



# Education (2005 Secondary School and Form 1 to 7 School Staffing) Order 2004

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 6th day of September 2004

Present:

Her Excellency the Governor-General in Council

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

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## Order

### 1 Title

This order is the Education (2005 Secondary School and Form 1 to 7 School Staffing) Order 2004.

### 2 Commencement

This order comes into force on 11 September 2004.

### 3 Application

This order applies only to state secondary schools and state Form 1 to 7 schools, and only to the 2005 school year.

## Part 1

### Preliminary

#### 4 Interpretation

(1) In this order, unless the context otherwise requires,—

**Act** means the Education Act 1989

**beginning teacher**, at any time, means a teacher who,—

- (a) at that time, has completed less than 24 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

**Board**, in relation to a high school, means the school's Board

**confirmed rolls and list**, in relation to a high school, means the numbers of students—

- (a) notified for it by the Secretary under clause 9 or clause 10(2); or
- (b) confirmed for it by the Secretary under clause 10(1)(b)

**estimated rolls and list**, in relation to a high school, means the numbers of students estimated for it by the Secretary under clause 7

**Form 1 to 7 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 1 to 7 school

**Maori-medium roll**, in relation to a school, means the number of the school's Maori-medium students

**Maori-medium student**, in relation to a school, means a student of the school—

- (a) who is Maori; and
- (b) for whom the curriculum is taught in Maori for more than 12.5 and up to 25 hours per week

**March roll**, in relation to a high school, means the sum of the number of full-time year 7 to 15 students enrolled at the school as at 1 March 2005

**non-Maori-medium roll**, in relation to a school, means the number of the school's students left after the school's Maori-medium roll has been subtracted from its staffing roll (as determined under clauses 7, 9, and 10)

**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)

**primary student** means a year 7 or year 8 student

**principal**, in relation to a high school, means the school's principal; and, in relation to a student who enrolls at a high 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)

**resource teacher** means a teacher who provides specialist advice, guidance, and support to students, teachers, or both, whether at the teacher's school or other schools

**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

**secondary school** has the same meaning as in section 145(1) of the Act

**secondary student** means a student of year 9 or above

**special education list** or **list** means a list of special education students approved by the Secretary under the ongoing and reviewable resourcing schemes administered by the Ministry

**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

**teacher** includes a principal and any deputy or assistant principal (however described).

- (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) A school's roll comprises all the students enrolled at the high school, including Maori-medium students and special education students.
- (4) 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:
  - (b) the employment of a teacher on the basis of employment for a specified number (smaller 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 (smaller 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 that number of teaching hours) every full week is the employment of one twenty-fifth of that number of FTTEs.
- (5) This order has effect as if every student enrolled at a high school who turns or turned 19 years before 2005 were a full-time student.

## **5 Years of schooling**

- (1) This subclause applies to a student enrolled at a high school who—
  - (a) has never been enrolled at a Form 1 to 7 school; and
  - (b) is enrolled at a primary institution in the year before the year in which the student first enrolls at a secondary school; and
  - (c) is subsequently educated at secondary schools without any substantial interruption.
- (2) A student to whom subclause (1) applies—
  - (a) is a year 9 student in the year in which the student first enrolls at high school; and

- (b) in every subsequent year, is a student of a year 1 greater than the year before.
- (3) Any other student who enrolls at a high school is,—
  - (a) in the year in which the student first or again enrolls at a high school, as the case may be, 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; and
  - (b) in every subsequent year, a student of a year 1 greater than the year before.

## **Part 2**

### **Rolls**

#### **6 Boards must estimate March rolls as at 1 March 2004**

As soon as practicable after the commencement of this order, the Board of every high school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of—

- (a) the school's likely March roll (in the Board's opinion); and
- (b) the school's likely Maori-medium roll (in the Board's opinion) as at 1 March 2005.

#### **7 Secretary must estimate March roll, Maori-medium roll, and special education list**

- (1) As soon as practicable after the commencement of this order, the Secretary must—
  - (a) estimate the likely March roll of every high school; and
  - (b) estimate the likely Maori-medium roll as at 1 March 2005 of every high school; and
  - (c) estimate the likely special education list as at 1 March 2005 of every high school; and
  - (d) give the Board of every high school written notice of the rolls and list estimated for that school.
- (2) The Secretary must not estimate the school's March roll, Maori-medium roll, or special education list under subclause (1) without considering—
  - (a) the notice given by the high school under clause 6; and
  - (b) all written evidence and argument the Board supplied with that notice.

