and the number of students of year 7 or above then enrolled at the institution who do not usually attend a centre for instruction in home economics or workshop craft attached to some other primary institution.

11. Management teacher time allowances—An intermediate institution's management teacher time allowance (in FTTEs) is the number obtained by—

- (a) Adding—
 - (i) The product of 0.0003 and its weighted roll calculated under clause 10 of this order; and
 - (ii) The product of 0.017 and the square root of that weighted roll; and
 - (iii) The product of 0.05 and the number (if any) of attached teachers of a kind specified in the First Schedule to this order employed at the institution; and
- (b) Where the resulting sum is not exactly divisible by 0.1, rounding it down to 1 decimal place.

12. Beginning teacher time allowances—At any time when there is employed at an intermediate institution any beginning teacher whose employment is, by virtue of clause 2 (2) of this order, the employment of 0.5 of an FTTE or more (hereafter in this clause referred to as a qualifying beginning teacher), it has a beginning teacher time allowance (in FTTEs) calculated by adding—

- (a) The product of—
 - (i) The number of qualifying beginning teachers then employed at the institution full-time; and
 - (ii) 0.2; and
- (b) The product of—
 - (i) The number of other qualifying beginning teachers then employed at the institution; and
 - (ii) 0.1.

Transfer of Staffing Entitlement

13. Agreements between Boards to transfer staffing entitlement—(1) In this clause and clause 14 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 or department that is to relinquish entitlement under the agreement:

“Recipient institution”, in relation to an entitlement transfer agreement, means the school or department 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 14 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 institution is an intermediate institution, it has an entitlement deduction of the number of FTTEs specified in the agreement; and

(b) If the recipient institution is an intermediate institution, 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.

14. 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 intermediate institution has an entitlement addition under clause 13 (2) (b) of this order arising out of a music tuition provision.

(3) No intermediate institution has an entitlement deduction under clause 13 (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 intermediate institution has an entitlement addition or entitlement deduction under clause 13 (2) of this order arising out of a specialist tuition provision.

Quotients

15. Basic staffing quotients—A intermediate institution's basic staffing quotient (in FTTEs) is the number obtained by—

(a) Adding—

(i) Its curriculum delivery time allowance, calculated, in accordance with clause 9 of this order, by reference to its initial staffing roll; and

(ii) Its management teacher time allowance, calculated, in accordance with clause 11 of this order, by reference to its initial staffing roll; and

(iii) The sum of its entitlement additions (if any) under clause 13 (2) (b) of this order; and

(b) Subtracting from the resulting sum the sum of its entitlement deductions (if any) under clause 13 (2) (a) of this order.

16. Total staffing quotients—(1) Subject to subclause (2) of this clause, an intermediate institution's total staffing quotient (in FTTEs) is the number obtained by—

(a) Adding—

(i) Its curriculum delivery time allowance, calculated, in accordance with clause 9 of this order, by reference to its initial staffing roll; and

(ii) Its management teacher time allowance, calculated, in accordance with clause 11 of this order, by reference to its initial staffing roll; and

(iii) Its beginning teacher time allowance calculated under clause 12 of this order; and

(iv) The sum of its entitlement additions (if any) under clause 13 (2) (b) of this order; and

(v) The number of FTTEs for the time being represented by teachers employed at the school by virtue of an exemption granted under clause 24 of this order; and

(vi) The number of FTTEs for the time being represented by teachers (being attached teachers of a kind specified in Part I of the First Schedule to this order) employed at the school by virtue of an exemption granted under clause 25 of this order; and

- (vii) Half the number of FTTEs for the time being represented by teachers (being attached teachers of a kind specified in Part II or Part III of the First Schedule to this order) employed at the school by virtue of an exemption granted under clause 25 of this order; and
- (b) Subtracting from the resulting sum the sum of its entitlement deductions (if any) under clause 13 (2) (a) of this order.
- (2) The total staffing quotient of an intermediate school that comprises a main school and 1 or more side schools is the higher of—
- (a) The quotient calculated for that school under subclause (1) of this clause; and
- (b) The sum of the quotients calculated for each of those schools separately under that subclause.

