



## EDUCATION (1999 SPECIAL SCHOOL STAFFING) ORDER 1998

MICHAEL HARDIE BOYS, Governor-General

### ORDER IN COUNCIL

At Wellington this 20th day of July 1998

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.

#### ANALYSIS

1. Title and commencement

PART 1

PRELIMINARY

2. Interpretation

3. Years of schooling

PART 2

ROLLS

4. Boards to ascertain July 1998 rolls and estimate July 1999 rolls

5. Secretary to estimate September 1999 rolls and lists

6. Certain students not to be counted

PART 3

SPECIAL SCHOOLS AT HEALTH CAMPS AND SOCIAL WELFARE CAMPUSES

7. Health camps

8. Social welfare campuses

PART 4

ALLOWANCES

9. Senior student time allowances

10. Curriculum delivery time allowances

11. Weighted rolls

12. Management teacher time allowances

13. Beginning teacher time allowances

14. Special education teacher time allowances

15. Total staffing entitlements

*Transfer of Staffing Entitlement and Salary Units*

16. Agreements between Boards to transfer staffing entitlement and salary units

17. Restrictions on transfer of staffing entitlement and salary units

18. Application of clauses 16 and 17 in relation to special education

## PART 5

LIMITATIONS ON APPOINTMENT AND  
EMPLOYMENT OF TEACHERS

19. Limitation on appointment and employment of permanently appointed regular teachers
20. Limitation on appointment and employment of other regular teachers
21. Limitation on employment involving salary units
22. Limitation on grades for principals in relation to roll range (including special education students)
23. Limitation on employment of Resource Teachers: Learning and Behaviour

## PART 6

## EXEMPTIONS

24. Hospital class teachers
25. Board-funded teachers
26. Protection of teachers' allocated salary units

27. Protection of supernumerary teachers
28. Roll increases
29. Special reason
30. Revocation

## SCHEDULES

## Schedule 1

Basic Staffing Entitlement of Special Schools at Health Camps

## Schedule 2

Basic Staffing Entitlement of Special Schools at Department of Social Welfare Campuses

## Schedule 3

Grades for Principals' Positions in Relation to Roll Range (Including Special Education Students)

## ORDER

**1. Title and commencement**—This order may be cited as the Education (1999 Special School Staffing) Order 1998.

(2) This order comes into force on the 28th day after the date of its notification in the *Gazette*.

## 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 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:

“The Board”, in relation to a special school, means the school's Board:

“FTTE” means full-time teacher equivalent:

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

“Primary institution” means an institution that is a primary school or an intermediate school (within the meanings in section 145 (1) of the Act):

“Principal”, in relation to a special school, means the school's principal; and, in relation to a student who enrolls at a special school at any time, means the school's principal at that time:

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

“Roll” includes a special education list:

“Salary unit”, in relation to the holder of a teaching position at a special 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:

“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:

“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 list”, or “list”, means a list of special education students approved by the Secretary under the ongoing resourcing scheme administered by the department of which the Secretary is the chief executive:

“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 education student with high needs” means a student who has been classified by the Secretary as having high needs:

“Special education student with very high needs” means a student who has been classified by the Secretary as having very high needs:

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

“Teacher” includes a principal and any deputy or assistant principal (however described):

“Total staffing entitlement” means the staffing entitlement of a special school ascertained in accordance with clause 14.

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

(3) For the purposes of this order,—

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

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

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

(d) The employment of a teacher on the basis of employment for a specified number of teaching hours (or an average of that

number of teaching hours) every full week is the employment of one twenty-fifth of that number of FTTEs.

**3. Years of schooling**—(1) This subclause applies to a student enrolled at a special school who—

- (a) First enrolls at a special school before turning 7; and
- (b) Is subsequently educated at special schools without any substantial interruption (other than normal holidays).

(2) For the purposes of this order, a student to whom subclause (1) applies who first enrolls at a special school before 1 July in any year (whether before or after the commencement of this order)—

- (a) Is a year 1 student in that year;
- (b) In every subsequent year, is a student of a year 1 greater than the year before.

(3) For the purposes of this order, a student to whom subclause (1) applies who first enrolls at a special school after 30 June in any year (whether before or after the commencement of this order)—

- (a) Is a year 0 student in that year;
- (b) Is a year 1 student in the next year;
- (c) In every subsequent year, is a student of a year 1 greater than the year before.