**8 Board must ascertain and notify actual March roll and actual Maori-medium roll**

As soon as practicable after 1 March 2005, the Board of every high school must—

- (a) ascertain the school's March roll; and
- (b) ascertain the school's Maori-medium roll as at that day; and
- (c) give the Secretary written notice of those rolls on a form provided by the Secretary for that purpose.

**9 Secretary must ascertain March roll, Maori-medium roll, and special education list if notice not received from Board**

If a notice under clause 8 is not received from the Board of a high school before 11 March 2005, the Secretary must, as soon as practicable, take any steps the Secretary thinks fit to ascertain the school's March roll, Maori-medium roll, and special education list, and give the school's Board written notice that—

- (a) a notice was not received (or received in time) from the Board; and
- (b) the numbers of students specified in the notice (being the Secretary's best estimate of the school's March roll, Maori-medium roll, and special education list) will have effect as the school's confirmed rolls and list.

**10 Secretary must confirm March roll and Maori-medium roll if notice received from Board**

- (1) If a notice under clause 8 from the Board of a high school reaches the Secretary before 11 March 2005, the Secretary must,—
  - (a) as soon as practicable, take any steps the Secretary thinks fit to verify the numbers notified; and
  - (b) give the school's Board written notice confirming those numbers, unless subclause (2) applies.
- (2) If the Secretary is satisfied that the numbers are inaccurate, the Secretary may, at any time before 15 April 2005, give the Board written notice that—
  - (a) the Secretary is satisfied that those numbers are inaccurate; and

- (b) the numbers of students specified in the notice (being the Secretary's best estimate of the school's March roll, Maori-medium roll, and special education list) will have effect as the school's confirmed rolls and list.

## 11 Certain students not counted

In determining any roll or special education list, account may not 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 2004) 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.

## 12 Part-time students

- (1) 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, for each year level, by dividing by 20 the number of hours of tuition the student receives or is to receive in a normal week (a result for a year level that is not a whole number being increased, for that year level, to the next whole number).
- (2) Subclause (1) applies despite clause 4(5), but is subject to clause 11.

# Part 3 Allowances and entitlement staffing

## *Allowances*

## 13 Specialist instruction roll

- (1) In this clause,—

**base school** is a Form 1 to 7 school or a Form 3 to 7 school

**base students** are students of years 7 or 8 who are enrolled at the base school but usually attend a different school for instruction in technology or some other specialist subject

**visiting students** are students of years 7 or 8 who are enrolled at a different school but usually attend a centre attached to the



base school for instruction in technology or some other specialist subject.

- (2) A base school's specialist instruction roll is the number obtained by—
- (a) adding the number of students of years 7 and 8 included in the base school's estimated or confirmed rolls and list (as appropriate) to the number of visiting students; and
  - (b) subtracting from the resulting sum the number of base students.

#### **14 Curriculum delivery allowance**

- (1) A high school's curriculum delivery allowance (in FTTEs) is the sum obtained by adding the amounts calculated in accordance with the following paragraphs and, if the resulting sum is not exactly divisible by 0.1, rounding it up to 1 decimal place:

- (a) the sum of—

$$p + q$$

where—

p is the sum of—

- (i) the quotient obtained by dividing the number of primary Maori-medium students on its roll by 20; and
  - (ii) the quotient obtained by dividing the number of primary students on its non-Maori-medium roll by 29; and
- q is the quotient obtained by dividing its specialist instruction roll by 120; and
- (b) the sum of the following numbers, calculated taking into account clauses 11 and 12:
- (i) the number of full-time year 9 and year 10 Maori-medium students on its roll divided by 20; and
  - (ii) the number of full-time year 9 and year 10 students on its non-Maori-medium roll divided by 25; and
  - (iii) the number of full-time year 11 students on its Maori-medium roll divided by 20; and
  - (iv) the number of full-time year 11 students on its non-Maori-medium roll divided by 23; and

