



**THE EDUCATION (1997 SPECIAL SCHOOL STAFFING)
ORDER 1996**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 24th day of June 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 91H of the Education Act 1989, His 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—This order may be cited as the Education (1997 Special School Staffing) Order 1996.

(2) This order shall come into force on the 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:

“Basic staffing entitlement” means the staffing entitlement of a special school ascertained in accordance with Part III 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 not less than 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:

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

“Regular teacher” means a teacher who is not a relieving teacher (within the meaning of section 91A (1) of the Act):

“Resource teacher” means a teacher attached by the Secretary to a school to support specified special education programmes in a school or in a group of schools:

“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:

“September 1997 roll”, in relation to a special school, means the roll calculated for it under clause 3 of this order:

“Special education authority” means—

(a) An agreement between the Secretary and the parents of any person, made under paragraph (a) of section 9 (1) of the Act, that the person should be enrolled at a special school; or

(b) A direction by the Secretary to the parents of any person, given under that paragraph, to enrol the person at a special school; and,—

in relation to a special school, means such an agreement that a person should be enrolled, or such a direction to enrol a person, at that school:

“Special education student” in relation to a special school means a student enrolled at that school in respect of whom there is for the time being in force a special education authority:

“Special school” means a special school established under section 98 of the Education Act 1964:

“Total staffing entitlement” means the staffing entitlement of a special school ascertained in accordance with clause 15 of this order.

(2) 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 teacher equivalent; 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 teacher equivalents; and

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

(3) For the purposes of this order,—

(a) A Speech-Language Therapist counts as 1.0 teacher equivalent:

(b) A Special Education Assistant counts for 0.5 of a teacher equivalent:

(c) An Occupational Therapist counts for 0.5 of a teacher equivalent.

PART II

ROLLS

3. 1997 rolls for special schools to be calculated in 1996—(1) As soon as may be after the commencement of this order, the Secretary shall, in respect of every special school,—

(a) Calculate its September 1997 roll; and

(b) Notify the Board of each special school in writing of the roll so calculated.

(2) The Secretary’s calculation is the number obtained by—

(a) Adding—

(i) The school’s actual roll (in the Secretary’s opinion) as at the 1st day of July 1996; and

(ii) The Board’s estimate, based on special education authorities, of new students likely to enrol at that school before the 1st day of October 1997; and

(b) Subtracting, from the total, the number of students whose special education authority will expire in 1997.

4. Certain students not to be counted—In the calculation of a special school's roll under clause 3 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 1997) from 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.

PART III

BASIC STAFFING ENTITLEMENTS

5. Residential special schools—The basic staffing entitlement of a special school specified in the first column of the First Schedule to this order is the entitlement specified opposite its name in the second column of that schedule.

6. Special schools in health camps—The basic staffing entitlement of a special school in a health camp specified in the first column of the Second Schedule to this order is the entitlement specified opposite its name in the second column of that schedule.

7. Special schools in hospitals—The basic staffing entitlement of a special school in a hospital specified in the first column of the Third Schedule to this order is the entitlement specified opposite its name in the second column of that schedule.

8. Special schools in social welfare campuses—The basic staffing entitlement of a special school in a social welfare campus specified in the first column of the Fourth Schedule to this order is the entitlement specified opposite its name in the second column of that schedule.

9. Special schools for students with intellectual disability—The basic staffing entitlement of a special school for students with an intellectual disability (not being a school whose basic staffing entitlement is prescribed by any of clauses 5 to 8 of this order) is the number of teachers specified in the second column of the Fifth Schedule to this order opposite its September 1997 roll.

10. Special schools for students with physical disability—The basic staffing entitlement of a special school for students with a physical disability (not being a school whose basic staffing entitlement is prescribed by any of clauses 5 to 8 of this order) is the sum of—

- (a) The number of teachers specified in the second column of the Sixth Schedule to this order opposite its September 1997 roll; and
- (b) The numbers of teachers specified in the second, third, and fourth columns of the Seventh Schedule to this order opposite its September 1997 roll.

