



**THE EDUCATION (ASSESSMENT, CLASSIFICATION, AND  
APPOINTMENT) REGULATIONS 1976, AMENDMENT NO. 20**

---

RONALD DAVISON  
Administrator of the Government

ORDER IN COUNCIL

At Wellington this 12th day of September 1988

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL  
PURSUANT to the Education Act 1964, the Administrator of the  
Government, acting by and with the advice and consent of the Executive  
Council, hereby makes the following regulations.

---

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as  
the Education (Assessment, Classification, and Appointment) Regulations  
1976, Amendment No. 20, 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 30th day of September 1988.

**2. New regulations substituted**—(1) The principal regulations are hereby amended by revoking regulations 59B and 59C, and substituting the following regulation:

“59AA. **Regraded positions**—(1) Where—

“(a) In any year a school is, by virtue of its teacher entitlement, entitled to a single position of a particular grade; and

“(b) By virtue of its teacher entitlement for the following year, the school will cease to be entitled to a position of that grade but will become entitled to a position of another grade; and

“(c) A permanently appointed teacher who held the former position on the 1st day of July in the former year is still employed by the appointing authority concerned at the commencement of the following year without having been reassigned,—

the teacher shall be appointed to the latter position.

“(2) If, in circumstances to which subclause (1) of this regulation does not apply,—

“(a) The grade of any position at a school is raised or reduced; and

“(b) A permanently appointed teacher who held the position immediately before its grade was raised or reduced is not forthwith reassigned but continues in the employment of the appointing authority concerned,—

the teacher shall be appointed to the position.”

(2) Where, immediately before the commencement of these regulations,—

(a) An underscale teacher was employed at a school, and had not been reassigned since becoming an underscale teacher; and

(b) No other permanently appointed teacher held—

(i) The position of a higher grade to which the school became entitled when it ceased to be entitled to the position that the teacher formerly held; or

(ii) The position whose grade was increased,—

(as the case may be),—

the teacher shall be appointed to the position.

\*S.R. 1976/287

Amendment No. 1: S.R. 1977/275

Amendment No. 2: S.R. 1978/234

Amendment No. 3: S.R. 1979/200

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. 1981/530

Amendment No. 8: S.R. 1982/12

Amendment No. 9: S.R. 1982/80

Amendment No. 10: S.R. 1982/273

Amendment No. 11: S.R. 1983/213

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

Amendment No. 16: S.R. 1986/270

Amendment No. 17: S.R. 1987/173

Amendment No. 18: S.R. 1987/299

Amendment No. 19: S.R. 1987/398

(3) Every underscale teacher who is appointed to a position under subclause (2) of this regulation shall then lose any national priority right the teacher had acquired under the former regulation 59B of the principal regulations.

(4) Subject to subclause (3) of this regulation, the revocation by subclause (1) of this regulation of former regulations 59B and 59C of the principal regulations shall not affect any priority right acquired under either of them.

(5) The following provisions are hereby consequentially revoked:

(a) Paragraphs (a) and (b) of the definition in regulation 59A (1) of these regulations of the term “to be reassigned” (as substituted by regulation 2 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 19:

(b) Regulations 3 and 4 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 19.

MARIE SHROFF,  
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, which come into force on 30 September 1988, revoke part of the scheme introduced in 1982 to protect teachers at State primary schools from some of the effects of fluctuating school rolls, by doing away with 2 categories of protected teacher—“underscale” teachers and “overscale” teachers.

Underscale teachers are teachers whose positions are upgraded, or abolished and replaced by more highly graded positions; and overscale teachers are teachers whose positions are downgraded, or abolished and replaced by less highly graded positions.

At present, underscale and overscale teachers are given various priority rights in relation to appointment to other positions. In future they will be appointed to the regraded or replacement position, and have no priority rights.

As from 30 September 1988, existing underscale teachers will be appointed to their regraded or replacement positions if they are still vacant. All other existing underscale and overscale teachers will retain their priority rights.

---

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 September 1988.

These regulations are administered in the Department of Education.