



THE EDUCATION (ASSESSMENT, CLASSIFICATION, AND APPOINTMENT) REGULATIONS 1976, AMENDMENT NO. 16

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 22nd day of September 1986

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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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 16, and shall be read together with and deemed part of the Education (Assessment, Classification, and Appointment) Regulations 1976* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Appointments to special positions—(1) Regulation 49 (2) of the principal regulations is hereby amended by revoking paragraph (a), and substituting the following paragraph:

“(a) Deputy Principals, and Assistant Principals, with responsibility for supervising junior classes; or”.

(2) The said regulation 49 (2) is hereby further amended by inserting, after paragraph (h), the following paragraph:

“(ha) Positions at Chatham Islands schools; or”.

3. Placement in List A—Regulation 61 (5) of the principal regulations is hereby amended by inserting, after paragraph (a), the following paragraph:

“(aa) Has completed a course of teacher training approved for the purpose by the Director-General; and”.

4. Placement in List B—Regulation 62 of the principal regulations (as substituted by regulation 5 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6) is hereby amended by inserting in subclauses (2) and (3) (b), after the expression “full-time”, the words “or permanent part-time”.

5. Determination of suitability—Regulation 65 of the principal regulations (as amended by regulation 2 (5) of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 5 and regulation 6 (2) of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6) is hereby further amended by inserting, before the expression “62”, the words “61 or regulation”.

6. Placement of teachers in List B to be before completion of 3 years service—The principal regulations are hereby amended by revoking regulation 67 (as substituted by regulation 8 (1) of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6), and substituting the following regulation:

*S.R. 1976/287

Amendment No. 1:	S.R. 1977/275
Amendment No. 2:	S.R. 1978/334
Amendment No. 3:	S.R. 1979/220
Amendment No. 4:	S.R. 1980/186
Amendment No. 5:	S.R. 1980/233
Amendment No. 6:	S.R. 1981/179
Amendment No. 7:	S.R. 1981/330
Amendment No. 8:	S.R. 1982/12
Amendment No. 9:	S.R. 1982/80
Amendment No. 10:	S.R. 1982/275
Amendment No. 11:	S.R. 1983/218
Amendment No. 12:	S.R. 1984/28
Amendment No. 13:	S.R. 1984/284
Amendment No. 14:	S.R. 1985/131
Amendment No. 15:	S.R. 1986/158

“67. (1) If a teacher in List A has not been placed in List B immediately after completing 24 months continuous employment in full-time or permanent part-time teaching positions in secondary schools, the Director-General shall, before that teacher has completed 33 months of continuous employment in teaching positions at secondary schools, consider whether or not to place him in List B.

“(2) Subject to subclauses (3) and (4) of this regulation, if a teacher in List A has not been placed in List B before he has completed 33 months of continuous employment in full-time or permanent part-time teaching positions at secondary schools, his placement in List A shall lapse on the expiration of 3 months from the completion of that employment.

“(3) Any teacher who is aggrieved by the lapsing of his placement in List A by virtue of subclause (2) of this regulation may, before he has completed 34 months of continuous employment in full-time or permanent part-time teaching positions at secondary schools, appeal against that lapsing in accordance with Part VIII of these regulations.

“(4) If—

“(a) A teacher in List A has not been placed in List B before he has completed 33 months of continuous employment in full-time or permanent part-time teaching positions at secondary schools; and

“(b) His placement in List A has been continued under regulation 86 (1) (h) of these regulations,—

the Director-General shall, before he has completed 45 months of continuous employment in full-time or permanent part-time teaching positions at secondary schools, consider whether or not to place him in List B; and if he is not so placed by then, his placement in List A shall lapse on the expiration of 3 months from the completion of that employment.

“(5) For the purposes of this regulation, a teacher—

“(a) Who has never been placed in List B and who is placed in List A for a second or subsequent time; or

“(b) Whose placement in List B has lapsed pursuant to regulation 68 of these regulations and whose second or subsequent placement in List A has lapsed pursuant to regulation 66A of these regulations and who is placed in List A for a third or subsequent time—

shall be deemed to have completed while in List A the shorter of 24 months continuous employment in full-time or permanent part-time teaching positions at secondary schools and—

“(c) In the case of a teacher to whom paragraph (a) of this subclause applies, a period of continuous employment in full-time or permanent part-time teaching positions at secondary schools equal to the sum of all separate periods of continuous employment in full-time or permanent part-time teaching positions at secondary schools completed by that teacher while in List A; or

“(d) In the case of a teacher to whom paragraph (b) of this subclause applies, a period of continuous employment in full-time or permanent part-time teaching positions at secondary schools equal to the sum of all those separate periods of continuous employment in full-time or permanent part-time teaching

positions completed by that teacher while in List A but since his previous placement in List B lapsed.”

7. Lapse of placement and removal from List B to List A—Regulation 68 (2) of the principal regulations (as substituted by regulation 9 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6) is hereby amended by omitting the words “second school year”, and substituting the words “first school year”.

8. Positions to be advertised—Regulation 70 (1) of the principal regulations is hereby amended by inserting, after the expression “full-time”, the words “or part-time”.

9. Special provisions relating to teachers placed in List A—(1) Regulation 71 (2) of the principal regulations is hereby amended by omitting the words “, or at the end of 3 years’ service, as the case may be”.

(2) The said regulation 71 is hereby further amended by revoking subclauses (4) and (5).