11. Special schools for students with severe disability—The basic staffing entitlement of a special school for students with a severe disability (not being a school whose basic staffing entitlement is prescribed by any of clauses 5 to 8 of this order) is the sum of—

- (a) The number of teachers specified in the second column of the Eighth Schedule to this order opposite its September 1997 roll; and

- (b) The numbers of teacher assistants specified in the third column of that schedule opposite its September 1997 roll.

PART IV

OTHER ENTITLEMENTS AND ALLOWANCES

12. Principal's release allowances—(1) The principal's release allowance of a special school whose basic staffing entitlement is less than 3 is 0.1.

(2) The principal's release allowance of a special school whose basic staffing entitlement is 3 or more but less than 6 is 0.2.

(3) The principal's release allowance of a special school whose basic staffing allowance is 6 or more but less than 8 is 0.3.

(4) The principal's release allowance of a special school whose basic staffing entitlement is 8 or more is 1.0.

13. Additional principal's release allowances—The additional principal's release allowance (if any) of a special school whose principal's release allowance (ascertained under clause 12 of this order) is less than 1.0 is the lesser of—

- (a) The number of teacher equivalents for the time being represented by the teachers employed at the school by virtue of an exemption that the Secretary has granted after having regard to the criterion specified in clause 19 of this order; and
- (b) The difference between the principal's release allowance and 1.0.

14. Beginning teacher time allowances—A beginning teacher time allowance shall, for the period of employment of each beginning teacher, be calculated as follows—

- (a) In the case of a teacher employed on the basis of employment for 10 half days each week as an additional staffing allowance of 0.2 of a full-time teacher equivalent; and
- (b) In the case of a teacher whose employment is the employment of less than 1.0 full-time teacher equivalent but more than 0.4 of a full-time teacher equivalent, as an additional staffing allowance of 0.1 full-time teacher equivalent.

15. Total staffing entitlements—For the purposes of this order,—

- (a) The total staffing entitlement of a special school for students with an intellectual disability, a special school for students with a physical disability, or a special school for students with a severe disability, is the sum of—
- (i) Its basic staffing entitlement; and
 - (ii) Its principal's release allowance ascertained in accordance with clause 12 of this order; and
 - (iii) Its additional principal's release allowance (if any) ascertained in accordance with clause 13 of this order; and
 - (iv) Its beginning teacher time allowance (if any) calculated in accordance with clause 14 of this order; and
- (b) The total staffing entitlement of any other special school is its basic staffing entitlement.

PART V

LIMITATION ON APPOINTMENT AND EMPLOYMENT OF TEACHERS

16. Limitation on appointment and employment of permanently appointed regular teachers at special schools—There shall not be

employed at any special school at any time in 1997 permanently appointed teachers whose employment generates a number of full-time teacher equivalents greater than its total staffing entitlement.

17. Limitation on appointment and employment of other regular teachers at special schools—There shall not be employed at any special school at any time in 1997 other regular teachers whose employment generates a number of full-time teacher equivalents greater than the number of full-time teacher equivalents by which—

- (a) The number of full-time teacher equivalents generated by the employment at the time of permanently appointed regular teachers,—

is less than—

- (b) Its total staffing entitlement.

18. Limitation on appointment and employment of regular teachers in positions of responsibility at special schools—(1) There shall not be employed at any time in 1997 at any special school for students with an intellectual disability,—

- (a) A principal at a grade higher than that specified in the second column of the Ninth Schedule to this order opposite the school's total staffing entitlement:
 (b) A deputy principal at a grade higher than that specified in the third column of the Ninth Schedule to this order opposite the school's total staffing entitlement:
 (c) An assistant principal at a grade higher than that specified in the fourth column of the Ninth Schedule to this order opposite the school's total staffing entitlement:
 (d) More senior teachers than the number specified in the fifth column of the Ninth Schedule to this order opposite the school's total staffing entitlement.

