



THE EDUCATION (ASSESSMENT, CLASSIFICATION, AND APPOINTMENT) REGULATIONS 1974, AMENDMENT NO. 7

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 1st day of July 1974

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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PART V—CLASSIFICATION OF SECONDARY TEACHERS

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7. Regulations revoked

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Education (Assessment, Classification, and Appointment) Regulations 1974, Amendment No. 7, and shall be read together with and deemed part of the Education (Assessment, Classification, and Appointment) Regulations 1965* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

“(2) Notwithstanding anything in subclause (1) of this regulation, for the purposes of Part V and Part VI of these regulations, any reference to a teaching position in a State secondary school shall, unless the context otherwise requires, include reference to a teaching position in a manual training centre, or to any other position in the Education Service which requires classification as a secondary teacher as a qualification for appointment.”

3. Classification and appointment of secondary teachers—The principal regulations are hereby amended by revoking Parts V and VI, and substituting the following Parts:

“PART V—CLASSIFICATION OF SECONDARY TEACHERS

“53A. **Classification lists**—For the purposes of classification, secondary teachers shall be classified as belonging to either of two lists, namely List A or List B.

“53B. **Classification in List A**—A secondary teacher shall be classified as belonging to List A when he has completed a course of training at a teachers college and has satisfied the Director-General that he is a fit and suitable person for provisional appointment to a teaching position in a State secondary school.

“53C. **Classification in List B**—(1) No secondary teacher shall be classified as belonging to List B until—

“(a) He has completed at least 2 years service in a State secondary school as a teacher classified as belonging to List A; and

“(b) He satisfies the Director-General that he meets the criteria set out in the Schedule to these regulations; and

“(c) He satisfies the Director-General that he is a fit and suitable person for permanent appointment to a full-time teaching position in a State secondary school.

“(2) The Director-General shall, before classifying a secondary teacher as belonging to List B, take into consideration the reports on the teacher of the District Senior Inspector of Secondary Schools and of

*S.R. 1965/175

Amendment No. 1: S.R. 1966/211

Amendment No. 2: S.R. 1968/222

Amendment No. 3: S.R. 1969/24 (*Revoked by S.R. 1970/58*)

Amendment No. 4: S.R. 1970/58

Amendment No. 5: S.R. 1972/13

Amendment No. 6: S.R. 1972/155

the principal of the school in which the teacher holds a teaching position. In preparing these reports the District Senior Inspector of Secondary Schools and the principal shall apply the criteria set out in the Schedule to these regulations.

“53D. **Other persons may be classified**—(1) Notwithstanding anything in regulation 53B of these regulations, the Director-General may classify as belonging to List A any person who satisfies the Director-General that he has sufficient qualifications to be so classified and that he is a fit and suitable person for provisional appointment to a teaching position in a State secondary school.

“(2) Notwithstanding anything in regulation 53C of these regulations, the Director-General may classify as belonging to List B any person who satisfies the Director-General that he has sufficient qualifications to be so classified and that he is a fit and suitable person for permanent appointment to a full-time teaching position in a State secondary school.

“53E. **Determination of suitability**—In determining, for the purposes of regulation 53B, regulation 53C, or regulation 53D of these regulations, whether or not a person is a fit and suitable person for appointment to a teaching position in a State secondary school the Director-General shall be satisfied, on the production of such evidence as he may require, that in addition to meeting all other requirements of these regulations relating to classification, the person is of good moral character, is of sound health and good constitution, and has no defects of person or of character that would, in the opinion of the Director-General, be incompatible with suitability for teaching in a State secondary school.

“53F. **Professional guidance for teachers in List A**—(1) A secondary teacher classified as belonging to List A will receive advice and guidance from Inspectors of Secondary Schools and from the principal of and senior teachers in the school in which he holds a teaching position in accordance with a scheme for the advice and guidance of teachers to be prepared by the Director-General from time to time and published by him in the *Education Gazette*.

“(2) If a teacher fails without sufficient cause to act on the advice and guidance given under the scheme he shall be deemed by the Director-General not to be a fit and suitable person for permanent appointment to a full-time teaching position in a State secondary school.

“53G. **Classification of List A teacher in List B within 4 years**—(1) A teacher who is not classified as belonging to List B after 2 years' service in List A shall be considered for classification as belonging to List B on the completion of 3 years' service in List A and if he is not so classified after 3 years' service in List A he shall be considered for classification as belonging to List B on the completion of 4 years' service in List A.