- (v) the number of full-time year 12 students on its Maori-medium roll divided by 18; and
  - (vi) the number of full-time year 12 students on its non-Maori-medium roll divided by 18; and
  - (vii) the number of full-time students of year 13 or above on its Maori-medium roll divided by 17; and
  - (viii) the number of full-time students of year 13 or above on its non-Maori-medium roll divided by 17; and
- (c) if there are 200 or fewer secondary students on its roll, the number obtained by—
- (i) multiplying the number of secondary students on its roll by 0.0035; and
  - (ii) adding 0.5 to the resulting product; and
  - (iii) multiplying the resulting sum by the number of levels of full-time secondary students (to a maximum of 5) that it has; and
- (d) if there are more than 200 secondary students on its roll, the product of 1.2 and the number of levels of full-time secondary students (to a maximum of 5) that it has.
- (2) In this clause and clause 16, **number of levels of full-time secondary students** means the number of years from years 9 to 13 at which the number of students enrolled in that year is greater than 0, where the roll for year 13 is taken as the sum of the rolls for years 13 to 15.

## 15 Adjustments to calculation of curriculum delivery allowance

- (1) If a school's number of primary students is smaller than 176, and the quotient obtained by dividing the school's number of primary students by the integer of the sum referred to as p in clause 14(1)(a) is over 26, p must be increased to the first whole number that will ensure the quotient obtained by dividing the school's number of primary students by the integer value of p is equal to or less than 26.
- (2) If a school's number of primary students is 176 or more, and the sum referred to as p in clause 14(1)(a) is less than 7, then p must be given the value of 7.

**16 Additional guidance allowance**

A school's additional guidance allowance (in FTTEs) is,—

- (a) if there are 200 or fewer secondary students on its roll, the number obtained by—
  - (i) multiplying that roll by 0.0007; and
  - (ii) adding 0.08 to the resulting product; and
  - (iii) multiplying the resulting sum by the number of levels of full-time secondary students (as defined in clause 14(2), and to a maximum of 5) that it has; and
- (b) if there are more than 200 secondary students on its roll, the product of 0.22 and the number of levels of full-time secondary students (as so defined in clause 14(2), and to a maximum of 5) that it has.

**17 Weighted roll**

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 on its staffing roll; and
- (b) the product of 7 and the number of year 9 and year 10 students then included on its staffing roll; and
- (c) the product of 9 and the number of year 11 students then included on its staffing roll; and
- (d) the product of 15 and the number of year 12 students then included on its staffing roll; and
- (e) the product of 16 and the number of students of year 13 or above then included on its staffing roll; and
- (f) half its specialist instruction roll.

**18 Management time allowance**

A high school's management time allowance (in FTTEs) is the number obtained by—

- (a) adding—
  - (i) the product of 0.0003 and its weighted roll; and
  - (ii) the product of 0.017 and the square root of that weighted roll; and
  - (iii) either,—
    - (A) if the school's roll is 28 or less, 0.2; or
    - (B) if the school's roll is 29 or more but less than 61, 0.3; or

- (C) if the school's roll is 61 or more, 0.4; and
- (b) if the resulting sum is not exactly divisible by 0.1, rounding it down to 1 decimal place.

**19 Formula-generated staffing allowance**

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

- (a) its curriculum delivery allowance; and
- (b) its additional guidance allowance; and
- (c) its management time allowance.

**20 Special education staffing allowance**

A high school's special education staffing allowance, if any, 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.

**21 Special education management allowance**

A high school's special education management allowance (in FTTEs), if any, is the product (correct to 2 decimal places) of 0.05 and its special education staffing allowance (in FTTEs).

**22 Supplementary learning support teacher time allowance**

A school's supplementary learning support teacher time allowance (in FTTEs), if any, is the product of 0.1 and the number of students enrolled at the school and identified and classified by the Secretary as being in need of supplementary learning support.

**23 Beginning teacher allowance**

- (1) In this clause, a **qualifying beginning teacher** is either—
- (a) a beginning teacher in his or her first 12 months of teaching who is employed for 0.5 of an FTTE or more;
- or
- (b) a beginning teacher in his or her second 12 months of teaching who is employed full-time.

