



Education (2007 School Staffing) Order 2006

Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 22nd day of August 2006

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 91H of the Education Act 1989, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following order.

Contents

		Page
1	Title	5
2	Commencement	5
3	Application	6

Part 1

Preliminary provisions

Purpose and overview

4	Purpose of this order	6
5	Overview of this order	6

Interpretation

6	Interpretation: general	6
7	Interpretation: rolls	9
8	Weighted roll	10
9	Specialist instruction roll	10

Proportions of FTTE

10	Proportions of FTTE	11
	<i>Years of schooling</i>	
11	Years of schooling in primary, area, or special schools	11
12	Years of schooling in intermediate schools	12
13	Years of schooling in high schools	12

Part 2

**Limitations on employment of teachers
and principals**

Regular teachers

14	Employment of regular teachers	12
15	Employment involving salary units	13
16	Number of salary units calculated for primary, intermediate (except restricted composite), or special schools	14
17	Number of salary units calculated for high schools	15
18	Number of salary units calculated for area schools or restricted composite schools	16
19	Employment of part-time teachers at high schools and area schools	17
20	Employment involving middle management allowances at high schools and area schools	17

Principals

21	Employment of principals	18
22	Employment of deputy or assistant principals at primary and intermediate schools	18
23	Employment of associate principals at high schools	18
24	Grades for principals	19

Part 3

Components of limitations

Total regular staffing allowance

25	Total regular staffing allowance	20
26	Entitlement staffing	20
27	Special education staffing allowance	21
28	Special education management allowance	21
29	Supplementary learning support time allowance	21
30	Beginning teacher allowance	22
31	Resource teacher support allowance	22
32	Supplementary learning support teacher support allowance	22
33	Classroom release time allowance for primary, intermediate, and special schools	23

34	Tuakana-teina allowance	23
35	Specialist classroom teacher time allowance for high schools	23
36	Activity centre allowance for high schools	24
37	Teen parent unit allowance for high schools	24
38	Te Atakura allowance for high schools and area schools	24
39	Instrumental and vocal music tuition allowance for high schools, area schools, and restricted composite schools	24
40	Itinerant music teacher allowance for high schools	24
41	Attached unit allowance for special schools	25
	<i>Adjustments to schools' total regular staffing entitlements through transfer of staffing entitlements between schools</i>	
42	Transfer of staffing entitlements	25
43	Application of clause 42 to special education	26
	<i>Formula-generated staffing allowance</i>	
44	Formula-generated staffing allowance	26
45	Curriculum delivery allowance	26
46	Adjustments to calculation of curriculum delivery allowance for any school with primary roll	28
47	Management time allowance	28
48	Additional guidance allowance for high schools, area schools, restricted composite schools, and special schools	29
	Part 4	
	Rolls	
	<i>Rolls estimated and notified soon after commencement of order</i>	
49	Boards must estimate rolls	30
50	Secretary must estimate and notify provisional rolls	30
	<i>Ascertaining, notifying, and confirming March and October rolls from March 2007 onwards</i>	
51	Board must ascertain and notify March rolls	31
52	Secretary must confirm March rolls if notice received from Board	31
53	Secretary must ascertain March rolls if notice not received from Board	32
54	Secretary must estimate primary school rolls as at 10 October 2007	32
	<i>How certain types of students are treated for purposes of determining rolls</i>	
55	Certain students not counted	33

56	Part-time students enrolled in high schools or in area schools	33
----	--	----

Part 5
Provisions relating to specified schools or types of school

Application of Parts 2 and 3 to schools listed in Schedules 7 to 10

57	Provisions in Parts 2 and 3 that apply to schools in this Part	34
----	--	----

Entitlement staffing, principal's grade and salary units of schools listed in Schedules 7 to 10

58	Health camps	34
59	Child, Youth and Family residential centre	35
60	Residential schools	35
61	Regional hospital and health schools	35

Part 6
Exemptions

62	Special reason	35
63	Board-funded teachers	35
64	Overriding of clause 14(1) and (2) for supernumerary teachers after notice of provisional rolls	36
65	Overriding of clause 14(1) and (2) based on employment over all of 2007 school year	36
66	Suspension of clause 65 if 10% limit exceeded	36
67	Exemption for surplus to carry over until 31 March 2007	37
68	Roll increases	37
69	Time allowance for teachers on long-term training	38
70	Resource teachers	38
71	Supplementary learning support teachers	38
72	Protection of supernumerary teachers	39
73	Reading recovery in primary and area schools	39
74	Normal and model schools	40
75	Protection of specified programmes in high schools and area schools	40
76	Protection of associate principals in high schools	40
77	Deaf and hearing-impaired students	41
78	Blind and vision-impaired students	41

Part 7
Revocations

79	Revocations	41
----	-------------	----

Schedule 1	42
Grades for principals' positions	
Schedule 2	43
Activity centre allowance	
Schedule 3	43
Teen parent unit allowance	
Schedule 4	44
Instrumental and vocal music tuition	
Schedule 5	44
Provision of additional salary units for resource teachers	
Schedule 6	44
Units attached to special schools	
Schedule 7	45
Entitlement staffing, etc, of special schools at children's health camps	
Schedule 8	45
Entitlement staffing, etc, of special schools at Child, Youth and Family residential centre	
Schedule 9	45
Entitlement staffing, etc, for special residential schools	
Schedule 10	46
Entitlement staffing, etc, for regional hospital and health schools	
Schedule 11	46
Provision of additional salary units for regional hospital and health schools	
Schedule 12	46
Provision for regional staffing structure at schools for hearing- and vision-impaired students	

Order

- 1 Title**
This order is the Education (2007 School Staffing) Order 2006.
- 2 Commencement**
This order comes into force on 15 September 2006.

3 Application

This order applies only to state schools, and only to the 2007 school year.

Part 1 Preliminary provisions

Purpose and overview

4 Purpose of this order

- (1) The purpose of this order is, in accordance with section 91H of the Act, to limit the financial liability of the Crown arising out of its obligation under section 91C of the Act to pay the salaries of all regular teachers employed at payrolled schools.
- (2) To that end, this order prescribes limitations on the number of regular teachers who may be employed at payrolled schools during the school year to which this order applies.

5 Overview of this order

- (1) Part 1 contains preliminary provisions.
- (2) Part 2 specifies the limitations prescribed by this order.
- (3) Part 3 sets out components of the limitations.
- (4) Part 4 requires school rolls to be estimated, ascertained, notified, and confirmed for the purposes of this order.
- (5) Part 5 contains special provisions relating to specified schools and types of schools.
- (6) Part 6 provides for exemptions from the limitations.
- (7) Part 7 revokes earlier school staffing orders.
- (8) This clause is intended only as a guide to the general scheme and effect of this order.

