



**EDUCATION (1998 SPECIAL SCHOOL STAFFING)  
ORDER 1997**

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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**—This order may be cited as the Education (1998 Special 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:

“Basic staffing entitlement” means the staffing entitlement of a special school ascertained in accordance with Part 3:

“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:

“FTTE” means full-time teacher equivalent:

“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 VIIIA of the Act:

“September 1998 roll”, in relation to a special school, means the roll calculated for it under clause 3:

“Special education authority” means—

(a) An agreement between the Secretary and the parents of any person, made under section 9 (1)(a) 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.

(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 as 0.5 of a teacher equivalent:

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

## PART 2

## ROLLS

**3. 1998 rolls for special schools to be calculated in 1997**—(1) As soon as may be after the commencement of this order, the Secretary must, in respect of every special school,—

- (a) Calculate its September 1998 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 1 July 1997; and
    - (ii) The Board's estimate, based on special education authorities, of new students likely to enrol at that school before 1 October 1998; and
  - (b) Subtracting, from the resulting total, the number of students whose special education authority will expire in 1998.

**4. Certain students not to be counted**—In the calculation of a special school's roll under clause 3, no account may 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 (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; 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 3

## BASIC STAFFING ENTITLEMENTS

**5. Residential special schools**—The basic staffing entitlement of a special school specified in the first column of Schedule 1 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 Schedule 2 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 Schedule 3 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 on a social welfare campus specified in the first column of Schedule 4 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) is the number of teachers specified in the second column of Schedule 5 opposite its September 1998 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) is the sum of—

- (a) The number of teachers specified in the second column of Schedule 6 opposite its September 1998 roll; and
- (b) The numbers of teachers specified in the second, third, and fourth columns of Schedule 7 opposite its September 1998 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) is the sum of—

- (a) The number of teachers specified in the second column of Schedule 8 opposite its September 1998 roll; and
- (b) The numbers of teacher assistants specified in the third column of that schedule opposite its September 1998 roll.

#### PART 4

##### 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) 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; and
- (b) The difference between the principal's release allowance and 1.0.

**14. Beginning teacher time allowances**—A beginning teacher time allowance is, for the period of employment of each beginning teacher, 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 an FTTE; and
- (b) In the case of a teacher whose employment is the employment of less than 1.0 FTTE but 0.5 or more of an FTTE, as an additional staffing allowance of 0.1 FTTE.

**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; and
  - (iii) Its additional principal's release allowance (if any) ascertained in accordance with clause 13; and
  - (iv) Its beginning teacher time allowance (if any) calculated in accordance with clause 14; and
- (b) The total staffing entitlement of any other special school is its basic staffing entitlement.

## PART 5

### LIMITATION ON APPOINTMENT AND EMPLOYMENT OF TEACHERS

**16. Limitation on appointment and employment of permanently appointed regular teachers at special schools**—There must not be employed at any special school, at any time in 1998, permanently appointed teachers whose employment generates a number of FTTEs greater than its total staffing entitlement.

**17. Limitation on appointment and employment of other regular teachers at special schools**—There must not be employed at any special school, at any time in 1998, other regular teachers whose employment generates a number of FTTEs greater than the number of FTTEs by which—

- (a) The number of FTTEs generated by the employment at the 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 must not be employed, at any time in 1998, 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 Schedule 9 opposite the school's total staffing entitlement;
  - (b) A deputy principal at a grade higher than that specified in the third column of Schedule 9 opposite the school's total staffing entitlement;
  - (c) An assistant principal at a grade higher than that specified in the fourth column of Schedule 9 opposite the school's total staffing entitlement;
  - (d) More senior teachers than the number specified in the fifth column of Schedule 9 opposite the school's total staffing entitlement.
- (2) There must not be employed, at any time in 1998, 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 Schedule 10 opposite the school's total staffing entitlement;

- (b) A deputy principal at a grade higher than that specified in the third column of Schedule 10 opposite the school's total staffing entitlement:
  - (c) An assistant principal at a grade higher than that specified in the fourth column of Schedule 10 opposite the school's total staffing entitlement:
  - (d) More senior teachers than the number specified in the fifth column of Schedule 10 opposite the school's total staffing entitlement.
- (3) There must not be employed, at any time in 1998, 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 Schedule 9 opposite the school's total staffing entitlement:
  - (b) A deputy principal at a grade higher than that specified in the third column of Schedule 9 opposite the school's total staffing entitlement:
  - (c) An assistant principal at a grade higher than that specified in the fourth column of Schedule 9 opposite the school's total staffing entitlement:
  - (d) More senior teachers than the number specified in the fifth column of Schedule 9 opposite the school's total staffing entitlement.
- (4) There must not be employed, at any time in 1998, at a school specified in Schedule 11,—
- (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 FTTEs 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 FTTEs greater than the number of FTTEs by which—
- (i) The number of FTTEs 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 6

### EXEMPTIONS

**19. Special educational needs**—The Secretary must, in exempting a special school's Board from the limitations imposed by this order, have regard to students enrolled or proposed to be enrolled at the school who have significant special educational disabilities whose special needs can only be met by the appointment of 1 or more teachers or resource teachers.