PART IV

LIMITATIONS ON APPOINTMENT AND EMPLOYMENT OF TEACHERS

Limitations on Employment of Teachers

17. Quantitative limitations on employment of permanently appointed regular teachers—(1) At any time in 1996 before the Board of an intermediate institution receives an adjusted staffing notice for it, there shall not be employed at the institution permanently appointed regular teachers whose employment generates a number of FTTEs greater than its initial total staffing quotient.

(2) Where the Board of an intermediate institution has received an adjusted staffing notice for it—

(a) There shall not at any time in 1996 before the notified day be employed at the institution permanently appointed regular teachers whose employment generates a number of FTTEs greater than its initial total staffing quotient.

(b) There shall not at any time in 1996 on or after the notified day be employed at the institution permanently appointed regular teachers whose employment generates a number of FTTEs greater than the higher of its initial total staffing quotient and its adjusted total staffing quotient.

18. Quantitative limitation on employment of permanently appointed regular teachers who have not become supernumerary—Where—

(a) An intermediate institution's Board has received an adjusted staffing notice for it; and

(b) Its adjusted total staffing quotient is less than its initial total staffing quotient,—

there shall not at any time in 1996 on or after the notified day be employed at the institution permanently appointed regular teachers (not being teachers who have become supernumerary) whose employment generates a number of FTTEs greater than its adjusted total staffing quotient.

19. Quantitative limitations on employment of other regular teachers—(1) At any time in 1996 before the Board of an intermediate institution receives an adjusted staffing notice for it, there shall not be employed at the institution 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 that time of permanently appointed regular teachers,—
is less than—

(b) Its initial total staffing quotient.

(2) Where the Board of an intermediate institution has received an adjusted staffing notice for it—

(a) There shall not at any time in 1996 before the notified day be employed at the institution other regular teachers whose employment generates a number of FTTEs greater than the number of FTTEs by which—

(i) The number of FTTEs generated by the employment at that time of permanently appointed regular teachers,—
is less than—

(ii) Its initial total staffing quotient.

(b) There shall not at any time in 1996 on or after the notified day be employed at the institution other regular teachers whose employment generates a number of FTTEs greater than the number of FTTEs by which—

(i) The number of FTTEs generated by the employment at that time of permanently appointed regular teachers,—
is less than—

(ii) Its adjusted total staffing quotient.

20. Limitations on employment of regular teachers in positions of responsibility at intermediate schools—(1) At any time in 1996 before the Board of an intermediate school receives an adjusted staffing notice for it, there shall not be employed at the school—

(a) A principal of a grade higher than that specified in the second column of the Second Schedule to this order opposite its unaugmented initial total staffing quotient:

(b) A deputy principal of a grade higher than that specified in the third column of the Second Schedule to this order opposite its unaugmented initial total staffing quotient:

(c) A second deputy principal of a grade higher than that specified in the fourth column of the Second Schedule to this order opposite its unaugmented initial total staffing quotient:

(d) More senior teachers than the number specified in the fifth column of the Second Schedule to this order opposite its unaugmented initial total staffing quotient.

(2) Where the Board of an intermediate school has received an adjusted staffing notice for it—

(a) There shall not any time in 1996 before the notified day be employed at the school—

(i) A principal of a grade higher than that specified in the second column of the Second Schedule to this order opposite its unaugmented initial total staffing quotient:

(ii) A deputy principal of a grade higher than that specified in the third column of the Second Schedule to this order opposite its unaugmented initial total staffing quotient:

(iii) A second deputy principal of a grade higher than that specified in the fourth column of the Second Schedule to this order opposite its unaugmented initial total staffing quotient:

(iv) More senior teachers than the number specified in the fifth column of the Second Schedule to this order opposite its unaugmented initial total staffing quotient:

(b) There shall not at any time in 1996 on or after the notified day be employed at the school—

(i) A principal of a grade higher than that specified in the second column of the Second Schedule to this order opposite the higher of its unaugmented initial total staffing quotient and unaugmented adjusted total staffing quotient:

(ii) A deputy principal of a grade higher than that specified in the third column of the Second Schedule to this order opposite the higher of its unaugmented initial total staffing quotient and unaugmented adjusted total staffing quotient:

(iii) A second deputy principal of a grade higher than that specified in the fourth column of the Second Schedule to this order opposite the higher of its unaugmented initial total staffing quotient and unaugmented adjusted total staffing quotient:

(iv) More senior teachers than the number specified in the fifth column of the Second Schedule to this order opposite the higher of its unaugmented initial total staffing quotient and unaugmented adjusted total staffing quotient.