“(2) If a teacher is not classified as belonging to List B on the completion of 4 years' service in List A the Director-General shall remove his name from List A and the teacher shall cease to be eligible to hold or to be appointed to a teaching position in a State secondary school.

“53H. Lapse of classification and removal from List B to List A—

(1) If for a period of not less than 2 years a secondary teacher has not held a full-time appointment as a teacher in a State secondary school, or if a secondary teacher notifies his retirement or resignation from the teaching profession his classification as a secondary teacher shall lapse. Should a person who for a period of not less than 2 years has not held a full-time appointment as a teacher in a State secondary school, or who has notified his retirement or resignation from the teaching profession further notify the Director-General of his intention to apply for a full-time appointment as a teacher in a State secondary school or otherwise to resume the profession of teaching and apply to be classified, the Director-General shall, if he is satisfied that the applicant is a fit and suitable person to be provisionally appointed to a teaching position in a State secondary school, classify the applicant as belonging to List A, and the provisions of the regulations relating to teachers in List A shall apply to that person accordingly as if he were for the first time classified in that list.

“(2) If in the opinion of the Director-General a teacher who has been classified as belonging to List B has become so inefficient or incompetent in the discharge of his professional duties that he no longer meets the criteria set out in the Schedule to these regulations the Director-General shall remove the teacher from List B and classify him as belonging to List A and the provisions of these regulations relating to teachers in List A shall apply accordingly as if he were for the first time classified in that list.

“(3) Any teacher who is aggrieved by the action of the Director-General in removing him from List B and classifying him as belonging to List A may, within the time and in the manner provided in Part VII of these regulations, appeal against that action.

“53i. Publication of classifications—The Director-General shall cause to be compiled annually a list of all secondary teachers who are classified as belonging to List B and shall arrange for the publication of the list in the *New Zealand Gazette* or by such other means as the Minister may direct.

“PART VI—APPOINTMENT OF SECONDARY TEACHERS

“53j. Positions to be advertised—(1) Except in the case of any appointment made pursuant to subsection (1) of section 154 of the Act, no permanent or provisional appointment shall be made to a full-time teaching position in any State secondary school unless applications for appointment to the position have been invited by the controlling authority of the school by advertisement published in accordance with subclause (2) of this regulation.

“(2) Every advertisement shall be published at least 14 days before a date to be specified in the advertisement as the date for the closing of applications. Publication shall be made in the *Education Gazette* and by such other means (if any) as the Director-General may in any case require.

“53k. Special provisions relating to teachers classified as belonging to List A—(1) A teacher who is classified as belonging to List A may apply for a teaching position and may be provisionally appointed to the position in accordance with this Part of these regulations.

“(2) A teacher who is not classified as belonging to List B at the end of 2 years service, or, as the case may be, at the end of 3 years service, shall be entitled—

“(a) On notice to the controlling authority of the school at which he teaches, to continue to hold a teaching position in the school; or

“(b) To apply for a teaching position at a school under the control of another controlling authority.

“(3) When a teacher is classified as belonging to List B he shall, by notice to the controlling authority, be entitled to elect to become a permanently appointed member of the teaching staff of the school.

“(4) Notwithstanding anything in subclause (3) of this regulation, a teacher who is not classified as belonging to List B until the end of his fourth year of service in List A may at the discretion of the controlling authority be permanently appointed to a teaching position in the school or may have his appointment terminated as from the end of the school year.

“(5) For the purposes of subclause (1) of regulation 16 of the Education (Salaries and Staffing) Regulations 1957* (as amended by regulation 2 of the Education (Salaries and Staffing) Regulations 1957, Amendment No. 12), any person who has been provisionally appointed to a position as a full-time teacher shall while holding that provisional appointment, be deemed to be a teacher holding a permanent appointment; and, if his appointment to that position is terminated in accordance with subclause (4) of this regulation, he shall, if he transfers to another position in the Education Service, be deemed to have been obliged to transfer to that other position through no fault of his own.

“53L. Appointment of full-time permanent secondary teachers—

(1) Where applications are invited in accordance with regulation 53J of these regulations, or otherwise in accordance with the Act, for permanent or provisional appointment to a position as a full-time secondary teacher the advertisement of the vacancy shall specify the special qualifications (if any) that are required for the position and the special duties that are entailed by the position.

“(2) No person shall be permanently appointed to a full-time teaching position in a State secondary school unless he has been classified as belonging to List B by the Director-General in accordance with this Part of these regulations and has completed the service requirements (if any) prescribed for the position by this Part of these regulations.

