



EDUCATION (1998 SECONDARY AND FORM I TO VII SCHOOL STAFFING) ORDER 1997

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of May 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

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ORDER

1. Title and commencement—(1) This order may be cited as the Education (1998 Secondary School and Form I to VII School Staffing) Order 1997.

(2) This order comes into force on 1 July 1997.

PART 1

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 9 (b) or clause 10 (c) (ii); or

(b) Confirmed for it by the Secretary under clause 10 (b):

"Estimated roll", in relation to a high school, means the numbers of students determined for it by the Secretary under clause 7:

"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:

"FTTE" means full-time teacher equivalent:

"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 1998 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 1 March 1998:

(b) The number of full-time year 8 students enrolled at the school as at 1 March 1998:

(c) The number of full-time year 9 students enrolled at the school as at 1 March 1998:

(d) The number of full-time year 10 students enrolled at the school as at 1 March 1998:

(e) The number of full-time year 11 students enrolled at the school as at 1 March 1998:

(f) The number of full-time year 12 students enrolled at the school as at 1 March 1998:

(g) The number of full-time students of year 13 or above enrolled at the school as at 1 March 1998:

"Primary student" means a year 7 or year 8 student:

“Salary unit”, in relation to the holder of a teaching position at a high school, means an entitlement to a salary element in addition to the salary otherwise payable to the holder, allocated to the holder by the Board for the purpose of reward, responsibility, recruitment, or retention:

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

“Secondary student” means a 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 has effect as if every student enrolled at a high school who turns or turned 19 before 1998 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 section 145 (1) 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) applies—

(a) Is or was a year 9 student in the year in which the student first enrolled at a high school:

(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) 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) 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:

(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) 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) 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:

(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 has 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 2

ROLLS

6. Boards to estimate March 1998 rolls—Before 16 July 1997, the Board of every high school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of the school's likely March 1998 roll (in the Board's opinion).

7. Secretary to determine March 1998 rolls—(1) As soon as may be after 15 July 1997, the Secretary must—

- (a) Estimate the likely March 1998 roll of every high school; and
- (b) Notify the Board of every high school of the numbers estimated for it.

(2) If, before 16 July 1997, the Board of a high school has given the Secretary notice under clause 6, the Secretary must not estimate the school's March 1998 roll without considering—

- (a) That notice; and
- (b) All written evidence and argument the Board supplied with its estimates.

8. Principals to ascertain and notify actual March 1998 roll—As soon as may be after 1 March 1998, the principal of every high school must—

- (a) Ascertain its March 1998 roll; and
- (b) On a form provided by the Secretary for the purpose, give the Secretary written notice of that roll.

9. Secretary to ascertain roll where no notice received from principal—If no notice under clause 8 (b) from the principal of a high school reaches the Secretary before 11 March 1998, the Secretary must, as soon as may be, take any steps the Secretary thinks fit to ascertain the school's March 1998 roll, and give the school's Board written notice that—

- (a) No notice under clause 8 (b) was received (or received in time) from the principal; and
- (b) The numbers of students specified in the notice (being the Secretary's best estimate of the school's March 1998 roll) will have effect as the school's confirmed roll.

10. Secretary to confirm roll where notice received from principal—If a notice under clause 8 (b) from the principal of a high school reaches the Secretary before 11 March 1998,—

- (a) The Secretary must, as soon as may be, take any steps the Secretary thinks fit to verify the numbers notified; and
- (b) Subject to paragraph (c), the Secretary must 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 15 April 1998, give the Board written notice that—
 - (i) The Secretary is satisfied that those numbers are inaccurate; and
 - (ii) The numbers of students specified in the notice (being the Secretary's best estimate of the school's March 1998 roll) will have effect as the school's confirmed roll.

11. Certain students not to be counted—In the estimation, ascertainment, confirmation, or notification of a high school's March 1998 roll, no account may 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 (under a notice under section 4C of the Act having effect in 1997) 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.

12. Part-time students—For the purposes of this order, every part-time student enrolled or to be enrolled at a high school must 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. This rule applies notwithstanding clause 2 (3), but is subject to clause 11.

PART 3

QUANTITATIVE LIMITATION ON EMPLOYMENT OF PERMANENT TEACHERS

Formula-Generated Allowances

13. 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 the quotient 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):

(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—

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

14. 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.