- (2) If a high school employs a qualifying beginning teacher who has completed less than 12 months teaching, it has a beginning teacher 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.
- (3) If a high school employs a qualifying beginning teacher who has completed 12 months teaching, it has a beginning teacher allowance (in FTTEs) calculated by adding one-tenth of the number of qualifying beginning teachers, if any, then employed at the school full-time.

**24 Resource teacher support allowance**

A school has a resource teacher support allowance of 0.05 FTTE for each full-time teacher of the following kinds whom it employs:

- (a) resource teacher: learning and behaviour; or
- (b) resource teacher: literacy; or
- (c) resource teacher: literacy (Maori).

**25 Activity centre allowance**

A high school's activity centre allowance, if any, (in FTTEs) is the number specified opposite its name in the second column of Schedule 1.

**26 Teen parent unit allowance**

A school with a teen parent unit approved by the Minister is entitled to a staffing allowance of the number of FTTEs and salary units shown in the second and third columns of Schedule 2 opposite the number in the first column that accords with the approved maximum roll of that school's teen parent unit.

**27 Instrumental and vocal music tuition allowance**

The instrumental and vocal music tuition allowance (in FTTEs) of a high school for which the Secretary approved an allowance for instrumental, vocal, or instrumental and vocal tuition in 2005 is the product (correct to 2 decimal places) of the school's roll and 0.001.

**28 Itinerant music teacher allowance**

Every high school to which a full-time permanently appointed itinerant teacher of a musical instrument is attached has an itinerant music teacher allowance (in FTTEs) of,—

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

**29 Te Atakura allowance**

A high school's Te Atakura allowance (in FTTEs), if any, is 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.

**30 Total regular staffing allowance**

A high school's total regular staffing allowance (in FTTEs) is the number obtained by—

- (a) adding—
  - (i) its entitlement staffing; and
  - (ii) any special education staffing allowance; and
  - (iii) any special education management allowance; and
  - (iv) any activity centre allowance; and
  - (v) any teen parent unit allowance; and
  - (vi) any supplementary learning support teacher time allowance; and
  - (vii) any beginning teacher allowance; and
  - (viii) any resource teacher support allowance; and
  - (ix) any instrumental and vocal music tuition allowance; and
  - (x) any itinerant music teacher allowance; and
  - (xi) any Te Atakura allowance; and
  - (xii) the sum of any additional entitlements arising under clause 31 from an entitlement transfer agreement; and
- (b) subtracting from the resulting sum the sum of any entitlements that must be deducted under clause 31 as a result of an entitlement transfer agreement.

**31 Transfer of staffing entitlements**

- (1) The Boards of 2 schools (**school A** and **school B**) may enter into an **entitlement transfer agreement**, which is a written agreement to the effect that—
  - (a) school A will relinquish to school B a specified number of FTTEs, salary units, or both, of teacher entitlements (the **entitlements**); and
  - (b) school B will use the entitlements to sustain the employment at school B of 1 or more teachers to teach 1 or more specified subjects to students enrolled at school A.
- (2) Subject to subclauses (3) and (4), if an entitlement transfer agreement is given to the Secretary before 1 January,—
  - (a) the Secretary must deduct from the total regular staffing allowance of school A (the school relinquishing the entitlements) the number of FTTEs or salary units specified in the agreement; and
  - (b) the Secretary must add to the total regular staffing allowance of school B (the school receiving the entitlements) the number of FTTEs or salary units specified in the agreement.
- (3) No school may enter into an entitlement transfer agreement relating to tuition in technology or another specialist subject.
- (4) A school may enter into an entitlement transfer agreement relating to tuition in instrumental or vocal music only with one of the secondary schools or high schools listed in the first column of Schedule 3.
- (5) No school listed in the first column of Schedule 3 may, under entitlement transfer agreements entered into with 1 or more other schools for the 2005 school year, relinquish a total number of FTTEs of teacher entitlements relating to tuition in instrumental or vocal music that exceeds the number of FTTEs specified in the second column of that schedule opposite the name of the school.
- (6) An agreement between 3 or more schools about the relinquishment and use of entitlements must be treated as a number of entitlement transfer agreements between various pairs of those schools.

**32 Application of clause 31 to special education**

Clause 31 applies to entitlements in relation to special education teachers in the same way as it applies to entitlements in relation to other teachers.