(3) Subclauses (1) and (2) of this order shall have effect in relation to Auckland Normal Intermediate School as if—

(a) The references in them to an intermediate school's unaugmented initial total staffing quotient are references to that school's unaugmented initial total staffing quotient increased by 1; and

(b) The references in them to an intermediate school's unaugmented adjusted total staffing quotient are references to that school's unaugmented adjusted total staffing quotient increased by 1.

21. Limitations on employment of regular teachers in positions of responsibility at intermediate departments—(1) At any time in 1996 before the Board of an intermediate department receives an adjusted staffing notice for it, there shall not be employed at the department—

(a) If its unaugmented initial staffing quotient is less than 2.0, any head of department:

(b) If its unaugmented initial total staffing quotient is less than 5.0, any senior teacher:

(c) Subject to paragraph (a) of this subclause, any head of department of a grade higher than that specified in the second column of the Third Schedule to this order opposite its unaugmented initial total staffing quotient:

(d) Subject to paragraph (b) of this subclause, more senior teachers than the number specified in the third column of the Third Schedule to this order opposite its unaugmented initial total staffing quotient.

(2) Where the Board of an intermediate department has received an adjusted staffing notice for it—

(a) There shall not any time in 1996 before the notified day be employed at the department—

(i) If its unaugmented initial total staffing quotient is less than 2.0, any head of department:

(ii) If its unaugmented initial total staffing quotient is less than 5.0, any senior teacher:

(iii) Subject to subparagraph (i) of this paragraph, any head of department of a grade higher than that specified in the second column of the Third Schedule to this order opposite its unaugmented initial total staffing quotient:

(iv) Subject to subparagraph (ii) of this paragraph, more senior teachers than the number specified in the third column of the Third Schedule to this order opposite its unaugmented initial total staffing quotient:

(b) There shall not at any time in 1996 on or after the notified day be employed at the department—

(i) If the lower of its unaugmented initial total staffing quotient and its unaugmented adjusted total staffing quotient is less than 2.0, any head of department:

(ii) If the lower of its unaugmented initial total staffing quotient and its unaugmented adjusted total staffing quotient is less than 5.0, any senior teacher:

(iii) Subject to subparagraph (i) of this paragraph, any head of department of a grade higher than that specified in the second column of the Third Schedule to this order opposite the lower of its unaugmented initial total staffing quotient and its unaugmented adjusted total staffing quotient:

(iv) Subject to subparagraph (ii) of this paragraph, more senior teachers than the number specified in the third column of the Third Schedule to this order opposite the lower of its unaugmented initial total staffing quotient and its unaugmented adjusted total staffing quotient.

Limitations on Appointment of Teachers

22. Quantitative limitation on appointment of regular teachers—

(1) At any time in 1996, no regular teacher shall be appointed to any position at an intermediate institution if the employment of—

(a) That teacher; and

(b) The other regular teachers already employed at the institution; and

(c) The regular teachers (if any) appointed to positions at the institution at the same time as that teacher,—

generates a number of FTTEs greater than its initial total staffing quotient.

(2) Nothing in subclause (1) of this clause prevents the appointment of a new principal at an intermediate school or a new head of an intermediate department.

23. Limitations on appointment of regular teachers to positions of responsibility at intermediate schools—Where the Board of an intermediate school has received an adjusted staffing notice for it, there shall not on or after the notified day be appointed to be employed at it—

(a) A principal of a grade higher than that specified in the second column of the Second Schedule to this order opposite its unaugmented adjusted total staffing quotient:

(b) A deputy principal of a grade higher than that specified in the third column of the Second Schedule to this order opposite its unaugmented adjusted total staffing quotient:

- (c) A second deputy principal of a grade higher than that specified in the fourth column of the Second Schedule to this order opposite its unaugmented adjusted total staffing quotient:
- (d) Any senior teacher if the employment of—
- (i) That teacher; and
 - (ii) The senior teacher already employed at that school; and
 - (iii) The senior teachers (if any) appointed to positions at that school at the same time as that teacher,—
- has the same effect that there are employed at that school more senior teachers than the number specified in the fifth column of the Second Schedule to this order opposite its unaugmented adjusted total staffing quotient.