Interpretation

6 Interpretation: general

- (1) In this order, unless the context otherwise requires,—
 - Act** means the Education Act 1989
 - area school** means a composite school that offers education at a level below Form 1
 - 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

BLENNZ means the Blind and Low Vision Education Network New Zealand

Board, in relation to a state school, means the school's Board
entitlement transfer agreement has the meaning set out in clause 42

Form 1 to 7 school means a composite school that offers primary education (as defined in section 2 of the Education Act 1964) to the extent only of the two years immediately before secondary education (as defined in section 2 of the Education Act 1964)

FTTE means full-time teacher equivalent

guaranteed minimum formula staffing, in relation to a high school, or area school, means the school's formula-generated staffing allowance (in FTTEs) ascertained under clause 44 by reference to its provisional rolls

high school means a school that is a secondary school or a Form 1 to 7 school

kura teina means a unit that—

- (a) operates in accordance with Te Aho Matua (as defined in section 155A of the Act), or in accordance with a similar approach to teaching and learning; and
- (b) is, with the approval of the Minister, provided with governance, management, mentoring, and professional support by a kura tuakana; and
- (c) may, but need not, be on the same site or sites as the kura tuakana

kura tuakana, in relation to a kura teina, means the school that, with the approval of the Minister, provides governance, management, mentoring, and professional support for the kura teina, because the school is a Kura Kaupapa Māori established

under section 155 of the Act and is, in the Minister's opinion,—

- (a) a school of high quality, in the light of reports on the school prepared by the Education Review Office; and
- (b) capable of providing governance, management, mentoring, and professional support for the kura teina

Māori-medium student means a student of the school for whom the curriculum is taught in Māori for more than 12.5 hours per week

middle management allowance, in relation to a high school or an area school, means an allowance allocated by the Board to a teacher for undertaking duties in the school recognised by the Board as middle management activities

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

primary student means a student in any of years 0 to 8

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

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

restricted composite school means an intermediate school that the Minister has authorised to enrol students up to, and including, year 10

salary unit, in relation to the holder of a teaching position at a 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 student means a student of year 9 or above

special education authority means—

- (a) an agreement or direction under section 9(1)(a) of the Act that a person should be enrolled at a special school; and
- (b) in relation to a particular special school, an agreement that a person should be enrolled, or a direction to enrol a person, at that school

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 or deputy or assistant principal (however described).

- (2) In this order, unless the context otherwise requires, any term or expression that is defined in section 91A(1) or 145(1) of the Act and used, but not defined, in this order has the same meaning as in that section.

7 Interpretation: rolls

In this order, unless the context otherwise requires,—

Māori-medium roll means the number of a school's Māori-medium students

March rolls means the rolls confirmed, or stated to have effect as confirmed, for a school by the Secretary under clause 52 or 53

March special education list means a school's special education list determined by the Secretary as at 1 March 2007

non-Māori-medium roll means the number of a school's students left after its Māori-medium roll has been subtracted from its roll (as determined under Part 4)

October rolls, in relation to a primary school, means the rolls estimated for the school by the Secretary under clause 54

primary roll means the number of a school's students, if any, in years 0 to 8

provisional rolls means the rolls estimated for a school by the Secretary under clause 50

provisional special education list means a school's special education list determined by the Secretary as at 1 July 2006

school roll means all the students enrolled at a school, including Māori-medium students and special education students

secondary roll means the number of a school's students, if any, in year 9 or above

special education list or list means the list of special education students classified by the Secretary as having high or very high needs under the ongoing and reviewable resourcing schemes administered by the Ministry

specialist instruction roll, in relation to a school, means the number obtained by a calculation made in accordance with clause 9

total roll, in relation to a school, means the sum of a school's primary roll (if any) and its secondary roll (if any)

weighted roll means the number obtained by a calculation made in accordance with clause 8.

8 Weighted roll

A school's weighted roll at any time is the number obtained by adding any 1 or more of the following that apply to the school:

- (a) the product of 4 and the number of any year 0 to year 3 students then on its roll:
- (b) the product of 3.5 and the number of any year 4 to year 8 students then on its roll:
- (c) the product of 7 and the number of any year 9 and year 10 students then on its roll:
- (d) the product of 9 and the number of any year 11 students then on its roll:
- (e) the product of 15 and the number of any year 12 students then on its roll:
- (f) the product of 16 and the number of any year 13 or above students then on its roll:
- (g) the product of 0.5 and the number of any year 7 and year 8 students then on its specialist instruction roll.

9 Specialist instruction roll

(1) In this clause,—

base students are students of years 7 or 8 who are enrolled at one school (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 school other than the base 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 provisional or March rolls (as appropriate) to the number of visiting students; and
 - (b) subtracting from the resulting sum the number of base students.

Proportions of FTTE

10 Proportions of FTTE

For the purposes of this order, the employment of a teacher for—

- (a) 10 half-days every full week generate 1 FTTE;
- (b) a specified number (smaller than 10) of half-days every full week generates one-tenth of that number of FTTEs;
- (c) a specified number (smaller than 20) of half-days every full fortnight generates one-twentieth of that number of FTTEs;
- (d) a specified number of teaching hours (or an average of that number of teaching hours) every full week generates one twenty-fifth of that number of FTTEs.

Years of schooling

11 Years of schooling in primary, area, or special schools

- (1) In the situation in subclause (2), a student is, in the year in which the student first enrolls at a primary, area, or special school,—
 - (a) a year 1 student, if enrolment was on or before 30 June; or
 - (b) a year 0 student, if enrolment was on or after 1 July.
- (2) The situation is that a student first enrolls at a primary, area, or special school before the age of 7 and is subsequently educated at primary, area, or special schools respectively without substantial interruption.
- (3) Any other student who enrolls at a primary, area, or special school is, in the year in which the student first enrolls at a primary, area, or special school, 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.

12 Years of schooling in intermediate schools

- (1) A student to whom clauses 11(1) and 11(2) apply is a year 7 student in the year in which the student first enrolls at an intermediate school.
- (2) Any other student who enrolls at an intermediate school is, in the year in which the student first enrolls at the school, 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.

13 Years of schooling in high schools

- (1) A student is a year 9 student in the year in which the student first enrolls at a secondary school, if the student was a primary student in the year prior to enrolling at the secondary school.
- (2) A student is a year 7 student in the year in which the student first enrolls in a Form 1 to 7 school, if the student—
 - (a) has never been enrolled at a high school; and
 - (b) is enrolled as a year 6 student in the year before the year in which the student first enrolls at the Form 1 to 7 school.
- (3) Any other student who enrolls at a high school is, in the year in which the student first enrolls, or again enrolls, as the case may be, at a high school, 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.

