



**THE EDUCATION (1996 SECONDARY AND FORM I TO VII
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 Secondary School and Form I to VII 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;

“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:

“Confirmed roll”, in relation to a high school, means the numbers of students—

(a) Notified for it by the Secretary under clause 8 (b) or clause 9 (c) (ii) of this order; or

(b) Confirmed for it by the Secretary under clause 9 (b) of this order:

“Estimated roll”, in relation to a high school, means the numbers of students determined for it by the Secretary under clause 6 of this order:

“FTTE” means full-time teacher equivalent:

“Form I to VII school” means a school, established under section 146 of the Act as a composite school, that offers primary education to the extent only of the 2 years immediately before secondary education:

“High school” means a school that is a secondary school or a form I to VII school:

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

“Level of full-time secondary students”, in relation to a high 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 13 or above enrolled at the school:

“March 1996 roll”, in relation to a high school, means the sum of the following numbers:

(a) The number of full-time year 7 students enrolled at the school as at the 1st day of March 1996:

(b) The number of full-time year 8 students enrolled at the school as at the 1st day of March 1996:

(c) The number of full-time year 9 students enrolled at the school as at the 1st day of March 1996:

(d) The number of full-time year 10 students enrolled at the school as at the 1st day of March 1996:

(e) The number of full-time year 11 students enrolled at the school as at the 1st day of March 1996:

(f) The number of full-time year 12 students enrolled at the school as at the 1st day of March 1996:

(g) The number of full-time students of year 13 or above enrolled at the school as at the 1st day of March 1996:

“Primary student” means year 7 or year 8 student:

“Secondary school” means a school so established under section 146 of the Act:

“Secondary student” means student of year 9 or above:

“Special education student” in relation to a high school, means a student enrolled at the school in respect of whom there is for the time being in force—

(a) An agreement under section 9 (1) (a) of the Act that the student should be enrolled at the school, or in a special class at the school; or

(b) A direction under section 9 (1) (a) of the Act that the student’s parents should enrol the student at the school, or in a special class at the school.

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

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

3. Calculation of FTTEs—In this order, unless the context otherwise requires,—

(a) The employment of a teacher on the basis of employment for 10 half-days every full week is the employment of 1 FTTE:

(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:

(c) The employment of a teacher on the basis of employment for a specified number (fewer than 20) of half-days every full fortnight is the employment of one twentieth of that number of FTTEs:

(d) The employment of a teacher on the basis of employment for a specified number of teaching hours (or an average of a specified number of teaching hours) every full week is the employment of one twenty-fifth of that number of FTTEs.

4. Years of schooling—(1) This subclause applies to every student enrolled at a high school who—

(a) Has never been enrolled at a form I to VII school; and

(b) Was enrolled at a primary school (within the meaning of subsection (1) of section 145 of the Act), an intermediate school (within the meaning of that subsection), or an intermediate department (within the meaning of that subsection) in the year before the year in which the student first enrolled at a secondary school; and

(c) Since first enrolling at a secondary school has been educated at secondary schools without 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 9 student in the year in which the student first enrolled at a high school; and

(b) In every subsequent year, is or was a student of a year 1 greater than the year before.

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

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

(b) Any substantial interruption (other than normal holidays) in the student's education at high schools.

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

(a) In the year in which the student first enrolls at a high 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.

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

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

(b) Any further such interruption.

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

(a) In the year in which the student again enrolls at a high 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.

5. Application of order to intermediate departments—This order shall have effect as if—

(a) No—

(i) Department established under section 149 of the Act; or

(ii) Form I or form II class attached to a high school that is an integrated school,—
is part of the school to which it is attached; and

(b) To the extent that any teacher is employed to teach (and teaches) in such a department or class, that teacher is not employed at the school to which it is attached.

PART II

ROLLS

6. Secretary to determine 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 likely March 1996 roll of every high school; and

(b) Notify the Board of every high school of the numbers estimated for it.

(2) Where before the 16th day of July 1995 the Board of a high school gave the Secretary, in accordance with subclause (1) of this clause, the Board's written estimate of its March 1996 roll, the Secretary shall not estimate the school's March 1996 roll under subclause (1) of this clause without considering,—

(a) The numbers estimated by the Board; and

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

(3) If—

(a) At a time before the commencement of this order the Secretary estimated the likely March 1996 of any high school; 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.