PART V

EXEMPTIONS

24. Guaranteed staffing component—The Secretary shall, in exempting an intermediate institution's Board from the limitations imposed by this order, have regard to both the following matters:

(a) Whether—

(i) The institution's staffing in 1996 has been (or but for the exemption would be) affected by a fall in its roll in comparison with 1995; and

(ii) It is desirable to grant an exemption in order to reduce (in whole or in part) the impact (in 1996) of the reduced staffing entitlement resulting from the fall on classroom programmes in place in 1995:

(b) Whether—

(i) The institution's staffing entitlement in 1996 is (or but for the exemption would be) less than it would have been if the Education (1995 Primary and Intermediate School Staffing) Order 1994 had been in effect in relation to 1996; and

(ii) It is desirable to grant an exemption in order to prevent a reduction in that entitlement by comparison with 1995.

25. Attachments—The Secretary shall, in exempting an intermediate institution's Board from the limitations imposed by this order have regard to—

(a) The extent (if any) to which the students enrolled at the institution have particular educational needs that can and should be met by the appointment of 1 or more attached teachers of a kind specified in the First Schedule to this order; and

(b) Where there are at the institution special education classes (approved by the Secretary in writing for the purposes of this clause) for students in respect of whom there are for the time being in force agreements under section 9 (1) (a) of the Act that the students should be enrolled at the institution, or in a special class at the institution,—

(i) The number and size of those classes; and

(ii) The extent (if any) to which the need of those students for more teachers, or teachers of higher grades, than the inclusion of those students in the institution's staffing roll generates can and should be met by the appointment of 1 or more attached teachers of a kind specified in the First Schedule to this order.

26. Teacher support units—The Secretary shall, in exempting an intermediate institution's Board from the limitations imposed by this order, have regard to—

(a) Whether it is desirable to do so in order to—

(i) Identify and assess students whose social or educational behaviour is detrimental to their social development or their ability to learn; and

(ii) To provide professional development for teachers teaching students with special needs; and

(b) The need to ensure that the total number of FTTEs effectively granted by the Secretary's exempting Boards from those limitations having regard to the criteria specified in this clause or clause 26 of the Education (1996 Primary School Staffing) Order 1995 does not exceed 21.8.

27. Board-funded teachers—The Secretary shall, in exempting an intermediate institution's Board from the limitations imposed by this order, have regard to—

(a) Consents given to the Board under section 91F (b) 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.

28. Protection of supernumerary teachers—The Secretary shall, in exempting an intermediate institution's Board from the limitations prescribed by 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 by the Board 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).

29. Roll increases—The Secretary shall, in exempting an intermediate institution's Board from the limitations imposed by this order, have regard to the extent (if any) to which there has been any unusual increase in the number of students enrolled at the institution.

30. Normal and model schools—The Secretary shall, in exempting the Board of a normal or model school from the limitations imposed by this order, have regard to the desirability of enabling the Boards of normal and model schools to recruit and retain—

(a) Sufficient skilled and experienced teachers to carry out the special functions of such schools:

(b) Sufficient teachers to carry out the extra work required by the performance of those functions.

31. Community education co-ordination—The Secretary shall, in exempting an intermediate institution's Board from the limitations imposed by this order, have regard to—

(a) Whether the institution offers a continuing education programme approved by the Secretary in relation to 1996; and

(b) Except in the case of Auckland Normal Intermediate School, the number of tutor-hours the programme comprises.

32. Special problems—The Secretary shall, in exempting an intermediate institution's Board from the limitations imposed by this order, have regard to the extent (if any) to which, in the Secretary's opinion, there are special teaching problems at the institution (being problems not common at intermediate institutions, or problems more acute or widespread at the institution than is common at intermediate institutions).