Part 2

Limitations on employment of teachers and principals

Regular teachers

14 Employment of regular teachers

- (1) The Board of a school must not employ a permanently appointed regular teacher whose employment generates a

number of FTTEs greater than the sum of any of the following that apply to the school:

- (a) its entitlement staffing, calculated in accordance with clause 26:
 - (b) any tuakana-teina allowance:
 - (c) any activity centre allowance:
 - (d) any attached teen parent allowance.
- (2) A Board must not employ other regular teachers if the total of the FTTEs generated by their employment would exceed the number of FTTEs by which the school's total regular staffing allowance at that time exceeds the number of FTTEs generated by the employment of the permanently appointed regular teachers already then employed at the school.
- (3) The Board of a primary school or an intermediate school must not employ a permanently appointed regular teacher without the consent of the Secretary if the school's formula-generated staffing allowance, calculated in accordance with clause 44 as based on its provisional rolls, exceeds, by 1.0 or more FTTEs, its formula-generated staffing allowance based on, as the case may be,—
- (a) the primary school's October rolls; or
 - (b) the intermediate school's March rolls.
- (4) The Board of a secondary school or an area school must not employ a permanently appointed regular teacher without the consent of the Secretary if the school's guaranteed minimum formula staffing exceeds, by 1.0 or more FTTEs, its formula-generated staffing allowance as generated by its March rolls.
- (5) Subclauses (1) and (2) are subject to clauses 64 and 65.

15 Employment involving salary units

A Board must not employ regular teachers to whom salary units have been allocated (whether permanently or otherwise) if the total of those salary units would exceed the number of salary units calculated for the school under whichever of clause 16, 17, or 18 applies to the school.

16 Number of salary units calculated for primary, intermediate (except restricted composite), or special schools

- (1) The number referred to in clause 15 is calculated for a primary school, a special school, or an intermediate school which is not a restricted composite school, by—
 - (a) subtracting 1 from the school's formula-generated staffing allowance; and
 - (b) multiplying the resulting difference by 0.72; and
 - (c) subtracting 0.77 from the resulting product; and
 - (d) if the resulting difference is not a whole number, correcting it to the nearest whole number.
- (2) For a primary school, a special school, or an intermediate school which is not a restricted composite school, that is in receipt of a special education staffing allowance calculated under clause 27, the calculation in subclause (1) must be modified by adding the number of salary units generated by the following calculation to the resulting difference in subclause (1)(c):
 - (a) add 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) multiply the resulting sum by 0.72; and
 - (c) if the resulting product is not a whole number, correct it to the nearest whole number.
- (3) For a primary school that is in receipt of a tuakana-teina allowance under clause 34, the calculation in subclause (1) must be modified by adding the number of salary units that the Secretary has determined, under clause 34, to be part of the allowance to the resulting difference in subclause (1)(c).
- (4) For Kelston Deaf Education Centre, Van Asch Deaf Education Centre, and BLENNZ, the calculation in subclause (1) must be modified by adding the number of salary units specified opposite its name in the second column of Schedule 5 to the resulting difference in subclause (1)(c).
- (5) For a school to which 2 or more of subclauses (2) to (4) apply, the modifications provided for in those subclauses are cumulative.

17 Number of salary units calculated for high schools

- (1) The number referred to in clause 15 is calculated for a high school 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.
- (2) For a high school that is in receipt of a special education staffing allowance calculated under clause 27, the calculation in subclause (1) must be modified by adding the number of salary units generated by the following calculation to the resulting sum in subclause (1)(c):
 - (a) add 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) multiply the resulting sum by 1.2; and
 - (c) if the resulting product is not a whole number, correct it to the nearest whole number.
- (3) For a high school that has an activity centre allowance and is listed in the first column of Schedule 2, the calculation in subclause (1) must be modified by adding the number of salary units specified in the third column of that schedule opposite the name of the school to the resulting sum in subclause (1)(c).
- (4) For a high school that has an approved teen parent unit, the calculation in subclause (1) must be modified by adding the number of salary units specified in the third column of Schedule 3 opposite the approved maximum roll of the unit in the first column of that schedule to the resulting sum in subclause (1)(c).
- (5) For a high school that has a principal grading roll, calculated in accordance with clause 24, of greater than 1 400, the calculation in subclause (1) must be modified by adding, to the resulting sum in subclause (1)(c),—
 - (a) 9 salary units, if the principal grading roll is no greater than 1 600; or

- (b) 12 salary units, if the principal grading roll is greater than 1 600.
- (6) For a school to which 2 or more of subclauses (2) to (5) apply, the modifications provided for in those subclauses are cumulative.

18 Number of salary units calculated for area schools or restricted composite schools

- (1) For an area school, the number referred to in clause 15 is calculated by—
- (a) subtracting 1 from the school’s formula-generated staffing allowance; and
 - (b) multiplying the resulting difference by 1.09; and
 - (c) adding 2.6 to the resulting product; and
 - (d) if the resulting sum is not a whole number, correcting it to the nearest whole number.
- (2) For a restricted composite school, the number referred to in clause 15 is calculated by—
- (a) adding the school’s formula-generated staffing allowance for its secondary roll to the school’s formula-generated staffing allowance for its primary roll; and
 - (b) subtracting 1 from the resulting sum; and
 - (c) multiplying the resulting difference by 1.09; and
 - (d) adding 2.6 to the resulting product; and
 - (e) if the resulting sum is not a whole number, correcting it to the nearest whole number.
- (3) For an area school or restricted composite school that is in receipt of a special education staffing allowance calculated under clause 27, subclause (1) or (2) (as the case may be) must be modified by adding the number of salary units generated by the following calculation to the resulting sum in subclause (1)(c) or (2)(d) respectively:
- (a) add 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) multiply the resulting sum by 1.09; and
 - (c) if the resulting product is not a whole number, correct it to the nearest whole number.

- (4) For an area school that is in receipt of a tuakana-teina allowance under clause 34, the calculation in subclause (1) must be modified by adding the number of salary units that the Secretary has determined, under clause 34, to be part of the allowance to the resulting sum in subclause (1)(c).
- (5) For a school to which both subclauses (3) and (4) apply, the modifications provided for in those subclauses are cumulative.

19 Employment of part-time teachers at high schools and area schools

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

20 Employment involving middle management allowances at high schools and area schools

- (1) The Board of a high school or an area school must not employ regular teachers to whom middle management allowances have been allocated (whether permanently or otherwise) if the total of those allowances would exceed the number of middle management allowances calculated for the school under subclause (2) or (3).
- (2) The number referred to in subclause (1) is calculated for a high school by—
 - (a) subtracting 1 from the school's formula-generated staffing allowance; and
 - (b) multiplying the resulting difference by 0.5; and
 - (c) adding 4 to the resulting product; and
 - (d) if the resulting sum is not a whole number, correcting it to the nearest whole number.
- (3) The number referred to in subclause (1) is calculated for an area school by—
 - (a) adding, in FTTEs,—
 - (i) the sum which is the item in clause 45(2)(b) (relating to calculation of the curriculum delivery allowance); and
 - (ii) the number which is the item obtained by the calculation in whichever of clause 45(2)(c) or (d) applies to the school; and

- (iii) the additional guidance allowance calculated in accordance with clause 48; and
- (b) multiplying the resulting sum by 0.6; and
- (c) if the resulting product is not a whole number, correcting it to the nearest whole number.