7. Principals to ascertain and notify actual 1996 roll—As soon as may be after the 1st day of March 1996 the principal of every high school shall—

(a) Ascertain its March 1996 roll; and

(b) On a form provided by the Secretary for the purpose, give the Secretary notice of the numbers ascertained.

8. Secretary to ascertain roll where no notice received from principal—Where no notice under clause 7 (b) of this order from the principal of a high school reaches the Secretary before the 11th day of March 1996, the Secretary shall, as soon as may be, take any steps the Secretary thinks fit to ascertain the school's March 1996 roll, and give the school's Board written notice that—

(a) No notice under clause 7 (b) of this order was received (or received in time) from the principal; and

(b) Numbers of students specified in the notice (being the Secretary's best estimate of the school's March 1996 roll) will have effect as the school's confirmed roll.

9. Secretary to confirm roll where notice received from principal—Where a notice under clause 7 (b) of this order from the principal of a high school reaches the Secretary before the 11th day of March 1996,—

(a) The Secretary shall, as soon as may be, take any steps the Secretary thinks fit to verify the numbers notified; and

(b) Subject to paragraph (c) of this clause, the Secretary shall give the school's Board written notice confirming those numbers; but

(c) If satisfied that those numbers are inaccurate, the Secretary may, at any time before the 15th day of April 1996, give the Board written notice that—

(i) The Secretary is satisfied that those numbers are inaccurate; and

(ii) Numbers of students specified in the notice (being the Secretary's best estimate of the school's March 1996 roll) will have effect as the school's confirmed roll.

10. Certain students not to be counted—In the estimation, ascertainment, confirmation, or notification of a high school's March 1996 roll, no account shall be taken of—

- (a) Any foreign student (within the meaning of section 2 (1) of the Act) who is not a student of a kind or description exempted, by a notice under section 4C of the Act, from the payment of all the amount required by section 4B of the Act to be paid:
- (b) Any foreign student (within the meaning of section 2 (1) of the Act) 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:
- (c) Any person enrolled at a side school, attached special education class, or hospital class.

11. Part-time students—Notwithstanding clause 2 (3) of this order (but subject to clause 10 of this order), for the purposes of this order, every part-time student enrolled or to be enrolled at a high 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

QUANTITATIVE LIMITATION ON EMPLOYMENT OF PERMANENT TEACHERS

Formula-Generated Allowances

12. Curriculum delivery time allowances—A high school's curriculum delivery time allowance (in FTTEs) is the number obtained by adding—

- (a) The sum of—
 - (i) The quotient obtained by dividing the number of primary students on its roll by 29 (rounded up to the next whole number if it is not a whole number and fewer than 160 primary students are on its roll); and
 - (ii) The quotient obtained by dividing its primary student specialist instruction roll by 120; and
 - (b) The sum of the following numbers (calculated in accordance with clauses 10 and 11 of this order):
 - (i) The number of full-time year 9 and year 10 students on its roll, divided by 25; and
 - (ii) The number of full-time year 11 students on its roll, divided by 23; and
 - (iii) The number of full-time year 12 students on its roll, divided by 18; and
 - (iv) The number of full-time students on its roll of year 13 or above, divided by 17; and
 - (c) If fewer than 201 secondary students are on its roll, the number obtained by—
 - (i) Multiplying the number of secondary students on its roll by 0.003; and
 - (ii) Adding 0.4 to the resulting product; and
 - (iii) Multiplying the resulting sum by the number of levels of full-time secondary students it has; and
 - (d) If more than 200 secondary students are on its roll, the number of levels of full-time secondary students it has,—
- (rounded up to 1 decimal place if the resulting sum is not exactly divisible by 0.1).

13. Primary student specialist instruction rolls—(1) In this clause—
“Primary students instructed elsewhere”, in relation to a form I to VII school at any time, means the number of primary students on its roll 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:

“Primary students instructed internally”, in relation to a form I to VII school at any time, means the sum of—

- (a) The number of primary students on its estimated or confirmed staffing roll (as the case requires); and
- (b) The number of primary students enrolled at the school who are at that time usually attending any special education unit or class attached to it; and
- (c) The number of primary students 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 primary students instructed internally at a form I to VII school is greater than the number of primary students instructed elsewhere, its primary student specialist instruction roll is the difference between them.

