



THE EDUCATION (ASSESSMENT, CLASSIFICATION, AND APPOINTMENT) REGULATIONS 1976, AMENDMENT NO. 6

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 20th day of July 1981

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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| <ol style="list-style-type: none"> 1. Title and commencement 2. Date of appointment of Principal of certain new schools 3. Appointment procedures 4. Placement in List A 5. Placement in List B 6. Other persons may be classified 7. Teacher leaving employment while in List A 8. Placement of teachers in List B to be before completion of 4 years service 9. Lapse of placement and removal from List B to List A | <ol style="list-style-type: none"> 10. Permanent appointment of full-time secondary teachers 11. Service requirements for appointment as Deputy Principal or as senior master or as senior mistress 12. Procedures for making senior appointments 13. Service requirements for appointment as Principal 14. Other service may be recognised 15. Procedure for making an appointment of a Principal 16. Date of appointment of Principal of new secondary school |
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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. 6, 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).

*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

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

2. Date of appointment of Principal of certain new schools—Regulation 42 of the principal regulations (as substituted by regulation 2 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 1) is hereby amended by omitting the words “of grade VIA or higher”, and substituting the words “with an establishment comprising a Principal and 10 or more other teachers”.

3. Appointment procedures—Regulation 45 (3) of the principal regulations is hereby amended by omitting the words “, or (in the case of a position advertised in Division D) if he has not completed a period of 3 years in a position or positions in Division C”, and the words “or has (in the case of a Division D position) completed the additional qualifying service prescribed for appointment to that Division”.

4. Placement in List A—The principal regulations are hereby amended by revoking regulation 61, and substituting the following regulation:

“61. (1) No person shall be placed in List A otherwise than pursuant to this regulation or regulation 68 of these regulations.

“(2) Except pursuant to regulation 68 of these regulations, the Director-General shall not place any person in List A unless he is satisfied that that person is a fit and suitable person to be provisionally appointed to a teaching position at a secondary school.

“(3) Subject to subclause (2) of this regulation, as soon as any person who has never previously been placed in List A has completed an appropriate course of training at a teachers college, the Director-General shall place him in List A.

“(4) Subject to subclause (2) of this regulation, the Director-General shall place in List A any person applying to him in that behalf—

“(a) Who has only once been placed in List A; and

“(b) Who has never been placed in List B; and

“(c) Whose placement in List A has lapsed under regulation 66A of these regulations.

“(5) Subject to subclause (2) of this regulation, the Director-General may place in List A any person who—

“(a) Has never previously been placed in List A or List B; and

“(b) Is, in the opinion of the Director-General, suitably qualified to be placed in List A.

“(6) Subject to subclause (2) of these regulations, the Director-General may place in List A any person applying to him in that behalf who has previously been placed in List A or List B.”

5. Placement in List B—The principal regulations are hereby amended by revoking regulation 62, and substituting the following regulation:

“62. (1) No person shall be placed in List B otherwise than pursuant to this regulation or an appeal under Part VIII of these regulations.

“(2) Subject to subclause (5) of this regulation, as soon as the Director-General is satisfied that a person in List A who is employed in a teaching position at a secondary school, and has for the previous 24 months been continuously employed in full-time teaching positions at secondary

schools, meets the criteria set out in the First Schedule to these regulations, he shall place that person in List B.

“(3) The Director-General may place any person in List B if he is satisfied that that person—

“(a) Has sufficient qualifications to be so classified; and

“(b) Is a fit and suitable person to be permanently appointed to a full-time teaching position at a secondary school.

“(4) Where any person in List A is placed in List B, his placement in List A shall lapse.

“(5) Before placing a secondary teacher in List B under subclause (2) of this regulation, the Director-General shall consider the reports on that teacher of—

“(a) The appropriate District Senior Inspector of Secondary Schools; and

“(b) The Principal of the school in which that teacher holds a teaching position; and

“(c) Such senior teachers as the Director-General for the time being specifies in that behalf under the scheme specified in regulation 66 (1) of these regulations; and

“(d) In the case of a teacher in his 4th year of service in List A, a person nominated by the New Zealand Post Primary Teachers Association.

“(6) Every person preparing such a report shall apply the criteria set out in the First Schedule to these regulations in doing so.”

6. Other persons may be classified—(1) Regulation 63 of the principal regulations is hereby revoked.

(2) Regulation 65 of the principal regulations is hereby consequentially amended by omitting the words “or regulation 63”.

7. Teacher leaving employment while in List A—The principal regulations are hereby amended by inserting, after regulation 66, the following regulation:

“66A. Where a teacher in List A—

“(a) Ceases to hold a teaching position at a secondary school; and

“(b) Is not immediately appointed to a teaching position at a secondary school,—

his placement in List A shall lapse.”