(2) There shall not be employed at any time in 1997 at any special school for students with a physical disability,—

- (a) A principal at a grade higher than that specified in the second column of the Tenth Schedule to this order opposite the school's total staffing entitlement:
 (b) A deputy principal at a grade higher than that specified in the third column of the Tenth Schedule to this order opposite the school's total staffing entitlement:
 (c) An assistant principal at a grade higher than that specified in the fourth column of the Tenth Schedule to this order opposite the school's total staffing entitlement:
 (d) More senior teachers than the number specified in the fifth column of the Tenth Schedule to this order opposite the school's total staffing entitlement.

(3) There shall not be employed at any time in 1997 at any special school for students with a severe disability,—

- (a) A principal at a grade higher than that specified in the second column of the Ninth Schedule to this order opposite the school's total staffing entitlement:
 (b) A deputy principal at a grade higher than that specified in the third column of the Ninth Schedule to this order opposite the school's total staffing entitlement:

- (c) An assistant principal at a grade higher than that specified in the fourth column of the Ninth Schedule to this order opposite the school's total staffing entitlement:
- (d) More senior teachers than the number specified in the fifth column of the Ninth Schedule to this order opposite the school's total staffing entitlement.
- (4) There shall not be employed at any time in 1997 at a school specified in the Eleventh Schedule to this order—
 - (a) At such a school that does not have a grade of principal specified in the second column of that schedule opposite its name, any principal:
 - (b) At such a school that does have a grade of principal specified in the second column of that schedule opposite its name,—
 - (i) More than 1 principal:
 - (ii) Any principal of a grade higher than that so specified:
 - (c) At such a school that does not have a grade of deputy principal specified in the third column of that schedule opposite its name, any deputy principal:
 - (d) At such a school that does have a grade of deputy principal specified in the third column of that schedule opposite its name,—
 - (i) More than 1 deputy principal:
 - (ii) Any deputy principal of a grade higher than that so specified:
 - (e) At such a school that does not have a grade of assistant principal specified in the fourth column of that schedule opposite its name, any assistant principal:
 - (f) At such a school that does have a grade of assistant principal specified in the fourth column of that schedule opposite its name,—
 - (i) More assistant principals than the number specified (in brackets) after that grade:
 - (ii) Any assistant principal of a grade higher than that so specified:
 - (g) At such a school that does not have a grade of head of department specified in the fifth column of that schedule opposite its name, any head of department:
 - (h) At such a school that does have a grade of head of department specified in the fifth column of that schedule opposite its name,—
 - (i) More heads of department than the number specified (in brackets) after that grade:
 - (ii) Any head of department of a grade higher than that so specified:
 - (i) More senior teachers than the number specified in the sixth column of that schedule opposite its name:
 - (j) Permanently appointed regular teachers whose appointment generates a number of full-time teacher equivalents greater than the total staffing entitlement specified in the seventh column of that schedule opposite its name:
 - (k) Other regular teachers whose appointment generates a number of full-time teacher equivalents greater than the number of full-time teacher equivalents by which—
 - (i) The number of full-time teacher equivalents generated by the employment at the time of permanently appointed regular

teachers—

is less than—

(ii) Its total staffing entitlement specified in the eighth column of that schedule opposite its name.

PART VI

EXEMPTIONS

19. Special educational needs—The Secretary shall, in exempting the Board of a special school, from the limitations imposed by this order, have regard to students enrolled or proposed to be enrolled at the school who have significant special education disabilities whose special needs can only be met by the appointment of one or more teachers or resource teachers.

20. Discretionary positions—The Secretary shall, in exempting the Board of a special school from the limitations imposed by this order, have regard to other special needs of students enrolled or proposed to be enrolled at the school.

21. Board-funded teachers—The Secretary shall, in exempting the Board of a special school 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 the Board's operational funds.

22. Protection of supernumerary teachers—The Secretary shall, in exempting the Board of a special school from the limitations imposed by this order, have regard to whether it is necessary to do so in order to preserve the continued employment in 1997 of any permanently employed teachers employed by the Board immediately before the 1st day of January 1997 who are for the time being supernumerary, having been declared surplus by virtue of the amalgamation, merger, change of status, or closure of, or fall in the roll of, schools at which teachers were employed (whether the school at which they are now employed or other schools).