(4) This subclause applies to a student enrolled at a special school (but not a student to whom subclause (1) applies) between the time the student first enrolls at a special school and the earlier of—

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

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

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

(6) This subclause applies to a student enrolled at a special school (but not a student to whom subclause (1) applies) between the time the student again enrolls at a special school after any substantial interruption (other than normal holidays) in the student's education at special schools and the earlier of—

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

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

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

## PART 2

## ROLLS

**4. Boards to ascertain July 1998 rolls and estimate July 1999 rolls**—As soon as may be after the commencement of this order, the Board of every special school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of—

- (a) The school's actual roll (in the Board's opinion) as at 1 July 1998; and
- (b) The school's likely roll (in the Board's opinion) as at 1 July 1999.

**5. Secretary to estimate September 1999 rolls and lists**—(1) As soon as may be after the commencement of this order, the Secretary must—

- (a) Estimate the roll as at 30 September 1999 of every special school; and
- (b) Estimate the special education list as at 30 September 1999 of every special school; and
- (c) Give the Board of every special school written notice of the roll and list estimated for it.

(2) If, before the commencement of this order, a school's Board has given the Secretary notice under clause 4, the Secretary must not estimate the school's roll or list under subclause (1) without considering—

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

**6. Certain students not to be counted**—In the determination of any roll or list for the purposes of this order, 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 1998) 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

## SPECIAL SCHOOLS AT HEALTH CAMPS AND SOCIAL WELFARE CAMPUSES

**7. Health camps**—The basic staffing entitlement of a special school at a health camp specified in the first column of Schedule 1 is the entitlement specified opposite its name in the second column of that schedule.

**8. Social welfare campuses**—The basic staffing entitlement of a special school at a Department of Social Welfare campus specified in the first column of Schedule 2 is the entitlement specified opposite its name in the second column of that schedule.

## PART 4

## ALLOWANCES

**9. Senior student time allowances**—(1) In this clause,—

“Students instructed elsewhere”, in relation to a special school at any time, means the number of students of year 7 or above enrolled there who at that time usually attend some other school for instruction in home economics or technology or some other specialist subject:

“Students instructed internally”, in relation to a special school at any time, means the number of students of year 7 or above—

- (a) Included on its roll; or
  - (b) Enrolled at some other school who at that time usually attend a centre attached to the special school for instruction in home economics or technology or some other specialist subject.
- (2) When the number of students instructed internally at a special school is greater than the number of students instructed elsewhere, its senior student time allowance is the quotient obtained by dividing the difference by 120.
- (3) When the number of students instructed internally at a special school is not greater than the number of students instructed elsewhere, its senior student time allowance is 0.

**10. Curriculum delivery time allowances**—A special school’s curriculum delivery time allowance (in FTTEs) is the sum obtained by adding—

- (a) The greater of 1 and the sum of—
  - (i) The number of year 0, year 1, year 2, and year 3 students, divided by 23; and
  - (ii) The number of year 4, year 5, year 6, year 7, and year 8 students, divided by 29; and
- (b) If—
  - (i) The school has a roll under 160; and
  - (ii) The quotient obtained by dividing that roll by the integer of the sum referred to in paragraph (a) is over 28,—  
the difference between that sum and the next whole number; and
- (c) The sum of—
  - (i) The number of year 9 and year 10 students, divided by 25; and
  - (ii) The number of year 11 students, divided by 23; and
  - (iii) The number of year 12 students, divided by 18; and
  - (iv) The number of year 13 students, divided by 17; and
- (d) If its roll is greater than 200, the number of levels of students of year 9 or above (to a maximum of 5); and
- (e) If its roll is not greater than 200, the number obtained by—
  - (i) Dividing that roll by 200; and
  - (ii) Multiplying the resulting quotient by 0.6; and
  - (iii) Adding 0.4 to the resulting product; and
  - (iv) Multiplying the resulting sum by the number of levels of students of year 9 or above (to a maximum of 5),—  
and, if the resulting sum is not exactly divisible by 0.1, rounding it up to 1 decimal place.