10. Appointments to permanent positions as secondary teachers—(1) Regulation 72 of the principal regulations (as amended by regulation 2 (5) of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 5 and regulation 10 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6) is hereby further amended by inserting in subclauses (1) to (3), after the expression “full-time”, the words “or part-time”.

(2) The said regulation 72 is hereby further amended by inserting after subclause (3), the following subclause:

“(3A) If, in the opinion of the controlling authority, there is no applicant who is suitable by reason of his qualifications, the position shall, subject to regulation 57 (6) of the Education (Salaries and Staffing) Regulations 1957, be readvertised.”

11. Service requirements for appointment to position of responsibility—Regulation 73 of the principal regulations is hereby amended by—

- (a) Omitting from subclause (1) the words “3 years of”, and substituting the words “full-time or permanent part-time service, or periods of both, equivalent to 3 years full-time”;
- (b) Omitting from subclause (2) (a) the words “Five years of”, and substituting the words “Full-time or permanent part-time service, or periods of both, equivalent to 5 years full-time”;
- (c) Omitting from subclause (2) (b) the words “One year”, and substituting the words “Full-time or permanent part-time service, or periods of both, equivalent to one year of full-time”.

12. Service requirements for appointment as Deputy Principal or as senior master or as senior mistress—Regulation 74 of the principal regulations (as substituted by regulation 11 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6) is hereby amended—

- (a) By omitting from subclause (1) (a) (as amended by regulation 2 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 7) the words “7 years”, and substituting the words “full-time or permanent part-time service, or periods of both, equivalent to 7 years full-time”:
- (b) By inserting in subclause (2), after the word “year’s” , wherever it appears, the expression “full-time”.

13. Service requirements for appointment as Principal—Regulation 77 of the principal regulations (as substituted by regulation 13 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 6) is hereby amended by—

- (a) Omitting from subclause (1) (b) and subclause (1A) (b) the words “11 years of”, and substituting the words “full-time or permanent part-time service, or periods of both, equivalent to 11 years full-time”:
- (b) By inserting in subclause (2), after the word “year’s” wherever it appears, the expression “full-time”.

14. Deemed service in respect of periods of child care and maternity leave—The principal regulations are hereby amended by revoking regulation 78A (as inserted by regulation 4 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 10), and substituting the following regulation:

“78A. (1) Where a teacher classified in List A or List B is granted maternity leave or—

- “(a) Such a teacher resigns from a full-time or permanent part-time teaching position at a secondary school, or a position that is, in the opinion of the Director-General, equivalent to such a position; and
- “(b) The Director-General is satisfied that the resignation was to enable the teacher concerned to prepare for, or undertake a period of child care,—

that teacher may be credited with a period of service (hereafter in this regulation referred to as notional service), calculated in accordance with subclause (4) of this regulation, for the purposes of regulations 73, 74, and 77 of these regulations.

“(2) A period of child care in respect of which notional service may be calculated—

- “(a) Shall commence—
 - “(i) Where the teacher concerned resigns to care for a child to be born to some other person, on the birth of that child; and
 - “(ii) Where the teacher concerned resigns to care for a child proposed to be adopted, on obtaining lawful custody of that child; and
 - “(iii) In every other case, upon the resignation concerned; and
- “(b) Shall end when the teacher concerned is appointed to a full-time or permanent part-time position in the Education Service; and
- “(c) Shall be reduced by the aggregate of all periods between its commencement and end during which the teacher concerned

was full-time in paid employment or was not undertaking child care.

“(3) A teacher who has resigned for child-care purposes and who is classified in List B shall be credited with a period of notional List B service in a teaching position in a secondary school, that is the lesser of one third of the List B service with which the teacher would have been credited had the teacher been teaching in a full-time position during the aggregate of any periods of child care calculated under subclause (2) of this regulation, and

“(a) One year (for the purposes of regulation 73 (1) of these regulations):

“(b) Two years (for the purposes of regulation 73 (2) (a) of these regulations):

“(c) Three years (for the purposes of regulation 74 of these regulations):

“(d) Four years (for the purposes of regulation 77 of these regulations).

“(4) For the purposes of regulations 73 (1), 73 (2) (a), 74, and 77 of these regulations a teacher who has been granted maternity leave and who is classified in List B shall be credited with a period of notional List B service in a teaching position in a secondary school that is one-third of the List B service with which the teacher would have been credited had the teacher been teaching in a full-time position during the period of maternity leave.”

15. Credit for service during child care—Regulation 78B of the principal regulations (as inserted by regulation 4 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 10) is hereby amended by inserting, after the words “any period of child care”, the words “or during any period of maternity leave”.

16. Preference in appointments—Regulation 81 (2) (a) of the principal regulations (as substituted by regulation 10 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 4) is hereby amended by inserting in subparagraphs (i) and (ii), after the expression “full-time”, the words “or part-time”.

17. Transitional—Regulation 67 of the principal regulations shall continue to apply to any teacher who, on the commencement of these regulations, has completed 24 months continuous employment in List A, as if these regulations had never been made.

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 have 4 effects. They make all teaching positions at Chatham Islands schools "special positions"; they provide for the permanent employment at secondary schools of part-time teachers; they require all teachers placed in List A for the first time to be teacher-trained; and they reduce from 4 to 3 years the time that a teacher may spend in List A while attempting to gain placement in List B.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 25 September 1986.

These regulations are administered in the Department of Education.