15. 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 then included in its staffing roll; and
- (b) The product of 7 and the number of year 9 and year 10 students then included in its staffing roll; and
- (c) The product of 9 and the number of year 11 students then included in its staffing roll; and
- (d) The product of 15 and the number of year 12 students then included in its staffing roll; and
- (e) The product of 16 and the number of students then included in its staffing roll of year 13 or above; and
- (f) Half its primary student specialist instruction allowance calculated or ascertained under clause 14.

16. Special education class time allowances—(1) The special education class time allowance, if any, of a high school in 1998 is the product of 1.29 and the number of classes at the school of a kind specified in subclause (2) 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 units).

17. Management teacher time allowances—A high school'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 15; 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 16; 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 38 at that time in force; and

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

18. 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 13; and

(b) Its special education class time allowance calculated under clause 16; and

(c) Its management teacher time allowance calculated under clause 17.

Transfer of Staffing Entitlement

19. Agreements between Boards to transfer staffing entitlement—

(1) In this clause and clause 20,—

“Entitlement transfer agreement” means written agreement between the Boards of 2 State schools to the effect that in 1998—

(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 20, if an entitlement transfer agreement (or a duplicate of it) has been given to the Secretary before 1 January 1998,—

- (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 the term “entitlement transfer agreement”, an agreement between the Boards of 3 or more schools relating to the relinquishment and use of teacher entitlement must be treated as a number of agreements between various pairs of them.

20. 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 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 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 19 (2) (b) arising out of a music tuition provision.

(3) No high school has an entitlement deduction under clause 19 (2) (a) arising out of a music tuition provision unless—

(a) The recipient institution’s name appears in the first column of Schedule 1; 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 1998 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 19 (2) arising out of a specialist tuition provision.

Guaranteed Minimum Formula Staffing

21. Guaranteed minimum formula staffing—A high school’s guaranteed minimum formula staffing in 1998 (in FTTEs) is the number obtained by—

(a) Adding—

(i) Its formula-generated staffing allowance calculated, in accordance with clause 18, by reference to its estimated roll; and

(ii) The sum of its entitlement additions (if any) under clause 19 (2) (b); and

- (b) Subtracting from the resulting sum the sum of its entitlement deductions (if any) under clause 19 (2) (a).

Entitlement Staffing

22. Entitlement staffing—(1) A high school's entitlement staffing at a time in 1998 before its confirmed roll has been notified by the Secretary under clause 9 (b) or clause 10 (c) (ii) or confirmed by the Secretary under clause 10 (b) is its guaranteed minimum formula staffing.

(2) A high school's entitlement staffing at a time in 1998 after its confirmed roll has been notified by the Secretary under clause 9 (b) or clause 10 (c) (ii) or confirmed by the Secretary under clause 10 (b) 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 18, by reference to its confirmed roll; and

(ii) The sum of its entitlement additions (if any) under clause 19 (2) (b); and

- (b) Subtracting from the resulting sum the sum of its entitlement deductions (if any) under clause 19 (2) (a).

Special Allowances

23. Ministerial community education co-ordination time allowances—The ministerial community education co-ordination time allowance, if any, of a high school in 1998 (in FTTEs) is the number specified opposite its name in the second column of Schedule 2.

24. Community learning centre allowances—The community learning centre allowance, if any, of a high school in 1998 (in FTTEs) is the number specified opposite its name in the second column of Schedule 3.

25. Activity centre allowances—The activity centre allowance, if any, of a high school in 1998 (in FTTEs) is the number specified opposite its name in the second column of Schedule 4.

26. Special allowances—The special allowances, if any, of a high school in 1998 shall be calculated by adding—

- (a) Its ministerial community education co-ordination time allowance (if any), ascertained in accordance with clause 23; and
- (b) Its community learning centre allowance (if any), ascertained in accordance with clause 24; and
- (c) Its activity centre allowance (if any), ascertained in accordance with clause 25.

Quantitative Limitation on Employment of Permanent Teachers

27. Limitation on employment of permanently appointed regular teachers at high schools—There must not be employed at any high school, at any time in 1998, permanently appointed regular teachers whose employment generates a number of FTTEs greater than the sum of—

- (a) Its entitlement staffing, ascertained in accordance with clause 22; and
- (b) Its special allowances, calculated in accordance with clause 26.