**11. Weighted rolls**—A special school’s weighted roll at any time is the sum of—

- (a) The product of 4 and the number of year 0, year 1, year 2, and year 3 students then included on its staffing roll; and
- (b) The product of 3.5 and the number of year 4, year 5, year 6, year 7, and year 8 students then included on its staffing roll; and
- (c) The product of 7 and the number of year 9 and year 10 students then included on its staffing roll; and

- (d) The product of 9 and the number of year 11 students then included on its staffing roll; and
- (e) The product of 15 and the number of year 12 students then included on its staffing roll; and
- (f) The product of 16 and the number of students of year 13 or above then included on its staffing roll; and
- (g) The product of 0.5 and the number of students of year 7 and year 8 then enrolled at the school who do not usually attend a centre attached to a primary institution for instruction in home economics or technology or some other specialist subject.

**12. Management teacher time allowances**—A special 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, ascertained in accordance with clause 11; and

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

(iii) The product of 0.05 and its special education teacher time allowance, ascertained in accordance with clause 14; and

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

**13. 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 of an FTTE but 0.5 or more of an FTTE, as an additional staffing allowance of 0.1 of an FTTE.

**14. Special education teacher time allowances**—A special school's special education teacher time allowance, if any, in 1999 is the number of special education students on the school's special education list multiplied by the following FTTEs:

(a) 0.1 for each special education student with high needs:

(b) 0.2 for each special education student with very high needs.

**15. Total staffing entitlements**—A special school's total staffing entitlement is the sum of—

(a) Its curriculum delivery time allowance, ascertained in accordance with clause 10; and

(b) Its management teacher time allowance, ascertained in accordance with clause 12; and

(c) Its beginning teacher time allowance, if any, ascertained in accordance with clause 13; and

(d) Its special education teacher time allowance, ascertained in accordance with clause 14.

*Transfer of Staffing Entitlement and Salary Units***16. Agreements between Boards to transfer staffing entitlement and salary units**—(1) In this clause and clause 17,—

“Entitlement transfer agreement” means a written agreement between the Boards of 2 payrolled schools to the effect that in 1999—

(a) 1 of the schools will relinquish to the other a specified number of FTTEs or salary units or both of teacher entitlement; and

(b) Either—

(i) The entitlement will be used to sustain the employment at the other of 1 or more teachers whose duties will include the tuition in a specified subject of students enrolled at the school 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 of 1 or more teachers whose duties will include the tuition in a specified subject of students enrolled at the school relinquishing the entitlement:

“Lender institution”, in relation to an entitlement transfer agreement, means the school that is to relinquish entitlement under the agreement:

“Recipient institution”, in relation to an entitlement transfer agreement, means the school 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 17, if an entitlement transfer agreement (or a duplicate of it) has been given to the Secretary before 1 January 1999,—

(a) If the lender institution is a special school, it has an entitlement deduction of the number of FTTEs or salary units specified in the agreement; and

(b) If the recipient institution is a special school, it has an entitlement addition of the number of FTTEs or salary units 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.

**17. Restrictions on transfer of staffing entitlement and salary units**—(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 technology or some other specialist subject.



(2) No special school has an entitlement deduction under clause 16 (2) (a) arising out of a music tuition provision unless—

(a) The recipient institution's name appears in the first column of Schedule 1 of the Education (1999 Secondary and Form I to VII School Staffing) Order 1998; and

(b) The sum of—

(i) The number of FTTEs or salary units to be relinquished under the provision; and

(ii) The number, if any, of FTTEs or salary units of entitlement to be relinquished to the recipient institution in 1999 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.

(3) No special school has an entitlement addition under clause 16 (2) (b) arising out of a music tuition provision.

(4) No special school has an entitlement addition or entitlement deduction under clause 16 (2) arising out of a specialist tuition provision.

**18. Application of clauses 16 and 17 in relation to special education**—Clauses 16 and 17 apply to entitlement in relation to special education teachers in the same way as they apply to entitlement in relation to other teachers.

## PART 5

### LIMITATIONS ON APPOINTMENT AND EMPLOYMENT OF TEACHERS

**19. Limitation on appointment and employment of permanently appointed regular teachers**—There must not be employed at any special school, at any time in 1999, permanently appointed regular teachers whose employment generates a number of FTTEs greater than its total staffing entitlement.

**20. Limitation on appointment and employment of other regular teachers**—There must not be employed at any special school, at any time in 1999, 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 school at that time of permanently appointed regular teachers—  
is less than—

(b) Its total staffing entitlement.

**21. Limitation on employment involving salary units**—(1) There must not be employed at a special school, at any time in 1999, 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 under subclause (2).