Principals

21 Employment of principals

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

22 Employment of deputy or assistant principals at primary and intermediate schools

- (1) The Board of a primary or intermediate school that employs a deputy or assistant principal must do so in accordance with this clause.
- (2) The maximum number of deputy or assistant principals (however described) that the Board may employ is—
 - (a) 2, if the school has no more than 21 FTTEs; or
 - (b) 3, if the school has more than 21 FTTEs.

23 Employment of associate principals at high schools

- (1) A Board may employ an associate principal for a school only if it is a high school.
- (2) A Board which employs an associate principal must do so in accordance with this clause.
- (3) The Board—
 - (a) must not employ an associate principal if the school's roll is no more than 1 400; but
 - (b) may employ 1 associate principal if the school's roll is more than 1 400.

24 Grades for principals

- (1) A Board must not employ a principal at a grade higher than the grade specified in the first column of Schedule 1 opposite the roll range in which the school's principal grading roll lies.
- (2) The principal grading roll for a school is the greater of (a) and (b), after any applicable weighting in accordance with subclause (3), or adjustment in accordance with subclause (4)—
 - (a) the sum of the school's provisional rolls, as adjusted, and its provisional special education list:
 - (b) the sum of the school's March special education list and,—
 - (i) for a primary school, its October rolls, as adjusted; or
 - (ii) for any other school, its March rolls, as adjusted.
- (3) In determining the principal grading roll for 2007, 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:
 - (c) 1 student enrolled at Felix Donnelly College, Westbridge Residential School, McKenzie Residential School, or Waimokoia Residential School is the equivalent of 6 students:
 - (d) 1 student (not being a student with high needs or with very high needs) enrolled at Halswell Residential College or Salisbury School is the equivalent of 3 students.
- (4) In this clause, a reference to a roll as **adjusted** is a reference to that roll minus its list, if any.
- (5) In determining, under subclauses (2) to (4), the roll range for 2007, the roll of any kura tuakana is the sum of the number of students on the roll of the kura tuakana and the number of students on the rolls of any associated kura teina.
- (6) In determining the roll range for 2007, the roll of a restricted composite school is the sum of the number of students, if any, enrolled in years 7 to 10 at the school.

Part 3

Components of limitations

Total regular staffing allowance

25 Total regular staffing allowance

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

- (a) adding any 1 or more of the following that apply to the school:
 - (i) its entitlement staffing;
 - (ii) any special education staffing allowance;
 - (iii) any special education management allowance;
 - (iv) any supplementary learning support time allowance;
 - (v) any beginning teacher allowance;
 - (vi) any resource teacher support allowance;
 - (vii) any supplementary learning support teacher support allowance;
 - (viii) any classroom release time allowance;
 - (ix) any tuakana-teina allowance;
 - (x) any specialist classroom teacher time allowance;
 - (xi) any activity centre allowance;
 - (xii) any teen parent unit allowance;
 - (xiii) any Te Atakura allowance;
 - (xiv) any instrumental and vocal music tuition allowance;
 - (xv) any itinerant music teacher allowance;
 - (xvi) any attached unit allowance;
 - (xvii) the sum of any additional entitlements arising from an entitlement transfer agreement; and
- (b) subtracting from the resulting sum any entitlements that must be deducted as a result of an entitlement transfer agreement.

26 Entitlement staffing

- (1) A primary, intermediate, or special school's entitlement staffing in 2007 prior to the Secretary giving notice to the Board of the March rolls is its formula-generated staffing allowance, ascertained in accordance with clause 44, based on its provisional rolls.

- (2) A primary, intermediate, or special school's entitlement staffing in 2007 after the Secretary's notice to the Board of the March rolls is the greater of—
 - (a) its formula-generated staffing allowance, ascertained in accordance with clause 44, based on its provisional rolls; and
 - (b) its formula-generated staffing allowance, ascertained in accordance with clause 44, based on its March rolls.
- (3) A secondary or area school's entitlement staffing in 2007 prior to the Secretary giving notice to the Board of the March rolls is its guaranteed minimum formula staffing.
- (4) A secondary or area school's entitlement staffing in 2007 after the Secretary's notice to the Board of the March rolls is the greater of—
 - (a) its guaranteed minimum formula staffing; and
 - (b) its formula-generated staffing allowance, ascertained in accordance with clause 44, based on its March rolls.

27 Special education staffing allowance

A school's special education staffing allowance (in FTTEs), 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.

28 Special education management allowance

A 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).

29 Supplementary learning support time allowance

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

30 Beginning teacher allowance

- (1) In this clause, **qualifying beginning teacher** means a beginning teacher—
- (a) in his or her first 12 months of teaching and who is employed for 0.5 of an FTTE or more; or
 - (b) in his or her second 12 months of teaching and who is employed full-time.
- (2) A school that employs a qualifying beginning teacher who has completed less than 12 months' teaching has a beginning teacher allowance (in FTTEs) calculated by adding—
- (a) the product of 0.2 and the number of qualifying beginning teachers, if any, then employed at the school full-time; and
 - (b) the product of 0.1 and the number of other qualifying beginning teachers, if any, then employed at the school.
- (3) A school that employs a qualifying beginning teacher who has completed 12 months' teaching has a beginning teacher allowance (in FTTEs) calculated by adding, to any amount obtained from the calculation in subclause (2), the product of 0.1 and the number of qualifying beginning teachers, if any, then employed full-time at the school.

31 Resource teacher support allowance

A school's resource teacher support allowance is 0.05 of an FTTE for each full-time teacher of the following kinds whom it employs:

- (a) resource teacher: learning and behaviour:
- (b) resource teacher: literacy:
- (c) resource teacher: literacy (Māori):
- (d) resource teacher: Māori.

32 Supplementary learning support teacher support allowance

A school's supplementary learning support teacher support allowance is 0.05 of an FTTE for each teacher employed as a supplementary learning support teacher for 0.6 of an FTTE or more.

33 Classroom release time allowance for primary, intermediate, and special schools

A primary, intermediate, or special school's classroom release time allowance (in FTTEs) is obtained by—

- (a) adding any 1 or more of the following that apply to the school:
 - (i) its entitlement staffing;
 - (ii) any special education staffing allowance;
 - (iii) any special education management allowance;
 - (iv) the number of FTTEs for the time being represented by any senior teacher appointed in accordance with clause 74 to carry out special duties at normal schools;
 - (v) the number of FTTEs for the time being represented by any supernumerary teachers who have elected to be redeployed in the school or approved for redeployment from another school;
 - (vi) any tuakana-teina allowance;
 - (vii) the sum of any additional entitlements arising from an entitlement transfer agreement; and
- (b) subtracting from the resulting sum—
 - (i) any entitlements that must be deducted as a result of an entitlement transfer agreement; and
 - (ii) 1; and
- (c) if the resulting difference is not a whole number, rounding it down to the nearest lower whole number; and
- (d) multiplying the resulting whole number by 0.04.