“(3) When making a permanent appointment to a full-time teaching position in a State secondary school the controlling authority of the school shall, before making a selection, consult the principal of the school as to the suitability of the several applicants.

“(4) Subject to subclauses (2) and (3) of this regulation, the controlling authority of the school shall appoint the applicant who in its opinion is, by reason of his qualifications, most suitable for appointment to the position, and if in the opinion of the controlling authority there is no suitable applicant, it shall invite further applications by advertisement in accordance with regulation 53J of these regulations.

“53M. Service requirements for appointment to position of responsibility—(1) Teaching positions of responsibility at State secondary schools shall be of 4 grades, to be known as grades PR1, PR2, PR3, and PR4, of which PR4 shall be the highest grade.

“(2) No person shall be appointed to a position of responsibility in a State secondary school that is graded PR1 or PR2 unless he has, while classified as belonging to List B, completed 3 years of service in a teaching position in a State secondary school.

“(3) No person shall be appointed to a position of responsibility in a State secondary school that is graded PR3 or PR4 unless he has, while classified as belonging to List B, completed 5 years of service in a teaching position in a State secondary school, or unless he has completed 1 year of service in a State secondary school in a position of responsibility that is graded PR1 or PR2.

“(4) A teacher shall be eligible to apply for a position of responsibility during the last school term of the service which qualifies him for an appointment in accordance with subclause (2) or subclause (3) of this regulation, but he shall not be eligible to take up the appointment until he has completed the full requirements of service.

“53N. Service requirements for appointment as deputy principal, senior master, or senior mistress—No person shall be appointed to a position of deputy principal, senior master, or senior mistress unless he has while classified as belonging to List B completed 7 years of service in a teaching position in a State secondary school and holds a position of responsibility at the time of applying for the position.

“53o. Other service may be recognised—Notwithstanding anything in regulation 53M or regulation 53N of these regulations, the Director-General may generally or in any particular case authorise education service other than that specified in those regulations to be counted towards the service requirements specified in subclause (2) and subclause (3) of regulation 53M or in regulation 53N of these regulations, and may waive the requirement that an applicant for a position of deputy principal, senior master, or senior mistress hold a position of responsibility at the time of applying for the position applied for.

“53P. Procedure for making senior appointments—(1) For the purposes of this regulation the expression ‘senior appointment’ means a teaching position of responsibility at a State secondary school, and includes the position of deputy principal, senior master, and senior mistress.

“(2) An applicant for a senior appointment at a State secondary school may if he so wishes forward with his application the names of not more than 3 referees who from their knowledge of the applicant and his work can advise the controlling authority of the school on the applicant’s professional competence and general suitability for appointment.

“(3) The controlling authority shall select the applicant who in its opinion is best suited by virtue of qualifications, relevant experience, and professional competence for the appointment.

“(4) The controlling authority shall forward to the Director-General all the applications received for the appointment together with the advice of the various referees and such other comment and information on the applicants received by the authority for the purposes of making its selection, and shall notify the Director-General of the name of the applicant it considers best suited for the appointment.

“(5) No person shall be appointed to a senior appointment without the prior approval of the Director-General; and if the Director-General does not approve the appointment of the applicant selected by the controlling authority or of any other applicant selected by the controlling authority as an alternative, the position shall be re-advertised.

“(6) With the approval of the Director-General and on such conditions as he may determine a controlling authority may appoint a teacher to act temporarily in a senior appointment until a permanent appointment has been made in accordance with this regulation and such a person shall be paid any additional remuneration appropriate to the position while he is so appointed.

“(7) Where the controlling authority proposes to appoint to a senior appointment an applicant who is not at that time permanently appointed to a teaching position in a secondary school, the Director-General may require, as a condition of his approval to the appointment, that the applicant shall be provisionally appointed. If the controlling authority appoints that applicant, the provisions of this regulation relating to provisional appointments shall then apply to that senior appointment.

“(8) The controlling authority may, with the concurrence of the Director-General, confirm or terminate a provisional appointment to a senior appointment at any time after the appointment has been made.

“(9) Where any such appointment has not been confirmed or terminated in accordance with subclause (8) of this regulation before the expiry of 12 months from the date on which it was made, the controlling authority shall then, if the Director-General so requires, terminate the provisional appointment, but shall otherwise confirm that appointment.