*Entitlement staffing***33 Guaranteed minimum formula staffing**

A high school's guaranteed minimum formula staffing (in FTTEs) is its formula-generated staffing allowance, ascertained in accordance with clause 19 and by reference to its estimated rolls.

**34 Entitlement staffing**

- (1) A high school's entitlement staffing at a time in 2005 before its confirmed rolls and list have been notified by the Secretary under clause 9 or clause 10(2), or confirmed by the Secretary under clause 10(1)(b), is its guaranteed minimum formula staffing.
- (2) A high school's entitlement staffing at a time in 2005 after its confirmed rolls and list have been notified by the Secretary under clause 9 or clause 10(2), or confirmed by the Secretary under clause 10(1)(b), is the greater of—
  - (a) its guaranteed minimum formula staffing; and
  - (b) its formula-generated staffing allowance, ascertained in accordance with clause 19 and by reference to its confirmed rolls.

**Part 4****Limitations on employment****35 Limitation on employment of regular teachers**

- (1) The Board of a high school may not employ a permanently appointed regular teacher whose employment generates a number of FTTEs greater than the sum of—
  - (a) its entitlement staffing; and
  - (b) any activity centre allowance; and
  - (c) any teen parent unit allowance.
- (2) The Board of a high school may not employ other regular teachers whose employment generates a number of FTTEs greater than the number of FTTEs by which the school's total



- regular staffing allowance, at that time, is greater than the number of FTTEs generated by the employment at the school, at that time, of permanently appointed regular teachers.
- (3) The Board of a high school may not make a permanent appointment of a regular teacher without the consent of the Secretary if the school's guaranteed minimum formula staffing exceeds its formula-generated staffing allowance as generated by its confirmed rolls by 1.0 FTTE or more.
  - (4) Despite subclauses (1) and (2), the Board of a school may continue to employ any permanently appointed regular teacher who, following receipt of the Secretary's notice of the school's rolls and list as estimated under clause 7, has become supernumerary.
  - (5) Despite subclauses (1) and (2), the Board of a high school may employ more permanently appointed regular teachers than is permitted under subclause (1), and may employ more other regular teachers than is permitted under subclause (2), if,—
    - (a) at some other time during the same year, the Board of the school has employed, or will employ, fewer regular teachers than the prescribed number; and
    - (b) the employment of those teachers does not, at any time, cause the number of regular teachers employed by the Board at the school to exceed by more than 10% the number of FTTEs that the Board is entitled to employ at that school under subclause (1) or subclause (2); and
    - (c) the net effect during the 2005 school year of employing the additional teachers does not result in the school's Board employing regular teachers representing more FTTEs than it is entitled to employ over that school year.

### **36 No entitlement to carry over surplus beyond 31 March 2006**

If, during the 2005 school year, a Board employs fewer regular teachers at a school than equate to the number of FTTEs that the Board is entitled to employ at that school under clause 35, there is no entitlement to carry the net surplus after 31 March 2006.

**37 Suspension of clause 35(5) if 10% limit exceeded**

- (1) If, contrary to clause 35(5)(b), a Board employs a regular teacher whose employment causes the number of regular teachers employed at a school to exceed by more than 10% the number of FTTEs that the Board is entitled to employ at that school, the Secretary may notify the Board, in writing, that clause 35(5) does not apply to it.
- (2) A notice under subclause (1) applies from the date on which it is received by the Board until the date on which the number of regular teachers employed by the Board at the school during the year up to that date equals the number of FTTEs that the Board was entitled to employ at that school under clause 35(1) to (3) during that period.
- (3) If a Board receives a notice under subclause (1), clause 35(5) does not apply to that Board from the date of receipt of that notice until the date on which that notice ceases to apply in accordance with subclause (2).

**38 Limitation on employment of principals**

- (1) The Board of a high school may not employ more than 1 principal for the school at any time.
- (2) A combined Board established under section 110 of the Act may not employ more than 1 principal for each school that the combined Board administers at any time.
- (3) Subclauses (1) and (2) do not prevent the appointment of a principal during the term of his or her predecessor in office.