34 Tuakana-teina allowance

The tuakana-teina allowance, if any, of a school that is the kura tuakana for a kura teina, is an allowance—

- (a) determined by the Secretary in the light of the Secretary's assessment of the number of teachers required for the kura teina; and
- (b) of not less than 1.0 FTTE and 1.0 salary unit.

35 Specialist classroom teacher time allowance for high schools

A high school's specialist classroom teacher time allowance, if any, is 0.16 of an FTTE.

36 Activity centre allowance for high schools

A high school's activity centre allowance (in FTTEs), if any, is the number specified opposite its name in the second column of Schedule 2.

37 Teen parent unit allowance for high schools

A high 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 3 opposite the number in the first column that accords with the approved maximum roll of that school's teen parent unit.

38 Te Atakura allowance for high schools and area schools

A high school's or area 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 Māori who, before 1993, successfully completed training at a college of education under the Te Atakura scheme.

39 Instrumental and vocal music tuition allowance for high schools, area schools, and restricted composite schools

- (1) A high school or area school for which the Secretary approved an allowance for instrumental, vocal, or instrumental and vocal tuition in 2007 has an instrumental and vocal tuition allowance (in FTTEs) which is the product (correct to 2 decimal places) of 0.001 and the sum of—
 - (a) the school's secondary roll; and
 - (b) the number of year 7 and year 8 students (if any) enrolled at the school.
- (2) A restricted composite school for which the Secretary approved an allowance for instrumental, vocal, or instrumental and vocal tuition in 2007 has an instrumental and vocal tuition allowance (in FTTEs) which is the product (correct to 2 decimal places) of 0.001 and the school's secondary roll.

40 Itinerant music teacher allowance for high schools

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

41 Attached unit allowance for special schools

A special school's attached unit allowance, if any, is the number of FTTEs and salary units specified in the third and fourth columns of Schedule 6 opposite its name and the name of its attached unit in the appropriate columns of that schedule.

Adjustments to schools' total regular staffing entitlements through transfer of staffing entitlements between schools

42 Transfer of staffing entitlements

- (1) In this order,—

entitlement transfer agreement means a written agreement between the Boards of school A and school B 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

school A means the school relinquishing the entitlements

school B means the school receiving the entitlements.

- (2) If an entitlement transfer agreement under this clause is given to the Secretary before 1 January 2007,—
- (a) he or she must deduct from the total regular staffing allowance of school A the number of FTTEs or salary units specified in the agreement; and
 - (b) he or she must add to the total regular staffing allowance of school B the number of FTTEs or salary units specified in the agreement.
- (3) A school must not 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 instrumental or vocal music only with one of the secondary schools or high schools listed in the first column of Schedule 4.
- (5) A school listed in the first column of Schedule 4 must not, under entitlement transfer agreements entered into with 1 or more other schools for the 2007 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.

43 Application of clause 42 to special education

Clause 42 applies to entitlements in relation to special education teachers in the same way as it applies to entitlements in relation to other teachers.

Formula-generated staffing allowance

44 Formula-generated staffing allowance

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

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

45 Curriculum delivery allowance

- (1) A school's curriculum delivery allowance (in FTTEs) is the sum obtained by adding each of the items in subclause (2) which apply to the school and, if the resulting sum is not exactly divisible by 0.1, rounding it up to 1 decimal place.
- (2) The items are, in relation to a school,—
 - (a) if it has a primary roll, the greater of 1 and the sum of—
 - (i) the number of any students in years 0 to 3 on its Māori-medium roll divided by 20; and
 - (ii) the number of any students in years 0 to 3 on its non-Māori-medium roll divided by 23; and

- (iii) the number of any students in years 4 to 8 on its Māori-medium roll divided by 20; and
 - (iv) the number of any students in years 4 to 8 on its non-Māori-medium roll divided by 29;
 - (b) the sum of—
 - (i) the number of any students in years 9 and 10 on its Māori-medium roll divided by 20; and
 - (ii) the number of any students in years 9 and 10 on its non-Māori-medium roll divided by 23.5; and
 - (iii) the number of any year 11 students on its Māori-medium roll divided by 20; and
 - (iv) the number of any year 11 students on its non-Māori-medium roll divided by 23; and
 - (v) the number of any year 12 students on its Māori-medium roll divided by 18; and
 - (vi) the number of any year 12 students on its non-Māori-medium roll divided by 18; and
 - (vii) the number of any students of year 13 or above on its Māori-medium roll divided by 17; and
 - (viii) the number of any students of year 13 or above on its non-Māori-medium roll divided by 17;
 - (c) if it has a secondary roll and that roll is 200 or less, the number obtained by—
 - (i) multiplying that 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) on its secondary roll;
 - (d) if its secondary roll is greater than 200, the product of 1.2 and the number of levels of full-time secondary students (to a maximum of 5) on its secondary roll;
 - (e) the quotient obtained by dividing its specialist instruction roll (if any) by 120.
- (3) In this clause and clause 48, **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.
- (4) This clause is subject to clause 46.

46 Adjustments to calculation of curriculum delivery allowance for any school with primary roll

- (1) For a school with a primary roll of 176 or greater, if the sum referred to in clause 45(2)(a) is less than 7, the sum must be replaced by 7.
- (2) For a school that has a primary roll that is less than 176, if the sum referred to in clause 45(2)(a) does not result in a quotient of 25 or smaller when the school's primary roll is divided by the sum's integer value, the sum must be increased to the first whole number that will ensure that the quotient so obtained is 25 or smaller.

47 Management time allowance

- (1) A school's management time allowance (in FTTEs) is the sum obtained by adding each of the items in subclause (2) which apply to the school to the number in subclause (3) or (4) which applies to the school and, if the resulting sum is not exactly divisible by 0.1, rounding it down to 1 decimal place.
- (2) The items are, in relation to a school,—
 - (a) the product of 0.0003 and its weighted roll;
 - (b) the product of 0.017 and the square root of its weighted roll.
- (3) The number is, in relation to a primary school, special school, or intermediate school that is not a restricted composite school,—
 - (a) 0.2, if the school's roll is 28 or less; or
 - (b) 0.3, if the school's roll is 29 or more but less than 61; or
 - (c) 0.4, if the school's roll is 61 or more but less than 93; or
 - (d) 0.5, if the school's roll is 93 or more but less than 124; or
 - (e) 0.6, if the school's roll is 124 or more but less than 156; or
 - (f) 0.7, if the school's roll is 156 or more.
- (4) The number is, in relation to a high school, area school or restricted composite school,—
 - (a) 0.2, if the school's roll is 28 or less; or
 - (b) 0.3, if the school's roll is 29 or more but less than 61; or
 - (c) 0.4, if the school's roll is 61 or more but less than 93; or
 - (d) 0.5, if the school's roll is 93 or more but less than 124; or

- (e) 0.6, if the school's roll is 124 or more but less than 156;
or
 - (f) 0.7, if the school's roll is 156 or more but less than 187;
or
 - (g) 0.8, if the school's roll is 187 or more but less than 219;
or
 - (h) 0.9, if the school's roll is 219 or more but less than 250;
or
 - (i) 1.0, if the school's roll is 250 or more.
- (5) For the purposes of the calculation in subclause (4), a restricted composite school's roll is the sum of the number of students, if any, enrolled in years 7 to 10 at the school.