PART 4

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), the employment of 0.5 of a full-time teacher equivalent or more (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),—
- (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 1998 of a high school for which the Secretary in 1997 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 1998—

- (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) applies whose approved programme comprises no more than 200 tutor-hours has in 1998 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) applies whose approved programme comprises more than 200 tutor-hours has in 1998 a community co-ordination time allowance of—

- (a) 0.1 of an FTTE, if the programme concerned comprises not more than 1000 tutor-hours;
- (b) 0.2 of an FTTE, if the programme concerned comprises more than 1000 but not more than 1500 tutor-hours;
- (c) 0.3 of an FTTE, if the programme concerned comprises more than 1500 but not more than 4000 tutor-hours;

- (d) 0.4 of an FTTE, if the programme concerned comprises more than 4000 but not more than 5000 tutor-hours:
- (e) 0.5 of an FTTE, if 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 1998 attached a full-time permanently appointed itinerant teacher of instrumental music has in 1998 an itinerant music teacher time allowance of—

- (a) 0.1 of an FTTE, if 1 such teacher is attached:
- (b) 0.2 of an FTTE, if 2 such teachers are attached:
- (c) 0.3 of an FTTE, if 3 or 4 such teachers are attached:
- (d) 0.4 of an FTTE, if 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 1998 (in FTTEs) is 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. Total regular staffing allowance—A high school's total regular staffing allowance (in FTTEs) at any time in 1998 is the sum of—

- (a) Its entitlement staffing, ascertained in accordance with clause 22; and
- (b) Its special allowances, calculated in accordance with clause 26; and
- (c) Its beginning teacher time allowance (if any), calculated in accordance with clause 28; and
- (d) Its instrumental and vocal music tuition allowance (if any), calculated in accordance with clause 29; and
- (e) Its community education co-ordination time allowance (if any), ascertained in accordance with clause 30 (2) or (3); and
- (f) Its co-ordination time allowance for itinerant teachers of music (if any), ascertained in accordance with clause 31; and
- (g) Its Te Atakura time allowance (if any), calculated in accordance with clause 32; and
- (h) In the case of a school specified in Schedule 5, 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

34. Limitation on employment of other regular teachers at high schools—There must not be employed at any high school, at any time in 1998, other regular teachers whose employment generates a number of teacher equivalents greater than the number of teacher equivalents by which—

- (a) The school's total regular staffing allowance at that time, calculated in accordance with clause 33,—
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 5

OTHER LIMITATIONS ON EMPLOYMENT OF TEACHERS

35. High schools not to have more than 1 principal—There must not be employed at any high school, at any time in 1998, more than 1 principal.

36. Limitations on employment of associate principals—(1) An associate principal must not, at any time in 1998, be employed at a high school whose applicable roll at that time is less than 1401.

(2) There must not be employed, at any time in 1998, more than 1 associate principal at a high school whose applicable roll at that time is more than 1400.

37. Limitation on employment involving salary units—(1) Subject to subclauses (3) to (7), there must not be employed at a high school, at any time in 1998, regular teachers to whom salary units have been allocated (whether permanently or for an indefinite or fixed period that includes that time) whose employment taken together is equivalent to the employment of teachers to whom there have been allocated a total number of salary units greater than a number calculated for the school in accordance with subclause (2).

(2) The number referred to in subclause (1) is calculated for a high school by—

- (a) Subtracting 1 from its entitlement staffing (ascertained in accordance with clause 22); and
- (b) Multiplying the resulting remainder by 1.2; and
- (c) Adding 8 to the resulting product; and
- (d) If the resulting sum is not a whole number, correcting it to the nearest whole number.

(3) In relation to any school whose name appears in the first column of Schedule 2, subclause (2) has effect as if the number calculated by taking the steps specified in that subclause has been increased by the number of salary units specified in the third column of the schedule opposite the name.

(4) In relation to any school whose name appears in the first column of Schedule 3, subclause (2) has effect as if the number calculated by taking the steps specified in that subclause has been increased by the number of salary units specified in the third column of the schedule opposite the name.

(5) In relation to any school whose name appears in the first column of Schedule 4, subclause (2) has effect as if the number calculated by taking the steps specified in that subclause has been increased by the number of salary units specified in the third column of the schedule opposite the name.

(6) In relation to any school whose name appears in the first column of Schedule 5, subclause (2) has effect as if the number calculated by taking the steps specified in that subclause has been increased by the number of salary units specified in the second column of the schedule opposite the name.

(7) The increases provided for in subclauses (3) to (6) are (in relation to any school to which 2 or more of those subclauses apply) cumulative.