23. Roll increases—The Secretary shall, in exempting the Board of a special school from a limitation prescribed 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 school.

24. Special problems—The Secretary shall, in exempting the Board of a special school from any limitation 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 school (being problems not common at special schools of the kind or description to which it belongs, or problems more acute or widespread at the school than is common at special schools of the kind or description to which it belongs).

25. Revocation—The Education (1995 Special School Staffing) Order 1994 is hereby revoked.

SCHEDULES

FIRST SCHEDULE

Clause 5

BASIC STAFFING ENTITLEMENT AT RESIDENTIAL SPECIAL SCHOOLS

School	Staffing Entitlement
Glenburn School (Auckland)	4.2
Hogben School (Christchurch)	10.0
Kelston Deaf Education Centre (Auckland)	68.8
McKenzie School (Christchurch)	4.0
Salisbury School (Nelson)	7.1
Van Asch College (Christchurch)	52.2
Waimokoia School (Auckland)	5.0

SECOND SCHEDULE

Clause 6

BASIC STAFFING ENTITLEMENT AT HEALTH CAMP SCHOOLS

Health Camp School	Staffing Entitlement
Gisborne	2.5
Glenelg (Canterbury)	2.4
Manu (Northland)	3.3
Otaki	5.0
Pakuranga (Auckland)	5.2
Princess of Wales (Rotorua)	4.2
Roxburgh (Otago)	4.2

THIRD SCHEDULE

Clause 7

BASIC STAFFING ENTITLEMENT AT HOSPITAL SCHOOLS

Hospital School	Staffing Entitlement
Auckland Hospital School	13.0
Child Potential Unit (Queen Elizabeth Hospital)	3.2
Middlemore Hospital School	5.2
Templeton Hospital School	2.1
Tokanui Hospital School	1.1

Clause 8

FOURTH SCHEDULE

BASIC STAFFING ENTITLEMENT OF SPECIAL SCHOOLS ON DEPARTMENT OF
SOCIAL WELFARE CAMPUSES

School					Staffing Entitlement
Highcliff (Dunedin)	...	...	...	...	3.20
Kingslea (Christchurch)	...	...	...	...	11.75
Weymouth (Auckland)	...	...	...	...	8.00

Clause 9

FIFTH SCHEDULE

BASIC STAFFING ENTITLEMENT AT SPECIAL SCHOOLS FOR STUDENTS WITH AN
INTELLECTUAL DISABILITY

Roll					Basic Staffing Entitlement
5-9	...	...	...	...	1
10-18	...	...	...	...	2
19-27	...	...	...	...	3
28-36	...	...	...	...	4
37-45	...	...	...	...	5
46-54	...	...	...	...	6
55-63	...	...	...	...	7
64-72	...	...	...	...	8
73-81	...	...	...	...	9
82-90	...	...	...	...	10
91-99	...	...	...	...	11
100-108	...	...	...	...	12
109-117	...	...	...	...	13
118-126	...	...	...	...	14
127-135	...	...	...	...	15
136-144	...	...	...	...	16

Clause 10 (a)

SIXTH SCHEDULE

BASIC STAFFING ENTITLEMENT AT SPECIAL SCHOOLS FOR STUDENTS WITH A
PHYSICAL DISABILITY

Roll					Number of Teachers
5-10	...	...	...	...	1
11-20	...	...	...	...	2
21-30	...	...	...	...	3
31-40	...	...	...	...	4
41-50	...	...	...	...	5
51-60	...	...	...	...	6

SEVENTH SCHEDULE

Clause 10 (b)