48 Additional guidance allowance for high schools, area schools, restricted composite schools, and special schools

- (1) The additional guidance allowance (in FTTEs) of a high school, area school, restricted composite school, or special school is, if its secondary roll is 200 or less, the number, correct to 1 decimal place, obtained by—
- (a) multiplying that roll by 0.00185; and
 - (b) adding 0.08 to the resulting product; and
 - (c) multiplying the resulting sum by the number of levels of full-time secondary students (to a maximum of 5) on its secondary roll.
- (2) The additional guidance allowance (in FTTEs) of a high school, area school, restricted composite school, or special school is, if its secondary roll is greater than 200, the product, correct to 1 decimal place, of 0.45 and the number of levels of full-time secondary students (to a maximum of 5) on its secondary roll.
- (3) In this clause, **number of levels of full-time secondary students** has the meaning given to it in clause 45.

Part 4

Rolls

Rolls estimated and notified soon after commencement of order

49 Boards must estimate rolls

- (1) As soon as practicable after the commencement of this order, the Board of every primary school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of—
 - (a) the school's actual roll and Māori-medium roll (in the Board's opinion) as at 1 July 2006; and
 - (b) the school's likely roll and Māori-medium roll (in the Board's opinion) as at 1 July 2007.
- (2) As soon as practicable after the commencement of this order, the Board of every other school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of the school's likely roll and Māori-medium roll (in the Board's opinion) as at 1 March 2007.

50 Secretary must estimate and notify provisional rolls

- (1) As soon as practicable after the commencement of this order, the Secretary must give the Board of every school written notice of the rolls estimated for that school under subclause (2), (3), or (4) (as the case may be).
- (2) The Secretary must estimate the roll and Māori-medium roll of every primary school as at 10 October 2007.
- (3) The Secretary must estimate the roll and Māori-medium roll of every intermediate school, restricted composite school, high school, and special school as at 1 March 2007.
- (4) The Secretary must estimate the roll and Māori-medium roll of every area school by adding—
 - (a) the Secretary's estimates of the number of year 1 students to year 15 students as at 1 March 2007; and
 - (b) the Secretary's estimates of the number of year 1 Māori-medium students as at 10 October 2007 and the number of year 2 to year 15 Māori-medium students as at 1 March 2007.

- (5) The Secretary must not estimate a school's roll or Māori-medium roll under subclauses (2) to (4) without considering—
- (a) the notice, if any, given by the school under clause 49; and
 - (b) all written evidence and argument the Board supplied with the notice.

Ascertaining, notifying, and confirming March and October rolls from March 2007 onwards

51 Board must ascertain and notify March rolls

As soon as practicable after 1 March 2007, the Board of every school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of the school's roll and Māori-medium roll as at 1 March 2007.

52 Secretary must confirm March rolls if notice received from Board

- (1) This clause applies where the Secretary receives a notice under clause 51 from a Board before 11 March 2007.
- (2) Where this clause applies, the Secretary must, as soon as practicable, take any steps he or she thinks fit to verify the numbers notified by the Board.
- (3) If the Secretary is satisfied that the numbers notified are accurate, he or she must give the Board written notice that,—
 - (a) for any school other than an area school, confirms those numbers as the rolls; or
 - (b) for an area school, confirms those numbers, with the addition of eleven-twelfths of the number of year 1 students and year 1 Māori-medium students (rounded up to the next whole number if it is not already a whole number), as the rolls.
- (4) If the Secretary is satisfied that the numbers notified are not accurate, at any time prior to 15 April 2007 he or she must give the Board written notice that—
 - (a) states that he or she is satisfied that the numbers notified by the Board are not accurate; and
 - (b) specifies his or her best estimate of the school's roll and Māori-medium roll as at 1 March 2007; and
 - (c) states that,—

- (i) for any school other than an area school, that estimate will have effect as the school's confirmed rolls; or
- (ii) for an area school, that estimate, with the addition of eleven-twelfths of the number of year 1 students and year 1 Māori-medium students (rounded up to the next whole number if it is not already a whole number), will have effect as the school's confirmed rolls.

53 Secretary must ascertain March rolls if notice not received from Board

- (1) This clause applies where the Secretary does not receive a notice under clause 51 from a Board before 11 March 2007.
- (2) Where this clause applies, the Secretary must, as soon as practicable, take any steps he or she thinks fit to ascertain the school's roll and Māori-medium roll as at 1 March 2007.
- (3) The Secretary must give the Board at any time prior to 15 April 2007 written notice that—
 - (a) states that he or she did not receive a notice under clause 51 from the Board before 11 March 2007; and
 - (b) specifies his or her best estimate of the school's roll and Māori-medium roll as at 1 March 2007; and
 - (c) states that,—
 - (i) for any school other than an area school, that estimate will have effect as the school's confirmed rolls; or
 - (ii) for an area school, that estimate, with the addition of eleven-twelfths of the number of year 1 students and year 1 Māori-medium students (rounded up to the next whole number if it is not already a whole number), will have effect as the school's confirmed rolls.

54 Secretary must estimate primary school rolls as at 10 October 2007

- (1) As soon as practicable after 10 March 2007, the Secretary must give the Board of every primary school written notice of the roll and Māori-medium roll estimated for that school as at 10 October 2007.

- (2) The Secretary's estimate of the school's 10 October 2007 roll must not be less than the number obtained by adding the non-Māori-medium roll component of its March rolls and eleven-twelfths of the number of year 1 students in that component (rounded up to the next whole number if it is not already a whole number).
- (3) The Secretary's estimate of the school's 10 October 2007 Māori-medium roll must not be less than the number obtained by adding the non-Māori-medium roll component of its March rolls and eleven-twelfths of the number of year 1 students in that component (rounded up to the next whole number if it is not already a whole number).
- (4) If the Secretary receives a notice under clause 51 from a primary school's Board before 11 March 2007, he or she must not estimate the school's roll or Māori-medium roll as at 10 October 2007 under subclauses (2) and (3) without considering that notice and all written evidence and argument the Board supplied with that notice.

How certain types of students are treated for purposes of determining rolls

55 Certain students not counted

A foreign student must not be included in any roll or special education list for the purposes of this order unless he or she is a student—

- (a) of a kind or description exempted (under a notice under section 4C of the Act having effect in 2006) 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.

56 Part-time students enrolled in high schools or in area schools

- (1) Every part-time student enrolled or to be enrolled at a high school or area 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) Clause 55 overrides subclause (1).