(3) When the number of primary students instructed internally at a form I to VII school is not greater than the number of primary students instructed elsewhere, its primary student specialist instruction roll is 0.

14. Weighted rolls—A high school’s weighted roll at any time is the sum of—

- (a) The product of 3.5 and the number of year 7 and year 8 students on its roll at that time; and
- (b) The product of 7 and the number of year 9 and year 10 students on its roll at that time; and
- (c) The product of 9 and the number of year 11 students on its roll at that time; and
- (d) The product of 15 and the number of year 12 students on its roll at that time; and
- (e) The product of 16 and the number of students on its roll at that time of year 13 or above; and
- (f) Half its primary student specialist instruction allowance calculated or ascertained under clause 13 of this order.

15. Special education class time allowances—(1) The special education class time allowance, if any, of a high school in 1996 is the product of 1.29 and the number of classes at the school of a kind specified in subclause (2) of this order for the time being authorised by the Secretary in writing.

(2) Classes of the following kinds are specified:

- (a) Experience classes for special education students;
- (b) Classes for special education students with hearing disabilities;
- (c) Classes for special education students with intellectual disabilities;
- (d) Classes for special education students with visual disabilities;
- (e) Classes for special education students with physical disabilities;
- (f) Classes for special education students with severe disabilities (2:6).

16. Management teacher time allowances—A high school's management teacher time allowance (in FTTEs) at any time in 1996 is the number obtained by—

(a) Adding—

(i) The product of 0.003 and its weighted roll calculated under clause 14 of this order; and

(ii) The product of 0.017 and the square root of that roll; and

(iii) The product of 0.05 and its special education class time allowance calculated under clause 15 of this order; and

(iv) The product of 0.05 and the number of FTTEs represented by exemptions granted by the Secretary in respect of that school under clause 39 of this order at that time in force; and

(b) Where the resulting sum is not exactly divisible by 0.1, rounding it down to 1 decimal place.

17. Formula-generated staffing allowances—A high school's formula-generated staffing allowance (in FTTEs) is the sum of—

(a) Its curriculum delivery time allowance calculated under clause 12 of this order; and

(b) Its special education class time allowance calculated under clause 15 of this order; and

(c) Its management teacher time allowance calculated under clause 16 of this order.

Transfer of Staffing Entitlement

18. Agreements between Boards to transfer staffing entitlement—

(1) In this clause and clause 19 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 19 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 a high school, it has an entitlement deduction of the number of FTTEs specified in the agreement; and
 - (b) If the recipient institution is a high 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.

19. 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 high school has an entitlement addition under clause 18 (2) (b) of this order arising out of a music tuition provision.

(3) No high school has an entitlement deduction under clause 18 (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 this order; 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 high school has an entitlement addition or entitlement deduction under clause 18 (2) of this order arising out of a specialist tuition provision.

Guaranteed Minimum Formula Staffing

20. Guaranteed minimum formula staffing—A high school’s guaranteed minimum formula staffing in 1996 (in FTTEs) is the number obtained by—

- (a) Adding—

- (i) Its formula-generated staffing allowance calculated, in accordance with clause 17 of this order, by reference to its estimated roll; and

- (ii) The sum of its entitlement additions (if any) under clause 18 (2) (b) of this order; and

- (b) Subtracting from the resulting sum the sum of its entitlement deductions (if any) under clause 18 (2) (a) of this order.

Entitlement Staffing

21. Entitlement staffing—(1) A high school's entitlement staffing at a time in 1996 before its confirmed roll has been notified by the Secretary under clause 8 (b) or clause 9 (c) (ii) of this order or confirmed by the Secretary under clause 9 (b) of this order is its guaranteed minimum formula staffing.

(2) A high school's entitlement staffing at a time in 1996 after its confirmed roll has been notified by the Secretary under clause 8 (b) or clause 9 (c) (ii) of this order or confirmed by the Secretary under clause 9 (b) of this order is the greater of its guaranteed minimum formula staffing and the number obtained by—

(a) Adding—

(i) Its formula-generated staffing allowance calculated, in accordance with clause 17 of this order, by reference to its confirmed roll; and

(ii) The sum of its entitlement additions (if any) under clause 18 (2) (b) of this order; and

(b) Subtracting from the resulting sum the sum of its entitlement deductions (if any) under clause 18 (2) (a) of this order.