PART 6

EXEMPTIONS

38. Attachments—The Secretary must, in exempting a high school's Board from the limitations imposed by this order, have regard to the extent (if any) to which students enrolled at the school have particular 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 units);
- (e) Special Education Assistant;
- (f) Speech Language Therapist (employed by the Board);
- (g) Resource teacher (to assist students with special needs).

39. Protection of programmes—The Secretary must, in exempting a high school's Board from the limitations imposed by this order, have regard to—

- (a) Whether the school's staffing has been (or but for the exemption would be) affected by a fall in its roll; and
- (b) Whether it is desirable to grant an exemption (sufficient to restore the school's staffing to its 1997 level or some lower level) in order to protect a specified programme of instruction whose continued provision would otherwise be at risk.

40. Teacher support units—The Secretary must, in exempting a high school'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) 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, does not exceed 32.3.

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

42. Board-funded teachers—The Secretary must, in exempting a high school'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.

43. Protection of associate principals—The Secretary must, in exempting a high school's Board from the limitations imposed by this order, have regard to—

- (a) Whether the school's entitlement to an associate principal 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 the position.

44. Protection of teachers' allocated salary units—The Secretary must, in exempting a high school's Board from the limitations imposed by this order, have regard to—

- (a) Whether the calculation for the school under clause 37 (2) of a number of salary units 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 the continued allocation of a salary unit or salary units to the holder of a teaching position at the school.

45. Protection of supernumerary teachers—The Secretary must, in exempting a high school's Board 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 1998 of any permanently appointed teachers employed by the Board immediately before 1 January 1998 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 any other school).

46. Roll increases—The Secretary must, in exempting a high school's Board from the limitations imposed by this order, have regard to the extent, if any, to which the school's total 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 must, in exempting a high school's Board from the limitations imposed 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 (1996 Secondary School Staffing) Order 1995 is revoked.

SCHEDULES

SCHEDULE 1

Cl. 20 (3)

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
Pakuranga College	1
Rangitoto College	3
Rotorua Girls' High School	2
Saint Peter's College (Auckland)	1
Tauranga Boys' College	4
Tawa College	1

SCHEDULE 2

Cl. 23

MINISTERIAL COMMUNITY EDUCATION CO-ORDINATION ALLOWANCES

School	Staffing (FTEs)	Salary Units
Buller High School	0.7	2
Greymouth High School	0.5	
Hagley Community College (Risingholme)	1	2
Hillary College	1	3
Opotiki College	1	3
Wellington High School	1	6
Westland High School	0.5	

Cl. 24

SCHEDULE 3

COMMUNITY LEARNING CENTRE ALLOWANCES

				Staffing (FTTEs)	Salary Units
Aorere College	...	...	...	1	3
Aranui High School	...	...	...	1	3
Ashburton College	...	...	...	1	3
Edgewater College	...	...	...	1	3
Feilding Agricultural High School	...	...	...	1	3
Glenfield College	...	...	...	1	3
Hagley Community College	...	...	...	2	4
Melville High School	...	...	...	1	3
Newlands College	...	...	...	1	3
Rutherford High School	...	...	...	1	3

Cl. 25

SCHEDULE 4

ACTIVITY CENTRE ALLOWANCES

				Staffing (FTTEs)	Salary Units
Aotea College	...	...	...	2	2
Cargill High School	...	...	...	2	2
Gisborne Girls' High School	...	...	...	2	2
Kaikorai Valley High School	...	...	...	2	2
Karamu High School	...	...	...	2	2
Naenae College	...	...	...	2	2
Napier Boys' High School	...	...	...	2	2
Otahuhu College	...	...	...	2	2
Papakura High School	...	...	...	2	2
Queen Elizabeth College	...	...	...	2	2
Rotorua Boys' High School	...	...	...	2	2
Spotswood College	...	...	...	2	2
Wellington East Girls' College	...	...	...	2	2
Western Springs College	...	...	...	2	2

SCHEDULE 5
SPECIAL ALLOWANCES

Cls. 33 (h), 37 (6)

School	Salary Units	Other	Linkage
Blue Mountain College			0.1
Burnside High School	8	1.0	0.2
Dunstan High School			0.15
Feilding Agricultural High School		0.5	
Fiordland College			0.1
Greymouth High School			0.2
Henderson High School		1.2	
Hutt Valley High School		0.2	
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
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	

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 1 July 1997, prescribes limitations on the 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 1998, 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.

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This order is administered in the Ministry of Education.