**20. Discretionary positions**—The Secretary must, in exempting a special school's Board 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 must, in exempting a special 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 the Board's operational funds.

**22. Protection of supernumerary teachers**—The Secretary must, in exempting a special 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 employed teachers employed by the Board immediately before 1 January 1998 who are for the time being supernumerary, having been declared surplus by virtue of the amalgamation, merger, change of status, closure, or fall in the roll, of the schools at which teachers were employed (whether the school at which they are now employed or any other school).



**23. Roll increases**—The Secretary must, in exempting a special school's Board from the limitations imposed by this order, have regard to the extent, if any, to which there has been any unusual increase in the number of students enrolled at the school.

**24. Special problems**—The Secretary must, in exempting a special school's Board from the limitations imposed by this order, have regard to the extent, if any, to which, in the Secretary's opinion, there are special teaching problems at the 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 (1996 Special School Staffing) Order 1995 is revoked.

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## SCHEDULES

Cl. 5

## SCHEDULE 1

## BASIC STAFFING ENTITLEMENT OF 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

Cl. 6

## SCHEDULE 2

## BASIC STAFFING ENTITLEMENT OF 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

Cl. 7

## SCHEDULE 3

## BASIC STAFFING ENTITLEMENT OF HOSPITAL SCHOOLS

Hospital School	Staffing Entitlement
Auckland Hospital School ... ..	13.0
Middlemore Hospital School ... ..	5.2
Templeton Hospital School ... ..	2.1

Cl. 8

## SCHEDULE 4

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

School	Staffing Entitlement
Highcliff (Dunedin) ... ..	3.20
Kingslea (Christchurch) ... ..	7.75

## SCHEDULE 5

Cl. 9

BASIC STAFFING ENTITLEMENT OF SPECIAL SCHOOLS FOR STUDENTS WITH  
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

## SCHEDULE 6

Cl. 10 (a)

BASIC STAFFING ENTITLEMENT OF SPECIAL SCHOOLS FOR STUDENTS WITH  
PHYSICAL DISABILITY

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

## SCHEDULE 7

Cl. 10 (b)

BASIC STAFFING ENTITLEMENT OF SUPPORT STAFF OF SPECIAL SCHOOLS FOR  
STUDENTS WITH 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

Cl. 11

## SCHEDULE 8

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

Cl. 18 (1), (3)

## SCHEDULE 9

POSITIONS OF RESPONSIBILITY AT SPECIAL SCHOOLS FOR STUDENTS WITH  
INTELLECTUAL DISABILITY

Total Staffing Entitlement				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

Cl. 18 (2)

## SCHEDULE 10

POSITIONS OF RESPONSIBILITY AT SPECIAL SCHOOLS FOR STUDENTS WITH  
PHYSICAL DISABILITY

Total Staffing Entitlement				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

SCHEDULE 11

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

<i>Residential Special Schools</i>							
	Principal	Deputy Principal	Assistant Principal	Heads of Department	Senior Teachers	Basic Staffing Entitlement	Total Staffing Entitlement
Glenburn School (Auckland) ...	G2					3.2	4.2
Hogben School (Christchurch)		G1	G3		2	6	10
Kelston Deaf Education Centre (Auckland) ...		G3	G2 (3)	G1	17	46.8	68.8
McKenzie School (Christchurch)	G3					3	4
Salisbury School (Nelson) ...			G2		2	3.1	6.1
Van Asch College (Christchurch)		G3	G3	G2 (3)	5	42.2	52.2
Waimokoia (Auckland) ...	G3	G1				3	5
<i>Special Schools on Department of Social Welfare Campuses</i>							
	Principal					Basic Scale Entitlement	Total Scale Entitlement
Highcliff School (Dunedin)	Secondary J1 and 2 salary units					2.2	3.2
Kingslea School (Christchurch)	Secondary J1 and 3 salary units					6.5	7.5

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 special schools in 1998, and the criteria to which the Secretary of Education is to have regard in exempting Boards of such schools from those limitations.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 29 May 1997.  
This order is administered in the Ministry of Education.