Special Allowances

22. Ministerial community education co-ordination time allowances—The ministerial community education co-ordination time allowance, if any, of a high school in 1996 (in FTTEs) is the number specified in the second column of the Second Schedule to this order opposite its name.

23. Community learning centre allowances—The community learning centre allowance, if any, of a high school in 1996 (in FTTEs) is the number specified in the second column of the Third Schedule to this order opposite its name.

24. Activity centre allowances—The activity centre allowance, if any, of a high school in 1996 (in FTTEs) is the number specified in the second column of the Fourth Schedule to this order opposite its name.

25. Transition education centre allowances—In 1996—

(a) Kingswell High School has a transition education centre allowance of 2 FTTEs for the Southland Transition Centre:

(b) Whangarei Girls' High School has a transition education centre allowance of 1.5 FTTEs for the Northland Transition Centre.

26. Special allowances—The special allowances, if any, of a high school in 1996 shall be calculated by adding—

(a) Its ministerial community education co-ordination time allowance (if any), ascertained in accordance with clause 22 of this order; and

(b) Its community learning centre allowance (if any), ascertained in accordance with clause 23 of this order; and

(c) Its activity centre allowance (if any), ascertained in accordance with clause 24 of this order; and

- (d) Its transition education centre allowance (if any) specified in clause 25 of this order.

Quantitative Limitation on Employment of Permanent Teachers

27. Limitation on employment of permanently appointed regular teachers at high schools—There shall not be employed at any high school at any time in 1996 permanently appointed regular teachers whose employment generates a number of FTTEs greater than the sum of—

- (a) Its entitlement staffing, ascertained by reference to clause 21 of this order; and
(b) Its special allowances, ascertained in accordance with clause 26 of this order.

PART IV

QUANTITATIVE LIMITATION ON EMPLOYMENT OF OTHER REGULAR
TEACHERS

Additional Allowances

28. Beginning teacher time allowances—(1) While there is employed at a high school a beginning teacher whose employment is, by virtue of subclause (2) of this clause, the employment of 0.5 of a full-time teacher equivalent or more (hereafter in this clause referred to as a qualifying beginning teacher), the school has a beginning teacher time allowance (in FTTEs) calculated by adding—

- (a) One fifth of the number of qualifying beginning teachers (if any) then employed at the school full-time; and
(b) One tenth of the number of other qualifying beginning teachers (if any) then employed at the school.

(2) For the purposes of subclause (1) of this clause,—

- (a) The employment of a teacher on the basis of employment for 25 hours 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 25) 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; and
(c) The employment of a teacher on the basis of employment for a specified number (fewer than 50) of hours every full fortnight is the employment of one fiftieth of that number of FTTEs.

29. Instrumental and vocal music tuition allowances—The instrumental and vocal music tuition allowance (in FTTEs) in 1996 of a high school for which the Secretary in 1995 approved an allowance for instrumental, vocal, or instrumental and vocal, tuition is the product (correct to 2 decimal places) of the school's roll and 0.001.

30. Community education co-ordination time allowances—

(1) This subclause applies to every high school that in 1996—

(a) Has neither—

- (i) A Ministerial community co-ordination time allowance; nor
(ii) A community learning centre time allowance; but

(b) Offers a continuing education programme approved by the Minister for the purposes of this clause.

(2) Every high school to which subclause (1) of this clause applies whose approved programme comprises no more than 200 tutor-hours shall in

1996 have a community co-ordination time allowance (in FTTEs) that is the quotient (correct to 2 decimal places) obtained by dividing the number of tutor-hours by 3800.

(3) Every high school to which subclause (1) of this clause applies whose approved programme comprises more than 200 tutor-hours shall in 1996 have a community co-ordination time allowance of—

- (a) 0.1 of an FTTE, where the programme concerned comprises not more than 1000 tutor-hours:
- (b) 0.2 of an FTTE, where the programme concerned comprises more than 1000 but not more than 1500 tutor-hours:
- (c) 0.3 of an FTTE, where the programme concerned comprises more than 1500 but not more than 4000 tutor-hours:
- (d) 0.4 of an FTTE, where the programme concerned comprises more than 4000 but not more than 5000 tutor-hours:
- (e) 0.5 of an FTTE, where the programme concerned comprises more than 5000 tutor-hours.