8. Placement of teachers in List B to be before completion of 4 years service—(1) The principal regulations are hereby amended by revoking regulation 67, and substituting the following regulation:

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

List A has not been placed in List B before that teacher has completed 45 months of continuous employment in full-time teaching at secondary schools, the Director-General shall, before that teacher has completed 45 months of continuous employment in full-time teaching at secondary schools, consider whether or not to

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“(3) Subject to subclauses (4) and (5) of this regulation, if a teacher in List A has not been placed in List B before he has completed 45 months of continuous employment in full-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.

“(4) Any teacher who is aggrieved by the lapsing of his placement in List A by virtue of subclause (3) of this regulation may, before he has completed 46 months of continuous employment in full-time teaching positions at secondary schools, appeal against that lapsing in accordance with Part VIII of these regulations.

“(5) If—

“(a) A teacher in List A has not been placed in List B before he has completed 45 months of continuous employment in full-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 57 months of continuous employment in full-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.

“(6) For the purposes of this regulation, a teacher who is placed in List A for a second or subsequent time (having never been placed in list B) shall be deemed to have completed while in List A either—

(a) A period of continuous employment in full-time teaching positions at secondary schools equal to the sum of all separate periods of continuous employment in full-time teaching positions at secondary schools completed by that teacher while in List A; or

(b) Thirty-six months continuous employment in full-time teaching positions at secondary schools,—

whichever is the shorter.”

(2) Regulation 82 of the principal regulations is hereby amended by omitting the words “subclause (3) of regulation 68”, and substituting the words “regulations 67 (4) and 68 (3)”.

(3) Regulation 86 (1) (h) of the principal regulations is hereby consequentially amended by inserting before the word “alter”, the words “continue the teacher’s placement in List A or, as the case requires,”.

9. Lapse of placement and removal from List B to List A—

Regulation 68 of the principal regulations is hereby amended by revoking subclauses (1) and (2), and substituting the following subclauses:

“(1) The placement in List B of any person to whom subclause (1A) of this regulation does not apply shall lapse if—

“(a) He resigns or retires from the teaching profession; or

“(b) A period of 2 years or more has elapsed since he last held a full-time teaching position (being a position to which he was appointed following its advertisement in the *Education Gazette*) at a secondary school; or

“(c) A period of 2 years or more has elapsed since he was placed in List B, and he has never been appointed to such a position.

“(1A) This subclause applies to a person if he holds and continuously held teaching positions at secondary schools—

“(a) For a period of less than 2 years, during which; or

“(b) For a period of 2 years or more, during the last 2 years of which there was paid in respect of each of those positions a salary not

half of the salary that would have been payable had that position been a full-time position.

“(2) Where the Director-General is satisfied that a teacher in List B is so inefficient or incompetent in the discharge of his professional duties that he no longer meets the criteria set out in the First Schedule to these regulations, he may remove that teacher from List B and place him in List A; and these regulations shall thereafter apply to him as if his service as a teacher had commenced at the commencement of the second school year before the school year during which he was so removed and placed.”

10. Permanent appointment of full-time secondary teachers—

(1) Regulation 72 (2) of the principal regulations is hereby amended by omitting the expression “this Part”, and substituting the expression “Part VI”.

(2) Regulation 72 (3) of the principal regulations is hereby amended by inserting, after the word “position”, the words “(not being the position of Principal)”.

(3) The said regulation 72 is hereby further amended by revoking subclause (4), and substituting the following subclauses:

“(4) Subject to subclauses (2) and (3) of this regulation and to regulation 76 (5) of these regulations, the controlling authority shall make a written offer of appointment to the position to the applicant who, in its opinion, is, by reason of his qualifications, most suitable for appointment; and, subject to subclause (5) of this regulation, when the controlling authority receives a written acceptance from that applicant, he shall be deemed to be appointed to that position.

“(5) A controlling authority shall take all reasonable steps to ensure that an applicant receives any written offer of appointment it makes to him; and where, within 21 days of completing those steps, the controlling authority has not received written acceptance from that applicant, that applicant shall, for the purposes of subclause (6) of this regulation, be deemed to have refused the offer.

“(6) Where an applicant for the position refuses an offer of appointment to it, the position shall be filled as if his application had never been made.”

11. Service requirements for appointment as Deputy Principal or as senior master or as senior mistress—The principal regulations are hereby amended by revoking regulation 74, and substituting the following regulation:

“74. (1) No person shall be appointed to a position as Deputy Principal or as senior master or as senior mistress unless, at the time specified in the *Education Gazette* for taking up the position or, where no such time is so specified, at the time so specified for the closing of applications—

“(a) He will have completed 7 years service in teaching positions in secondary schools, and holds a position of responsibility at the time of applying for the position; or

“(b) He will have completed at least 4 units of responsible service, calculated in accordance with subclause (2) of this regulation or a period of service that is, in the opinion of the Director-General, equivalent to at least 4 units of responsible service so calculated.

“(2) For the purposes of subclause (1) (b) of this regulation,—

“(a) A year's service at a secondary school in a teaching position graded PR1 or PR2 shall constitute one unit of responsible service:

- “(b) A year’s service at a secondary school in a teaching position graded PR3 or PR4 shall constitute 2 units of responsible service:
- “(c) A year’s service at a secondary school in a position as senior master, senior mistress, Deputy Principal, or Principal, shall constitute 3 units of responsible service.”