**39 Limitation on employment of associate principals**

- (1) The Board of a high school with a roll of, or less than, 1 400 may not employ an associate principal for the school.
- (2) The Board of a high school with a roll of more than 1 400 may employ 1 associate principal for the school.

**40 Limitation on employment of part-time teachers**

The Board of a high school may not employ a part-time teacher for 0.9 of an FTTE or more.

**41 Limitation on employment involving salary units**

- (1) Subject to clause 42, the Board of a high school may not employ regular teachers to whom salary units have been allocated (whether permanently or otherwise) 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 the number calculated for the high school under subclause (2).
- (2) The number calculated for the school referred to in subclause (1) is calculated by—
  - (a) subtracting 1 from the school's formula-generated staffing allowance; and
  - (b) multiplying the resulting difference 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.

**42 Adjustments to calculation of limitation on employment involving salary units**

- (1) In relation to a high school that is in receipt of a special education staffing allowance under clause 20, clause 41 has effect as if the resulting sum calculated in accordance with that clause were increased by adding the number of salary units generated by:
  - (a) adding the number of FTTEs of the school's special education staffing allowance to the number of FTTEs, if any, of the school's special education management allowance; and
  - (b) multiplying the resulting sum by 1.2; and
  - (c) if the resulting product is not a whole number, correcting it to the nearest whole number.
- (2) In relation to a high school listed in the first column of Schedule 1, clause 41 has effect as if the resulting sum calculated in accordance with that clause were increased by the number of salary units specified in the third column of that schedule opposite the name of the school.
- (3) In relation to a high school where a teen parent unit has been approved by the Minister, and a teen parent allowance has been calculated in accordance with Schedule 2, clause 41 has effect as if the resulting sum calculated in accordance with

that clause were increased by the number of salary units specified in the third column of that schedule opposite the approved maximum roll assigned to the teen parent unit.

- (4) The increases provided for in subclauses (1) and (2) are, in relation to a high school to which both of those subclauses apply, cumulative.
- (5) The increases provided for in subclauses (1) to (4) are, in relation to a high school to which 2 or more of those subclauses apply, cumulative.

#### **43 Limitation on grades for principals**

- (1) The Board of a high school may not employ a principal at a grade higher than the grade specified in the first column of Schedule 4 opposite the roll range that applies to that school.
- (2) For the purposes of determining the roll range for 2005, the special education list is determined as at 1 July 2004 and the following weightings apply:
  - (a) 1 special education student with high needs is the equivalent of 3 students:
  - (b) 1 special education student with very high needs is the equivalent of 6 students.

## **Part 5 Exemptions**

#### **44 Resource teachers**

- (1) The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order in any 1 or more of the following circumstances:
  - (a) the students enrolled at the school have particular educational needs that can and should be met by the employment of 1 or more resource teachers: learning and behaviour:
  - (b) the students enrolled at the school have particular educational needs that can and should be met by the employment of 1 or more resource teachers: literacy or resource teachers: literacy (Maori):
  - (c) the students enrolled at the school have particular educational needs that can and should be met by the employment of 1 or more resource teachers: Maori.

- (2) The maximum number of FTTEs in respect of which the Secretary may grant an exception under subclause (1) (on a national basis across all state schools of any type) is,—
- (a) in respect of resource teachers: learning and behaviour, the number obtained by dividing the total number of year 0 to 10 students enrolled at schools by 750;
  - (b) in respect of resource teachers: literacy (which includes resource teachers: literacy (Maori)), 121;
  - (c) in respect of resource teachers: Maori, 53.

**45 Board-funded teachers**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if the Minister has given consent to the Board under section 91F(b) of the Act.

**46 Time allowance for teachers absent on long-term training**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if the Secretary believes that the school needs an in-service course allowance of up to 1 FTTE for each teacher absent on a recognised long-term training course.

**47 Protection of specified programmes**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if the Secretary believes that—

- (a) the school's staffing has been (or, but for the exemption, would be) affected by a fall in its roll; and
- (b) it is desirable to grant an exemption (sufficient to restore the school's staffing order to its 2004 level or some lower level) in order to protect a specified programme of instruction, the continued provision of which would otherwise be at risk.