31. Co-ordination time allowances for itinerant teachers of music—Every high school to which there is in 1996 attached a full-time permanently appointed itinerant teacher of instrumental music shall in 1996 have an itinerant music teacher time allowance of—

- (a) 0.1 of an FTTE, where 1 such teacher is attached:
- (b) 0.2 of an FTTE, where 2 such teachers are attached:
- (c) 0.3 of an FTTE, where 3 or 4 such teachers are attached:
- (d) 0.4 of an FTTE, where more than 4 such teachers are attached.

32. Te Atakura time allowances—The Te Atakura time allowance, if any, of a high school at any time in 1996 (in FTTEs) shall be 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.

33. Redesignated senior master or senior mistress allowances—

(1) This subclause applies to every high school whose roll in 1996 is below 1201 but was once above 1200.

(2) While there is employed at a high school to which subclause (1) of this order applies a teacher—

- (a) Who held the position of senior master or senior mistress when its roll last fell below 1201; and
- (b) Whose position was redesignated as a consequence of the fall in the roll; and
- (c) Who has been continuously employed there since redesignation; and
- (d) Who has not since redesignation again held the position of senior master or senior mistress,—

the school shall have a redesignated senior master or senior mistress allowance of 0.3 of an FTTE.

34. Total regular staffing allowance—A high school's total regular staffing allowance (in FTTEs) at any time in 1996 is the sum of—

- (a) Its entitlement staffing, ascertained by reference to clause 21 of this order; and
- (b) Its special allowances, ascertained in accordance with clause 26 of this order.
- (c) Its beginning teacher time allowance (if any), calculated in accordance with clause 28 of this order; and
- (d) Its instrumental and vocal music tuition allowance (if any), calculated in accordance with clause 29 of this order; and
- (e) Its community education co-ordination time allowance (if any), calculated or ascertained in accordance with subclause (2) or subclause (3) of clause 30 of this order; and
- (f) Its co-ordination time allowance for itinerant teachers of music (if any), ascertained in accordance with clause 31 of this order; and
- (g) Its Te Atakura time allowance (if any), calculated in accordance with clause 32 of this order; and
- (h) Its redesignated senior master or senior mistress allowance (if any), ascertained by reference to clause 33 of this order; and
- (i) In the case of a school specified in the Fifth Schedule to this order, the numbers (if any) specified opposite the school's name in any of the columns of that schedule.

Quantitative Limitation on Employment of Other Regular Teachers

35. Limitation on employment of other regular teachers at high schools—There shall not be employed at any high school at any time in 1996 other regular teachers whose employment generates a number of teacher equivalents greater than the number of teachers equivalents by which—

- (a) The school's total regular staffing allowance at that time, calculated in accordance with clause 34 of this order—
is greater than—
- (b) The number of teacher equivalents generated by the employment at the school at that time of permanently appointed regular teachers.

PART V

OTHER LIMITATIONS ON EMPLOYMENT OF TEACHERS

36. High schools not to have more than 1 principal—There shall not be employed at any high school at any time in 1996 more than 1 principal.

37. Limitations on employment of other senior staff at high schools—There shall not at any time in 1996 be employed—

- (a) At a high school whose applicable roll at that time is less than 76,—
 - (i) Any associate principal:
 - (ii) More than 1 deputy principal:
 - (iii) Any teacher designated senior master or senior mistress:

- (b) At a high school whose applicable roll at that time is more than 75 but less than 1201,—
 - (i) Any associate principal:
 - (ii) More than 1 deputy principal:
 - (iii) More than 1 teacher designated senior master or senior mistress:
- (c) At a high school whose applicable roll at that time is more than 1200 but less than 1401,—
 - (i) Any associate principal:
 - (ii) More than 1 deputy principal:
 - (iii) More than 2 teachers designated senior master or senior mistress:
- (d) At a high school whose applicable roll at that time is more than 1400,—
 - (i) More than 1 associate principal:
 - (ii) More than 2 deputy principals:
 - (iii) Any teacher designated senior master or senior mistress.