12. Procedures for making senior appointments—Regulation 76 of the principal regulations is hereby amended by revoking subclauses (2) and (3), and substituting the following subclauses:

- “(2) An applicant for a senior appointment may, if he so wishes,—
- “(a) Supply to not more than 3 referees who, from their knowledge of him and his work, can advise the controlling authority on his professional competence and general suitability for appointment, reference forms issued by the Director-General for the purpose; and
- “(b) Forward with his application the names and addresses of those persons;—

and where he does so, the controlling authority shall write to those persons requesting the completed forms, and shall not select any applicant for the position before either all the forms have been returned, or 21 days from the date the last of them to be requested was requested have expired, whichever is the sooner.

“(3) The controlling authority shall select the applicant who, in the light of all relevant information including any references received pursuant to subclause (2) of this regulation, is, in the opinion of the controlling authority, best suited by virtue of qualifications, experience, and competence, for appointment to the position.”

13. Service requirements for appointment as Principal—(1) The principal regulations are hereby amended by revoking regulation 77, and substituting the following regulation—

“77. (1) No person shall be appointed as Principal of a State secondary school unless—

- “(a) That person either—
- “(i) Is, at the time of applying for that position, a Principal, a Deputy Principal, a senior master, or a senior mistress, in a secondary school; or
 - “(ii) Will, at the time specified in the *Education Gazette* for taking up the position, have completed at least 8 units of responsible service, calculated in accordance with subclause (2) of this regulation; and
- “(b) At the time specified in the *Education Gazette* for taking up the position, that person will have completed at least 11 years of teaching service in teaching positions, of which—
- “(i) At least 4 years comprises service in secondary schools while classified as belonging to List B (or holding an equivalent classification under any former scheme for State Secondary Classification); and
 - “(ii) The residue (if any) comprises service recognised by the Director-General as being equivalent to service of that kind.

“(1A) No person shall be appointed as Principal of an integrated secondary school unless,—

“(a) That person either—

“(i) At the time of applying for that position, is a Principal, a Deputy Principal, a senior master, or a senior mistress, at a secondary school, or holds a position in any school that is in the opinion of the Director-General equivalent to such a position; or

“(ii) At the time specified in the *Education Gazette* for taking up the position, will have completed at least 8 units of responsible service, calculated in accordance with subclause (2) of this regulation; and

“(b) At the time specified in the *Education Gazette* for taking up the position, that person will have completed at least 11 years of teaching service in teaching positions comprising service of one or both of the following kinds—

“(i) Service in secondary schools while classified as belonging to List B (or holding an equivalent classification under any former scheme for State Secondary Education); or

“(ii) Service recognised by the Director-General as equivalent to service of that kind.

“(2) For the purposes of subclauses (1) (a) (ii) and (1A) (a) (ii) of this regulation,—

“(a) A year's service at a secondary school in a teaching position graded PR1 or PR2 shall constitute one unit of responsible service:

“(b) A year's service at a secondary school in a teaching position graded PR3 or PR4 shall constitute 2 units of responsible service:

“(c) A year's service at a secondary school in a position as senior master, senior mistress, Deputy Principal, or Principal, shall constitute 3 units of responsible service.”

(2) Regulation 4 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 5* is hereby consequentially revoked.

14. Other service may be recognised—(1) The principal regulations are hereby amended by revoking regulation 78 (as substituted by regulation 5 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 5), and substituting the following regulation:

“78. For the purposes of regulation 77 of these regulations, the Director-General may, either generally or in any particular case, declare to be equivalent to service in a teaching position in a secondary school while placed in List B, service that the Director-General is satisfied—

“(a) Is service in a position related to or dealing with teaching or teachers; and

“(b) Provides experience that is useful for teaching,—
and, subject to such terms and conditions, (if any) as the Director-General imposes, that regulation shall apply to service so declared as if it were service as aforesaid.”

(2) Regulation 5 of the Education (Assessment, Classification, and Appointment) Regulations 1976, Amendment No. 5* is hereby consequentially revoked.

15. Procedure for making an appointment of a Principal— Regulation 79 (4) of the principal regulations is hereby amended by omitting the word “interview”, and substituting the words “selection of candidates for interview and any interview”.

16. Date of appointment of Principal of new secondary school— Regulation 80 of the principal regulations is hereby amended by omitting the words “first school day in February”, and substituting the words “beginning of the school year”.

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 make a number of amendments to the Education (Assessment, Classification, and Appointment) Regulations 1976. Some are consequential on previous amendments relating to broadbanding. Other amendments involve expanded and more detailed provisions relating to the placement of teachers in List A and List B, and the lapsing of placement in those lists. In addition, current service in a senior position is no longer to be a pre-requisite for appointments to positions as deputy principal, senior master, or senior mistress, at secondary schools; and the Director-General is empowered to recognise certain education-related employment as being equivalent to List B service.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 July 1981.

These regulations are administered in the Department of Education.