Part 5

Provisions relating to specified schools or types of school

Application of Parts 2 and 3 to schools listed in Schedules 7 to 10

57 Provisions in Parts 2 and 3 that apply to schools in this Part

- (1) A special school listed in any of Schedules 7 to 10 has any 1 or more of the following allowances and entitlements that apply to the school:
- (a) any special education staffing allowance calculated under clause 27;
 - (b) any special education management allowance calculated under clause 28;
 - (c) any beginning teacher time allowance calculated under clause 30;
 - (d) any classroom release time allowance calculated under clause 33;
 - (e) any attached unit allowance as shown in Schedule 6 opposite its name and the name of its attached unit in the appropriate columns of that schedule;
 - (f) any entitlements arising from an entitlement transfer agreement.
- (2) Except as provided in subclause (1) and in clauses 42 and 43, Parts 2 and 3 do not apply to a special school that is listed in any of Schedules 7 to 10.

Entitlement staffing, principal's grade and salary units of schools listed in Schedules 7 to 10

58 Health camps

The entitlement staffing, principal's grade, and salary units of a school at a health camp specified in the first column of Schedule 7 are as specified opposite its name in the appropriate columns of that schedule.

59 Child, Youth and Family residential centre

The entitlement staffing, principal's grade, and salary units of a school at a Child, Youth and Family residential centre specified in the first column of Schedule 8 are as specified opposite its name in the appropriate column of that schedule.

60 Residential schools

The entitlement staffing, principal's grade, and salary units of a special residential school specified in the first column of Schedule 9 are as specified opposite its name in the appropriate column of that schedule.

61 Regional hospital and health schools

- (1) The entitlement staffing, principal's grade and salary units of a regional hospital and health school specified in the first column of Schedule 10 are as specified opposite its name in the appropriate column of that schedule.
- (2) The additional salary units of a regional hospital and health school specified in the first column of Schedule 11 are as specified opposite its name in the second column of that schedule.

Part 6 Exemptions

62 Special reason

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

63 Board-funded teachers

The Secretary may exempt a Board, in respect of a 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.

64 Overriding of clause 14(1) and (2) for supernumerary teachers after notice of provisional rolls

- (1) A Board may continue to employ any permanently appointed regular teacher who, following receipt of the Secretary's notice of the school's provisional rolls, has become supernumerary.
- (2) This clause overrides clause 14(1) and (2).

65 Overriding of clause 14(1) and (2) based on employment over all of 2007 school year

- (1) A Board may employ more permanently appointed regular teachers than is permitted under clause 14(1), and may employ more other regular teachers than is permitted under clause 14(2), if,—
 - (a) at some other time during the 2007 school year, the Board 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 the school under clause 14(1) or clause 14(2); and
 - (c) the net effect during the 2007 school year of employing the additional teachers does not result in the school's Board employing regular teachers representing a greater number of FTTEs than it is entitled to employ over that school year.
- (2) This clause overrides clause 14(1) and (2).

66 Suspension of clause 65 if 10% limit exceeded

- (1) The Secretary may notify a Board, in writing, that clause 65 does not apply to it, if the circumstances in subclause (2) exist.
- (2) The circumstances are that, contrary to clause 65, the Board employs a regular teacher whose employment causes the number of regular teachers employed at the school to exceed by more than 10% the number of FTTEs that the Board is entitled to employ at the school.
- (3) Clause 65 does not apply to a Board that receives a notice under subclause (1) from the date of receipt of the notice until

the date on which the notice ceases to apply in accordance with subclause (4).

- (4) 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 the school under clause 14(1) or (2) during that period.

67 Exemption for surplus to carry over until 31 March 2007

- (1) If the circumstances in subclause (2) exist, a Board is exempted until 31 March 2007 from the limitations imposed by clause 14 in respect of any surplus as if the exemption were an exemption calculated under clause 65.
- (2) The circumstances are that the Board employed fewer regular teachers at the school during the 2006 school year than equated to the number of FTTEs that the Board was entitled to employ under a provision set out in subclause (3).
- (3) The provisions are, as the case may be,—
- (a) clause 29 of the Education (2006 Primary School Staffing) Order 2005 (SR 2005/244); or
 - (b) clause 28 of the Education (2006 Intermediate School Staffing) Order 2005 (SR 2005/243); or
 - (c) clause 37 of the Education (2006 Secondary School and Form 1 to 7 School Staffing) Order 2005 (SR 2005/245); or
 - (d) clause 36 of the Education (2006 Area School Staffing) Order 2005 (SR 2005/242); or
 - (e) clause 34 of the Education (2006 Special School Staffing) Order 2005 (SR 2005/246).
- (4) In this clause, **surplus** means a positive number which is obtained by subtracting the number of FTTEs that the Board employed at a school during the 2006 school year from the number it was entitled to employ at the school under a provision set out in subclause (3).

68 Roll increases

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

there has been an unusual increase in the number of students enrolled at the school.

69 Time allowance for teachers on long-term training

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

70 Resource teachers

(1) The Secretary may exempt a Board, in respect of a 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 (Māori);
- (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: Māori.

(2) The maximum number of FTTEs in respect of which the Secretary may grant an exemption under subclause (1) (on a national basis and 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 year 10 students enrolled at state schools by 750;
- (b) in respect of resource teachers: literacy (which includes resource teachers: literacy (Māori)), 121;
- (c) in respect of resource teachers: Māori, 53.

71 Supplementary learning support teachers

(1) The Secretary may exempt a Board, in respect of a school it administers, from the limitations imposed by this order if either or both of the following circumstances exist:

- (a) the students enrolled at the school have particular educational needs that can and should be met by the employment of 1 or more supplementary learning support teachers, each of whom is employed as a supplementary learning support teacher for 0.6 of an FTTE or more;
 - (b) students enrolled at another school, or at other schools, in the area have particular needs that can and should be met by the appointment of 1 or more supplementary learning support teachers, each of whom is employed as a supplementary learning support teacher for 0.6 of an FTTE or more, and the school administered by the Board provides a base from which the supplementary learning support teacher or teachers can serve the other school or schools.
- (2) The sum of the following (on a national basis across all state schools of any type) must not exceed 150:
- (a) the number of FTTEs in respect of which the Secretary grants exemptions for supplementary learning support teachers, under subclause (1); and
 - (b) the total staffing (in FTTEs) for the supplementary learning support time allowance.

72 Protection of supernumerary teachers

The Secretary may exempt a Board, in respect of a 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 2007 who is for the time being supernumerary, having been declared surplus by virtue of amalgamation, merger, change of status, closure, or a fall in the roll of the school.

73 Reading recovery in primary and area schools

- (1) The Secretary may exempt the Board of a primary or area school, in respect of a school it administers, from the limitations imposed by this order if any 1 or more of the following circumstances exist:
- (a) the school participates in the training of reading recovery teachers:

- (b) because of the size or location of the school, the students of the school need to have a reading recovery teacher based at the school:
 - (c) the school provides a base from which its reading recovery teacher can serve both that school and other schools in the area.
- (2) The maximum number of FTTEs in respect of which an exemption under subclause (1) may be granted (on a national basis and across all primary and area schools) is 260.