38. Limitations on employment of teachers in positions of responsibility—(1) Subject to subclauses (3) to (9) of this clause, there shall not be employed at any high school at any time in 1996 regular teachers holding PR1, PR2, PR3, PR4, FTPR1 (fixed-term position of responsibility 1), or FTPR2 (fixed-term position of responsibility 2) positions whose employment generates in total a number of position of responsibility units greater than the number calculated by—

- (a) Adding—
 - (i) Its curriculum delivery time allowance, ascertained in accordance with clause 12 of this order; and
 - (ii) Its special education class time allowance (if any), calculated in accordance with clause 12 of this order; and
- (b) Adding those allowances again, in each case ascertained or calculated (as the case may be) by reference to its confirmed roll; and
- (c) Multiplying the higher of the resulting sums by 0.93; and
- (d) Rounding the resulting product correct to the nearest whole number.
- (2) For the purposes of subclause (1) of this clause,—
 - (a) One PR1 teacher represents 1 position of responsibility unit:
 - (b) One PR2 teacher represents 2 position of responsibility units:
 - (c) One PR3 teacher represents 4 position of responsibility units:
 - (d) One PR4 teacher represents 6 position of responsibility units:
 - (e) One FTPR1 teacher represents 1 position of responsibility unit:
 - (f) One FTPR2 teacher represents 2 position of responsibility units.
- (3) In relation to any school specified in the First Schedule to this order, subclause (1) of this clause shall have effect as if the number calculated by taking the steps specified in paragraphs (a) to (c) of that subclause has been increased by the number of position of responsibility units specified in the third column of that schedule opposite the school's name.
- (4) In relation to any school specified in the Second Schedule to this order, subclause (1) of this clause shall have effect as if the number calculated by taking the steps specified in paragraphs (a) to (c) of that subclause has been increased by the number of position of responsibility

units specified in the third column of that schedule opposite the school's name.

(5) In relation to any school specified in the Third Schedule to this order, subclause (1) of this clause shall have effect as if the number calculated by taking the steps specified in paragraphs (a) to (c) of that subclause has been increased by the number of position of responsibility units specified in the third column of that schedule opposite the school's name.

(6) In relation to any school specified in the Fifth Schedule to this order, subclause (1) of this clause shall have effect as if the number calculated by taking the steps specified in paragraphs (a) to (c) of that subclause has been increased by the number of position of responsibility units specified in the first column of that schedule opposite the school's name.

(7) While there is employed at any high school a teacher in respect of whom it has a redesignated senior master or senior mistress allowance under clause 33 of this order, subclause (1) of this clause shall have effect as if the number calculated by taking the steps specified in paragraphs (a) to (d) of that subclause has been increased by 6 position of responsibility units.

(8) The increases provided for in subclauses (3) to (7) of this clause are (in relation to any school to which more than 1 of those subclauses apply) cumulative.

PART VI

EXEMPTIONS

39. Attachments—The Secretary shall, in exempting the Board of a high school from the limitations imposed by clauses 27 and 35 of this order, have regard to the extent (if any) to which students enrolled at the school have educational needs that can and should be met by the appointment of 1 or more attached teachers of 1 of the following kinds:

- (a) Hospital class teacher:
- (b) Occupational therapist:
- (c) Physiotherapist:
- (d) Special Care Teacher Assistant (2:6):
- (e) Special Education Assistant:
- (f) Speech Language Therapist (employed by the Board).

40. Protection of programmes—The Secretary shall, in exempting the Board of a high school from the limitation imposed by clause 35 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 the roll; and
- (b) Whether it is desirable to grant an exemption (sufficient 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.

41. Teacher support units—The Secretary shall, in exempting the Board of a high school from the limitations imposed by clauses 27 and 35 of 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 teacher equivalents effectively granted by the Secretary's exempting Boards from those limitations having regard to the criteria specified in this clause do not exceed 32.3.

42. Time allowance where teachers are absent on long-term training—The Secretary shall, in exempting the Board of a high school from the limitations imposed by clauses 27 and 35 of this order, have regard to the school's need for an in-service course allowance of up to 1 FTE for each teacher absent on a long-term training course recognised by the Secretary.

43. Board-funded teachers—The Secretary shall, in exempting the Board of a high school from the limitations imposed by clauses 27 and 35 of 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.

44. Protection of positions of responsibility—The Secretary shall, in exempting the Board of a high school from the limitations imposed by clauses 37 and 38 of this order, have regard to—

- (a) Whether the school's staffing has been (or but for the exemption would be) affected by a re-organisation, change in attendance, closure, amalgamation, or change in class, of the school; 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.