SCHEDULES

FIRST SCHEDULE

Clause 11 (a) (iii), 16 (1)

ATTACHMENTS

*Part I**Attached Teachers of students in special education classes at primary institutions*

Emergency Home Teacher (Cholmondley House Christchurch)

Teacher, Adjustment Class

Teacher, Assessment Class

Teacher, Hearing Impaired

Teacher, Intellectual Impaired

Teacher, Learning Difficulties

Teacher of Special Education Needs Students

Teacher, Physical Disabilities

Teacher, Visually Impaired

Assistant to Teacher of students with severe disabilities

Special Care Teacher (2:6 Units)

Satellite Class Teacher

Resource Teachers for students receiving special education in regular classes at primary institutions

Resource Teacher, Guidance Units

Resource Teacher, Hearing Impaired

Resource Teacher, Intellectual Disabilities (IHC Units)

Resource Teacher, Language Difficulties (Language Units)

Resource Teacher, Learners in Hospitals

Resource Teacher of Special Education Needs Students

Resource Teacher, Physical Disabilities

Resource Teacher, Sensory Resource Centre

Resource Teacher, Visually Impaired

Speech Language Therapist (employed by BOT)

Resource Teachers and Teachers for students with particular education needs at primary institutions

Education Development Initiative Teacher

Japanese Class Teacher

Language Class Teacher

Resource Teacher of Maori

Resource Teacher of Reading

Other Attached Teachers for students with particular educational needs

Hospital Class Teacher

Protected Positions while held by Incumbents

Junior Assistant

FIRST SCHEDULE—continued

ATTACHMENTS—continued

Part II

Support staff for physically impaired students whose attachment to a primary institution may require more teachers or teachers of higher grades at that institution

Occupational Therapist
Physiotherapist
Special Education Assistant

Part III

Other teachers whose attachment to a primary institution does not require more teachers or teachers of higher grades at that institution

Director of Teacher Resource Centre
Discretionary Teaching Staff
Learning Assistance Teacher (Discretionary)
Mainstream Support Teacher (Discretionary)
Psychopaedic Teacher (Discretionary)
Reading Recovery Teacher (Discretionary)
Substitute Teacher for Beginning Teacher on Release Time
Resource Teacher, Multicultural Centre
Supernumerary Teacher
Support (Team) Teacher
Task Force Green Teacher
Teacher employed on the basis of operational activities grant, funding, locally raised funding or fee-paying foreign students
Teacher, Resource Unit Staff
Visiting Teacher (employed by SES)

SECOND SCHEDULE

Clauses 20, 21, 23

POSITIONS OF RESPONSIBILITY AT INTERMEDIATE SCHOOLS

TSQ	Positions of responsibility				
	Principal	Deputy Principal	Deputy Principal	Second Deputy Principal	Senior Teacher
1.0-2.9	...	G1	..	..	..
3.0-4.9	...	G2	..	..	..
5.0-5.9	...	G2	G1	..	..
6.0-6.9	...	G3	G1	..	..
7.0-7.9	...	G3	G1	G1	..
9.0-9.9	...	G3	G1	G1	1
10.0-10.9	...	G3	G2	G1	1
11.0-13.9	...	G4	G2	G1	1
14.0-14.9	...	G4	G2	G2	1
15.0-16.9	...	G4	G2	G2	2
17.0-17.9	...	G4	G2	G2	3
18.0-18.9	...	G5	G2	G2	3
19.0-19.9	...	G5	G3	G2	3
20.0-20.9	...	G5	G3	G2	4
21.0-22.9	...	G5	G3	G3	4
23.0-27.9	...	G5	G3	G3	5
28.0-31.9	...	G5	G3	G3	6
32.0-35.9	...	G5	G3	G3	7
over 35.9	...	G5	G3	G3	8

THIRD SCHEDULE

Clause 21

STAFFING AT INTERMEDIATE DEPARTMENTS

Staffing Entitlement					Head of Department	Senior Teachers
1.0-1.9	...	...	...	...	..	..
2.0-3.9	...	...	...	...	G1	..
4.0-4.9	...	...	...	...	G2	..
5.0-5.9	...	...	...	...	G2	1
6.0-6.9	...	...	...	...	G3	1
7.0-8.9	...	...	...	...	G3	2
9.0-and over	...	...	...	...	G3	3

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 intermediate schools and departments 1996, and criteria to which the Secretary of Education is to have regard in exempting Boards of intermediate schools and departments 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.