BASIC STAFFING ENTITLEMENT OF SUPPORT STAFF AT SPECIAL SCHOOLS FOR
STUDENTS WITH A PHYSICAL DISABILITY

Roll				Speech Language Therapist	Special Education Assistant	Occupational Therapist
5-10	...	...	...	0.2	1.0	0.5
11-20	...	...	...	0.2	2.0	1.0
21-30	...	...	...	1.0	2.0	1.0
31-40	...	...	...	1.0	3.0	2.0
41-50	...	...	...	1.0	3.0	2.0
51-60	...	...	...	2.0	4.0	3.0

EIGHTH SCHEDULE

Clause 11

BASIC STAFFING ENTITLEMENT OF SPECIAL SCHOOLS FOR STUDENTS WITH
SEVERE DISABILITIES

Roll				Number of Teachers	Number of Teacher Assistants
4-6	...	...	...	1	1
7-9	...	...	...	2	1
10-12	...	...	...	2	2
13-15	...	...	...	3	2
16-18	...	...	...	3	3

NINTH SCHEDULE

Clause 18 (1), (3)

POSITIONS OF RESPONSIBILITY AT SPECIAL SCHOOLS FOR STUDENTS WITH AN
INTELLECTUAL DISABILITY

TSE					Principal	DP	AP	Senior Teacher
1	...	...	...	...	G1			
2	...	...	...	...	G1			
3	...	...	...	...	G2			
4	...	...	...	...	G2			
5	...	...	...	...	G2	G1		
6	...	...	...	...	G3	G1		
7	...	...	...	...	G3	G1	G1	
9	...	...	...	...	G3	G1	G1	1
10	...	...	...	...	G3	G2	G1	1
11	...	...	...	...	G4	G2	G1	1
12	...	...	...	...	G4	G2	G1	1
13	...	...	...	...	G4	G2	G1	1
14	...	...	...	...	G4	G2	G2	1
15	...	...	...	...	G4	G2	G2	2
16	...	...	...	...	G4	G2	G2	2
17	...	...	...	...	G4	G2	G2	3

Clause 18 (2)

TENTH SCHEDULE

POSITIONS OF RESPONSIBILITY AT SPECIAL SCHOOLS FOR STUDENTS WITH A
PHYSICAL DISABILITY

TSE					Principal	DP	AP	Senior Teacher
2.5		...	...	...	G1			
5	...	...	...	...	G2	G1		
6.5		...	...	...	G3	G1		
10	...	...	...	...	G3	G2	G1	1
12	...	...	...	...	G4	G2	G1	1
14	...	...	...	...	G4	G2	G2	1

ELEVENTH SCHEDULE

Clause 18 (4)

STAFFING AT RESIDENTIAL SPECIAL SCHOOLS, AND SPECIAL SCHOOLS ON DEPARTMENT OF SOCIAL WELFARE CAMPUSES

		<i>Residential Special Schools</i>			Heads of Department	Senior Teachers	Basic Staffing Entitlement	Total Staffing Entitlement
	Principal	Deputy Principal	Assistant Principal					
Glenburn School (Auckland)	...	G2					4.2	
Hogben School (Christchurch)	...		G1	G3		2	10	
Kelston Deaf Education Centre (Auckland)		G3	G2 (3)	G1	17	68.8	
McKenzie School (Christchurch)	...	G3				3	4	
Salisbury School (Nelson)	...			G2		2	6.1	
Van Asch College (Christchurch)	...		G3	G3	G2 (3)	5	52.2	
Waimokoia (Auckland)	...	G3	G1			3	5	
<i>Special Schools on Department of Social Welfare Campuses</i>								
	Principal	Deputy Principal	Assistant Principal	Heads of Department	Senior Teachers	Basic Scale Entitlement	Total Scale Entitlement	
Highcliff School (Dunedin)	...	PR2				2.2	3.2	
Kingslea School (Christchurch)	...			PRI (2)		9.75	11.75	
Weymouth School (Auckland)	...	Secondary Class A				6	8	

MARIE SHROFF,
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 on the day after its notification in the *Gazette*, prescribes limitations on the number, kinds, and descriptions of regular (that is to say non-relieving) teachers who may be employed at special schools in 1997, and the 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*: 27 June 1996.
This order is administered in the Ministry of Education.