45. Protection of supernumerary teachers—The Secretary shall in exempting the Board of a high school from the limitations imposed by clauses 27 and 35 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 a re-organisation, change in attendance, closure, amalgamation, or change in class, of schools at which the teachers were employed (whether the school at which they are now employed or other schools).

46. Roll increases—The Secretary shall, in exempting the Board of a high school from a limitation imposed by this order, have regard to the extent (if any) to which the school's total 1996 roll is less than it would be if calculated as at the day on which the Secretary is considering whether or not to grant the exemption.

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

48. Revocation—The Education (1994 Secondary School Staffing) Order 1993 is hereby revoked.

SCHEDULES

FIRST SCHEDULE

Clause 19

INSTRUMENTAL AND VOCAL MUSIC

School	Staffing (FTEs)
Auckland Grammar School	4
Bayfield High School	7
Freyberg High School	2
Geraldine High School	5
Gisborne Boys' High School	1
Hagley Community College	14
Hauraki Plains College	10
Havelock North High School	1
James Hargest High School	5
Kawerau College	2
Macleans College	2
Mt Albert Grammar School	2
Otahuhu College	1
Otaki College	1
Pakuranga College	1
Rangitoto College	3
Rotorua Girls' High School	2
Saint Peter's College (Auckland)	1
Saint Peter's College (Palmerston North)	1
Tauranga Boys' College	4
Tawa College	1

SECOND SCHEDULE

Clause 22

MINISTERIAL COMMUNITY EDUCATION CO-ORDINATION ALLOWANCES

School	Staffing (FTEs)	Total PR Units
Hillary College	1	4
Opotiki College	1	4
Wellington High School	1*	
Buller High School	0.7	2
Greymouth High School	0.5	
Westland High School	0.5	
Hagley Community College (Risingholme)	1	2

*Senior Master or Mistress position.

Clause 23

THIRD SCHEDULE

COMMUNITY LEARNING CENTRE ALLOWANCES

				Staffing (FTTEs)	Total PR Units
Edgewater College	...	...	...	1	4
Glenfield College	...	...	...	1	4
Rutherford High School	...	...	...	1	4
Aorere College	...	...	...	1	4
Nga Tapuwae College	...	...	...	2	8
Melville High School	...	...	...	1	4
Feilding Agricultural High School	...	...	...	1*	
Newlands College	...	...	...	1	4
Aranui High School	1	4
Ashburton College	1	4
Hagley Community College	2	4

*Tutor T1 position.

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Clause 24

FOURTH SCHEDULE

ACTIVITY CENTRE ALLOWANCES

				Staffing (FTTEs)	Total PR Units
Western Springs College	...	...	...	2	2
Otahuhu College	...	...	...	2	2
Papakura High School	...	...	...	2	2
Rotorua Boys' High School	...	...	...	2	2
Gisborne Girls' High School	...	...	...	2	2
Karamu High School	...	...	...	2	2
Napier Boys' High School	...	...	...	2	2
Queen Elizabeth College	...	...	...	2	2
Spotswood College	...	...	...	2	2
Aotea College	2	2
Naenae College	2	2
Onslow College	2	2
Cargill High School	2	2

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FIFTH SCHEDULE
SPECIAL ALLOWANCES

Clauses 34 (i), 38 (6)

School	PRU	Other	Linkage
Blue Mountain College			0.1
Burnside High School			0.2
De la Salle College			
Dunstan High School			0.15
Feilding Agricultural High School		0.5	
Fiordland College			0.1
Greymouth High School			0.2
Hagley Community College			0.05
Henderson High School		1.2	
Kapiti College			0.2
Kawerau College			0.2
Linwood High School			0.5
Makoura College		0.5	
Naenae College	1.0		
Ngata Memorial College			0.2
Nga Tapuwae College		2.0	
Northland College		1.0	
Paraparaumu College		0.5	
Porirua College		0.5	
Reporoa College			0.2
Rotorua Lakes' High School			0.2
Tamaki College		1.0	
Tawa College	2		0.2
Timaru Boys' High School			0.1
Tongariro High School		1.0	

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 number, kinds, and descriptions of regular (that is to say non-relieving) teachers who may be employed at secondary schools and form I to VII schools in 1996, and criteria to which the Secretary of Education is to have regard in exempting Boards of such 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.