**48 Protection of associate principals**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if the Secretary believes that—

- (a) the school's entitlement to an associate principal has been (or, but for the exemption, would be) affected by a reorganisation, change in attendance, closure, amalgamation, or change in class of the school; and
- (b) it is desirable to exempt the Board from the limitation in order to preserve the position.

**49 Protection of supernumerary teachers**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if the exemption is necessary to preserve the continued employment of any permanently appointed regular teacher employed by the Board immediately before 1 January 2005 who is for the time being supernumerary, having been declared surplus by virtue of a reorganisation, change in enrolment, closure, amalgamation, or change in class of schools.

**50 Roll increases**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if 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.

**51 Special reason**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if there is a special reason for an exemption for that school, being a reason that applies only to that school or to some other high schools, but not being a reason that applies to all other high schools.

**52 Revocation**

The Education (2003 Secondary School and Form 1 to 7 School Staffing) Order 2002 (SR 2002/268) is revoked.

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## Schedule 1

### Activity centre allowance

cls 25, 42(2)

School	Staffing (FTTEs)	Salary units
Aotea College	2	2
Bayfield High School	2	2
Gisborne Girls' High School	2	2
Karamu High School	2	2
Mt Anglem College	2	2
Naenae College	2	2
Napier Boys' High School	2	2
Otahuhu College	2	2
Palmerston North Boys' High School	2	2
Papakura High School	2	2
Rotorua Boys' High School	2	2
Spotswood College	2	2
Wellington East Girls' College	2	2
Western Springs College	2	2

## Schedule 2

### Teen parent unit allowance

cls 26, 42(3)

Approved maximum role	Staffing (FTTEs)	Salary units
20	2.0	2
25	2.5	2
30	3.0	3
35	3.5	3

cl 31(4), (5)

### Schedule 3

#### Instrumental and vocal music tuition

School	Staffing (FTEs)
Auckland Grammar School	4
Freyberg High School	2
Geraldine High School	5
Gisborne Boys' High School	1
Hagley Community College	14
Hauraki Plains College	12
Havelock North High School	1
James Hargest High School	5
Macleans College	2
Mt Albert Grammar School	2
Otahuhu College	1
Pakuranga College	1
Queen's High School	7
Rangitoto College	2
Rotorua Girls' High School	1
Saint Peter's College (Auckland)	1
Tauranga Boys' College	4
Whakatane High School	2

cl 43(1)

### Schedule 4

#### 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	501–675
U7	676–850
U8	851–1 025
U9	1 026–1 200
U10	1 201–1 400
U11	1 401–1 600
U12	1 601–1 800
U13	1 801–2 000
U14	2 001 and above



Martin Bell,  
Acting for Clerk of the Executive Council.

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### 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 11 September 2004, prescribes limitations on the numbers of regular (ie, non-relieving) teachers who may be employed at state secondary schools and form 1 to 7 schools in 2005. It sets out how the limitations are calculated, and the circumstances in which, and conditions on which, the Secretary may grant exemptions from the limitations.

The order largely repeats the equivalent order for last year. The substantive changes are as follows:

- the special education staffing allowance, based on the special education list, is removed from entitlement staffing and from the formula-generated staffing allowance. The special education management allowance is also separated out from the management time allowance. Instead, the special education staffing allowance and the special education management allowance are included in the total regular staffing allowance. They are now also part of the basis of calculating additional salary units, through an adjustment to the calculation of the limitation on employment involving salary units:
- in this order, there is no “additional allowance” component specified for certain schools in the calculation of the total regular staffing allowance. The previous order contained provisions for an additional allowance in clauses 29 and 41 and in Schedule 3 of that order. Those references and that schedule are absent from this order:
- the provisions on limitation on employment of regular teachers in this order specify that schools may continue to employ any permanently appointed regular teacher who has become supernumerary after the estimated rolls. The order for last year specified the cut-off time as after the rolls’ confirmation:

- like the previous order, there is still no entitlement to carry over a net surplus of staffing beyond a certain time if a Board has employed fewer regular teachers at a school during the year than its entitlement. However, the cut-off time beyond which carrying over a net surplus is not permitted has changed from the previous order, which referred to there being no entitlement to carry the net surplus over to the next school year. This order states that any net surplus cannot be carried over after 31 March 2006, instead of after the 2005 school year.

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This order is administered in the Ministry of Education.

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