74 Normal and model schools

The Secretary may exempt a Board, in respect of a normal or model school it administers, from the limitations imposed by this order to ensure that the school is able—

- (a) to recruit and retain sufficient skilled and experienced teachers to carry out the special functions of normal and model schools; and
- (b) to carry out the extra work required by the performance of those functions.

75 Protection of specified programmes in high schools and area schools

The Secretary may exempt a Board, in respect of a high school or an area 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 to its 2006 level or some lower level) in order to protect a specified programme of instruction, the continued provision of which would otherwise be at risk.

76 Protection of associate principals in high schools

The Secretary may exempt a Board, in respect of a 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.

77 Deaf and hearing-impaired students

The Secretary may exempt the Boards of Kelston Deaf Education Centre and Van Asch Deaf Education Centre from the limitations relating to staffing entitlements and salary units imposed by this order to the extent specified in Schedule 12.

78 Blind and vision-impaired students

- (1) The Secretary may exempt the Board of BLENNZ from the limitations relating to staffing entitlements and salary units imposed by this order to the extent specified in Schedule 12.
- (2) The Secretary may exempt the Board of BLENNZ from the limitations imposed by this order if the students at the school have particular educational needs that can and should be met by the employment of not more than 24 resource teachers: visually impaired.

Part 7 Revocations

79 Revocations

The following orders are revoked:

- (a) Education (2005 Primary School Staffing) Order 2004 (SR 2004/302); and
- (b) Education (2005 Primary School Staffing) Amendment Order 2004 (SR 2004/418); and
- (c) Education (2005 Intermediate School Staffing) Order 2004 (SR 2004/303); and
- (d) Education (2005 Intermediate School Staffing) Amendment Order 2004 (SR 2004/417); and
- (e) Education (2005 Secondary School and Form 1 to 7 School Staffing) Order 2004 (SR 2004/304); and
- (f) Education (2005 Secondary School and Form 1 to 7 School Staffing) Amendment Order 2004 (SR 2004/416); and
- (g) Education (2005 Area School Staffing) Order 2004 (SR 2004/305); and

- (h) Education (2005 Area School Staffing) Amendment Order 2004 (SR 2004/420); and
- (i) Education (2005 Special School Staffing) Order 2004 (SR 2004/306); and
- (j) Education (2005 Special School Staffing) Amendment Order 2004 (SR 2004/419).

cl 24

Schedule 1

Grades for principals' positions

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

Schedule 2

Activity centre allowance

cl 36

School	Staffing (FTTEs)	Salary units	
Aotea College	2.0	2	2
Bayfield High School	2.0	2	2
Gisborne Girls' High School	2.0	2	2
James Hargest College	2.0	2	2
Karamu High School	2.0	2	2
Naenae College	2.0	2	2
Napier Boys' High School	2.0	2	2
Newlands College	2.0	2	2
Otahuhu College	2.0	2	2
Palmerston North Boys' High School	2.0	2	2
Papakura High School	2.0	2	2
Rotorua Boys' High School	2.0	2	2
Spotswood College	2.0	2	2
Western Springs College	2.0	2	2

Schedule 3

Teen parent unit allowance

cl 37

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

cl 42(4) and (5)

Schedule 4 Instrumental and vocal music tuition

School	Staffing (FTTEs)
Auckland Grammar School	4.0
Freyberg High School	2.0
Geraldine High School	5.0
Gisborne Boys' High School	1.0
Hagley Community College	14.0
Havelock North High School	1.0
James Hargest College	5.0
Macleans College	2.0
Mt Albert Grammar School	2.0
Otahuhu College	1.0
Pakuranga College	1.0
Queen's High School	7.0
Rangitoto College	2.0
Rotorua Girls' High School	1.0
Saint Peter's College (Auckland)	1.0
Tauranga Boys' College	4.0
Waikato Diocesan School for Girls	12.0
Whakatane High School	2.0

cl 16(4)

Schedule 5 Provision of additional salary units for resource teachers

School	Additional salary units
Kelston Deaf Education Centre	49
Van Asch Deaf Education Centre	43
BLENNZ	22

cl 41

Schedule 6 Units attached to special schools

School	Attached unit	Entitlement staffing in FTTEs	Salary units
Central Regional Health School	Lower North Youth		
	Justice Residence	8.6	5

cl 58

Schedule 7
Entitlement staffing, etc, of special schools at children's health camps

School	Entitlement staffing in FTTEs	Principal's grade	Salary units
Gleneel	2.6	U1	0
Health Camp School (Otago Southland)	3.8	U1	1
Northland	2.6	U1	0
Otaki	2.6	U1	0
Pakuranga	3.8	U1	1
Te Kainga Whaiora	2.6	U1	0

cl 59

Schedule 8
Entitlement staffing, etc, of special schools at Child, Youth and Family residential centre

School	Entitlement staffing in FTTEs	Principal's grade	Salary units
Kingslea	13.9	U4	7

cl 60

Schedule 9
Entitlement staffing, etc, for special residential schools

School	Entitlement staffing in FTTEs	Principal's grade	Salary units
Felix Donnelly College	16.3	U4	7
Halswell Residential College	10.3	U4	7
McKenzie Residential School	5.5	U4	4
Salisbury School	9.7	U4	5
Waimokoia Residential School	6.3	U4	4
Westbridge Residential School	5.0	U4	4

cl 61(1)

Schedule 10

Entitlement staffing, etc, for regional hospital and health schools

School	Entitlement staffing in FTTEs	Principal's grade	Salary units
Central	12.8	U5	8
Northern	25.3	U6	17
Southern	11.8	U4	7

cl 61(2)

Schedule 11

Provision of additional salary units for regional hospital and health schools

School	Additional salary units
Central Regional Health School	9
Northern Regional Health School	18
Southern Regional Health School	8

cls 77, 78(1)

Schedule 12

Provision for regional staffing structure at schools for hearing- and vision-impaired students

Schools	Additional staffing in FTTEs	Salary units
Kelston and Van Asch Deaf Education Centres		
Deaf and hearing impaired (includes regional co-ordinator positions)	107.5	50
BLENNZ		
Itinerant teachers of the blind and vision-impaired	11.0	10

Diane Morcom,
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 15 September 2006, sets limitations on the numbers of teachers who may be employed at payrolled schools during the 2007 school year.

From 1993 until 2005, the annual school staffing orders dealt with individual school types. This order deals with all types of payrolled schools.

Some substantive changes from the 2006 orders are as follows:

- all schools with 176 or fewer students in years 1 to 8 to have a maximum average class size of 25;
- increases in the management time allowance for primary, intermediate, and special schools with a roll range of 93 or more;
- the additional guidance allowance for special schools to be brought into line with that of high schools, area schools, and restricted composite schools.

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

Date of notification in *Gazette*: 24 August 2006.

This order is administered by the Ministry of Education.