(2) The number referred to in subclause (1) is calculated by—

(a) Adding, to get the first result,—

(i) Its curriculum delivery time allowance, ascertained in accordance with clause 10; and

- (ii) Its management teacher time allowance, ascertained in accordance with clause 12; and
- (iii) Any exemption granted by the Secretary for hospital class teachers under clause 24; and
- (b) Subtracting 1 from the first result to get the second result; and
- (c) Multiplying the second result by 0.72 to get the third result; and
- (d) Subtracting 0.77 from the third result to get the fourth result; and
- (e) If the school is listed in Schedule 1 or Schedule 2, adding its salary units, if any, to get the fifth result; and
- (f) If the fourth or fifth result, as the case requires, is not a whole number, correcting it to the nearest whole number.

**22. Limitation on grades for principals in relation to roll range (including special education students)**—(1) There must not be employed at a special school, at any time in 1999, a principal at a grade higher than the grade specified in the first column of Schedule 3 opposite the roll range that applies to that school.

(2) For the purposes of determining the roll range as at 1 July 1998, the following weightings apply:

- (a) For students enrolled at Glenburn Residential School, McKenzie Residential School, or Waimokoia Residential School, 6:
  - (b) For students enrolled in the Child and Family Adolescent Unit or the Sutherland Unit at Auckland Hospital School, 6:
  - (c) For students (not being students of high or very high needs) enrolled at Hogben Special School or Salisbury Special School, 3:
  - (d) For special education students with high needs, 3:
  - (e) For special education student with very high needs, 6.
- (3) This clause does not apply to a school listed in Schedule 1 or Schedule 2.

**23. Limitation on employment of Resource Teachers: Learning and Behaviour**—(1) At any time in 1999, the number of Resource Teachers: Learning and Behaviour employed in payrolled schools must not exceed the number obtained using a ratio of 1 teacher for every 750 students.

- (2) In subclause (1), “students” means students in years 1 to 10 inclusive.

## PART 6

### EXEMPTIONS

**24. Hospital class teachers**—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 the students enrolled at the school have particular educational needs that can and should be met by the appointment of 1 or more Hospital Class Teachers.

**25. 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 met from an appropriation by Parliament for that purpose.

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

- (a) Whether the calculation for the school under clause 21 (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.

**27. 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 1999 of any permanently employed teachers employed by the Board immediately before 1 January 1999 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).

**28. 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.

**29. Special reason**—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 is a special reason for an exemption for that school, being a reason that applies only to that school or to some other special schools, but not being a reason that applies to all other special schools.

**30. Revocation**—The Education (1997 Special School Staffing) Order 1996\* is revoked.

## SCHEDULES

Cl. 7

## SCHEDULE 1

## BASIC STAFFING ENTITLEMENT OF SPECIAL SCHOOLS AT HEALTH CAMPS

School	Staffing Entitlement	Principal's Grade	Salary Units
Gisborne ... ..	2.5	U1	0
Glennelg (Canterbury) ... ..	2.5	U1	0
Northland ... ..	3.3	U1	1
Otaki ... ..	5.0	U1	2
Pakuranga (Auckland) ... ..	5.2	U2	2
Te Kura Haurora (Princess of Wales, Rotorua) ... ..	4.2	U1	2
Otago-Southland (Roxburgh) ... ..	4.2	U1	2

Cl. 8

## SCHEDULE 2

## BASIC STAFFING ENTITLEMENT OF SPECIAL SCHOOLS AT DEPARTMENT OF SOCIAL WELFARE CAMPUSES

School	Staffing Entitlement	Principal's Grade	Salary Units
Highcliff (Dunedin) ... ..	3.20	Secondary J1	2
Kingslea (Christchurch) ... ..	7.5	Secondary J1	3

Cl. 22

## SCHEDULE 3

GRADES FOR PRINCIPALS' POSITIONS IN RELATION TO ROLL RANGE  
(INCLUDING SPECIAL EDUCATION STUDENTS)

Principal's Grade	Roll Range
U1	1-50
U2	51-100
U3	101-150
U4	151-300
U5	301-500
U6	501-850
U7	851-1200
U8	1201-1600
U9	1601 and above

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 28 days after its notification in the *Gazette*, prescribes limitations on the numbers, and kinds and descriptions, of regular (that is to say non-relieving) teachers who may be employed at special schools in 1999, and the criteria to which the Secretary of Education is to have regard in exempting Boards of special schools from those limitations.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 23 July 1998.

This order is administered in the Ministry of Education.