“(10) Where the controlling authority confirms the appointment of any person provisionally appointed to a senior appointment, the confirmation of the appointment shall take effect forthwith; but where the controlling authority terminates the appointment of any such person, it shall advise him in writing of its decision and the reasons therefor, and the termination of the provisional appointment shall not take effect until 3 months from the date of receipt of that notice.

“(11) For the purposes of subclause (1) of regulation 16 of the Education (Salaries and Staffing) Regulations 1957, any person who has been provisionally appointed to a senior appointment shall, while holding that provisional appointment, be deemed to be a teacher holding a permanent appointment; and, if that appointment is terminated, he shall, if he transfers to another position in the Education Service, be deemed to have been obliged to transfer to that position through no fault of his own.

“53Q. **Service requirements for appointment as principal**—(1) No person shall be appointed as principal of a secondary school unless he has, while classified as belonging to list B, completed 11 years of service

in a teaching position in a State secondary school, and is either a principal or deputy principal or a senior master or a senior mistress in a State secondary school at the time of applying for the position or has accumulated 8 units of service in a position of responsibility in a State secondary school in accordance with subclause (2) of this regulation.

“(2) For the purposes of subclause (1) of this regulation, units of service in a position of responsibility at a State secondary school are to be calculated as follows:

“(a) One year of teaching service in a position which is graded PR1 or PR2 shall count as 1 unit:

“(b) One year of teaching service in a position which is graded PR3 or PR4 shall count as 2 units.

“53r. **Other service may be recognised**—Notwithstanding anything in regulation 53q of these regulations, the Director-General may generally or in any particular case authorise education service other than that specified in that regulation to be counted towards the service requirements specified in subclause (1) of that regulation, or, as the case may be, to count to such degree as he may determine towards units of service for the purposes of subclause (1) of that regulation.

“53s. **Procedure for appointing principal**—(1) An applicant for appointment as a principal of a State secondary school may if he so wishes forward with his application the names of not more than 3 referees who from their knowledge of the applicant and his work can advise the controlling authority of the school on the professional competence and general suitability of the applicant for appointment.

“(2) The controlling authority shall forward to the Director-General a list of the names of all the applicants together with a statement of their several qualifications and in addition such other comment and information on the applicants as is available to it.

“(3) At any time within 21 days after the date on which the list of applicants has been received by him, the Director-General may make to the controlling authority such comments as he thinks proper as to the fitness or otherwise of the several applicants for appointment to the position, and the controlling authority shall not select any applicant for appointment before it has considered any comments received by it from the Director-General; but if no comment has been received within the period of 21 days, the controlling authority may proceed to select an applicant for appointment to the position.

“(4) Before the controlling authority makes a selection it shall consult with the District Senior Inspector of Secondary Schools or a person nominated by him, and a person nominated by the New Zealand Post-Primary Teachers' Association, both of whom shall be entitled to be present and speak at any interview of applicants conducted by the controlling authority and at any subsequent discussions by the controlling authority before the actual selection.

“(5) The controlling authority shall select the applicant who in its opinion is best suited by virtue of qualifications, relevant experience, and professional competence for appointment to the position.

“53t. **Preference in appointments**—(1) Notwithstanding anything in these regulations, if any applicant for permanent appointment to a

full-time teaching position as a secondary teacher or to a full-time position at a manual training centre as a manual training teacher has produced evidence in his application that he has lost or is about to lose his position as a secondary teacher or as a manual training teacher by reason of a fall in the attendance at the school or by reason of the reorganisation of the school, he shall be entitled to be appointed to the position for which he has applied unless some other applicant having the same ground for appointment is appointed to the position, or unless, in any other case, the controlling authority, before making any appointment, has satisfied the Minister that the applicant is not suitable for appointment to the position.

“(2) Every entitled teacher, within the meaning of regulation 5A of the Teachers Leave of Absence Regulations 1951* (as amended by regulation 2 of the Teachers’ Leave of Absence Regulations 1951, Amendment No. 6), who has in accordance with the said regulation 5A resigned from the teaching service because of her pregnancy may, after the birth of her child as provided for in the said regulation 5A, apply for any advertised vacancy in the teaching service for which she is suitably qualified. If the vacancy is of an equivalent or lesser grade than the position from which she resigned and if she so applies within 12 months of the termination of the pregnancy she shall be entitled to be appointed to the position for which she has applied unless some other applicant possesses superior teaching qualifications and is appointed to the position, or unless some other applicant of equivalent teaching qualifications as herself is appointed to the position on the same grounds as her own application.”

4. Schedule added to principal regulations—The principal regulations are hereby further amended by adding the Schedule set out in the Schedule to these regulations.

5. Right of appeal restricted to primary teachers—Regulation 66 of the principal regulations is hereby amended by omitting the words “Any teacher”, and substituting the words “Any primary teacher, and for the purposes solely of subclause (3) of regulation 53H of these regulations any secondary teacher,”.

6. Transitional provisions—(1) On the coming into force of these regulations all previous classifications of teachers made under any previous regulations relating to the classification of secondary teachers shall cease to have effect; and the Director-General shall reclassify all secondary teachers who are employed full time in teaching positions in accordance with Part V of the principal regulations as substituted by regulation 3 of these regulations.

(2) Notwithstanding anything in subclause (1) of this regulation, or in any other provision of these regulations every teacher other than a teacher whose classification, on the coming into force of these regulations, is provisional and has not been confirmed in accordance with regulation 55 of the principal regulations shall be classified as belonging to List B.

(3) Notwithstanding anything in subclause (1) or subclause (2) of this regulation or in regulation 53L of these regulations, any secondary teacher

who at the time these regulations come into force is classified as belonging to List C in accordance with the provisions of the principal regulations before amendment by these regulations shall be deemed to meet the requirements relating to prior education service for appointment if while belonging to the said List C he has served the necessary times as provided by regulation 53M or regulation 53N or regulation 53Q of these regulations.

7. Regulations revoked—The following regulations are hereby consequentially revoked:

- (a) Regulations 6 to 15 of the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 2:
- (b) Regulations 7 to 9 of the Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 4:
- (c) The Education (Assessment, Classification, and Appointment) Regulations 1965, Amendment No. 5.

SCHEDULE

Reg. 4

SCHEDULE ADDED TO PRINCIPAL REGULATIONS

“SCHEDULE Regs. 53G, 53H (2)

CRITERIA FOR CLASSIFICATION OF SECONDARY TEACHERS AS BELONGING TO LIST B

In considering the suitability of a secondary teacher for classification as belonging to List B, the Director-General shall have regard to the following criteria:

1. *Professional attributes*—The sense of vocation evidenced by the teacher in his—

- (a) Appreciation of the role of the teacher in promoting the personal and educational welfare of his pupils, and the acceptance by the teacher of the responsibility towards his pupils that this entails:
- (b) Willingness to act in a manner that will not discredit his school or the teaching profession:
- (c) Suitability of temperament for teaching.

2. *Relationship with pupils*—The ability of the teacher to establish and maintain good relations with pupils, to win and maintain their respect, to understand their individual needs and to encourage the pursuit of learning.

3. *Planning and preparation*—The ability of the teacher to make each lesson contribute effectively towards a planned programme of work.

4. *Subject competence*—The ability of the teacher to keep abreast of new developments in subjects that he teaches and the ability of the teacher effectively to impart to his pupils the content of his subject.

5. *Teaching techniques and class management*—The ability of the teacher to make the approach suitable to the level of the pupils in the classes that he teaches, to provide and maintain a purposeful working atmosphere in those classes, and to stimulate the interest and active participation of pupils in the subjects that he teaches.

6. *Contribution towards work of school as a whole*—The willingness of the teacher to take an active part in school affairs in and beyond the classroom, and his ability to establish good working relations with other members of the staff.”

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Education (Assessment, Classification, and Appointment) Regulations 1965. They provide for the classification and appointment of secondary teachers, and introduce a new system of classification and appointment. Instead of being classified into groups and marked on a numerical scale, secondary teachers will be classified as belonging to either of two lists, namely List A or List B.

Teachers classified as belonging to List A are eligible only for provisional appointment to a teaching position, whereas teachers classified as belonging to List B are eligible for permanent appointment. If a teacher is not classified as belonging to List B after 4 years' service in List A he ceases to be eligible to hold a teaching position in a State secondary school. If for a period of not less than 2 years a teacher has not held a teaching position in a State secondary school his teaching classification will lapse. A teacher may be removed from List B and classified as belonging to List A for inefficiency or incompetency. Against this action the teacher will have a right of appeal under Part VII of the principal regulations.

The effect of revoking regulation 59 of Part V of the principal regulations and the amendment made to regulation 66 of the principal regulations by regulation 5 of these regulations is that there is no longer any general right of appeal by a secondary teacher against any classification that dissatisfies him except a classification made for the purposes of regulation 53H (3) of the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 4 July 1974.

These regulations are administered in the Department of Education.