



THE EDUCATION (AREA SCHOOLS) REGULATIONS 1986

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of July 1986

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 87 of 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.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Education (Area Schools) Regulations 1986.

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

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Education Act 1964:

“The Appointment Regulations” means the Education (Assessment, Classification, and Appointment) Regulations 1976*:

“Area school” means a school that provides secondary education, and primary education at all levels from the Infant Department to Form II; but does not include any school established under section 105 or section 106A of the Act:

“Area school priority right” means a right acquired under regulation 20 (1) (a) or regulation 27 (2) of these regulations:

“Board”, in relation to an area school, means the Education Board within whose district the school is situated:

“Contributing school”, in relation to any area school, means a school for the time being directed by the Minister under section 86 (2) of the Act to be a contributing school in relation to that area school:

“Education Service” means the schools, classes, institutions, and special services (other than the pre-school service), established under Part III of the Act; and includes manual training centres and classes:

“F1 position” means a position that is not a position of responsibility:

“To leave”, in relation to a teacher employed at an area school, means to cease to be employed by the school’s Board:

“Primary Inspector” means the appropriate District Senior Inspector of Primary Schools; and includes a nominee of the District Senior Inspector:

“Primary teacher” means a primary teacher within the meaning of the Appointment Regulations:

“To be reassigned”, in relation to a teacher employed in any position at an area school, means to be appointed to some other position in the employment of the school’s Board:

“Secondary Inspector” means the appropriate District Senior Inspector of Secondary Schools; and includes a nominee of the District Senior Inspector:

“Secondary teacher” means a teacher at a secondary school within the meaning of the Appointment Regulations.

PART I

ORGANISATION

3. Area schools to have unified educational programme—(1) Every area school shall be organised on the basis of a unified education programme extending from its most junior to its most senior class; and there shall be no separate primary and secondary departments in it.

(2) Subject to subclause (1) of this regulation and to regulation 41 of these regulations, every area school shall so be organised as, in the opinion of its Principal, most suits its circumstances and needs.

4. Teachers may be required to teach classes of different types—(1) Subject to subclause (2) of this regulation, the Principal of an area school may require a teacher to undertake a teaching programme that includes classes at all or any of the following levels:

- (a) Primary classes at infant level:
- (b) Primary classes at other levels:
- (c) Classes at secondary level.

(2) In arranging teaching programmes for teachers, the Principal of an area school shall have regard to their qualifications, experience, and aptitudes.

PART II

GRADING AND STAFFING

5. School year for grading and staffing purposes—For the purposes of this Part of these regulations, “school year”, in relation to any area school in any calendar year, means the period commencing on the first day during the year when the school is open and ending with the last day in the year on which it is open.

6. Area schools to be graded—(1) On the 1st day of July in every year, or, if the school concerned is not then open, on the next day on which it is open, every Board shall, in respect of every area school situated within its district, after consultation with the Primary Inspector, the Secondary Inspector, and the Principal, calculate the grading roll of the school for the following school year, by adding—

- (a) The number of students then enrolled at the school who are in classes below Form I;
 - (b) One-quarter of the number of first-year infant students then enrolled at the school (rounded up to the next whole number in the case of a fraction);
 - (c) The number of students estimated to be likely to be enrolled at the school in classes above Standard 4 on the 1st day of March in the following year.
- (2) For the purposes of subclause (1)(b) of this regulation, a student is a first-year infant if, and only if, the student—
- (a) Had not attained the age of 7 years before the 2nd day of July in the year in which the grading roll concerned is being calculated; and
 - (b) Enrolled for the first time at a State primary school during the year commencing on the 2nd day of July in the previous year.
- (3) Notwithstanding anything in this regulation, where a new area school is established,—
- (a) The Director-General shall determine a grading roll for the school for the first school year for which the school is open; and
 - (b) The roll so determined shall have effect as if it had been calculated under subclause (1) of this regulation.

7. Determination of staffing entitlements—(1) Except to the extent authorised by these regulations, the number of teachers employed at an area school at any time during any school year shall not exceed the basic staffing entitlement index of the school for the year.

(2) The basic staffing entitlement of an area school in any year shall be the sum of 2.8 and—

- (a) Four percent of the difference between—
 - (i) The grading roll of the school for the year; and
 - (ii) The number of students estimated (when the grading roll was calculated) to be likely to be enrolled at the school in classes above Standard 4 on the 1st day of March in the year; and
 - (b) Five percent of the number referred to in paragraph (a)(ii) of this subclause; and
 - (c) Six percent of the total number of PR Units (calculated in accordance with subclause (3) of this regulation) to which the school is entitled in the year, correct to one decimal place.
- (3) The total number of PR Units to which an area school is entitled in any year shall be calculated by adding—
- (a) The number of F2 positions; and
 - (b) Twice the number of F3 positions; and
 - (c) Three times the number of F4 positions,—
- to which the school is entitled in the year.
- (4) In calculating, for the purposes of subclause (1) of this regulation, the number of teachers employed at an area school at any time,—
- (a) Every full-time first-year teacher shall be counted as 0.8 of a teacher;
 - (b) Every other full-time teacher shall be counted as one teacher:

- (c) Every part-time teacher shall be counted as 0.1 of a teacher for every 2.5 hours of teaching time per week for which the teacher is normally employed.

8. Additional staffing for special reasons—Where—

- (a) The roll of an area school increases during any year; or
 (b) There are, in the opinion of the Primary Inspector and the Secondary Inspector, special teaching problems at an area school that make an increase in staffing desirable,—

the Board may employ, in addition to the staff authorised to be employed by regulation 7 of these regulations, such number of additional staff as the Director-General thinks fit.

9. Positions of responsibility—(1) Subject to subclause (2) of this regulation, during any school year there shall be in each area school such number of positions of responsibility, and each being of such grade, as is specified in the Schedule to these regulations for schools having the grading roll that has been established for the school for the year.

(2) In circumstances that are, in the opinion of the Minister, exceptional, the Minister may approve, in respect of any area school, such number of positions of responsibility in addition to those specified for the school in the Schedule to these regulations, and each being of such grade, and for such period, as the Minister thinks fit.

10. Part-time teachers not to be employed in full-time positions—Except with the joint approval of the Primary Inspector and the Secondary Inspector, no part-time teacher shall be employed in any area school in a full-time position.

11. Appointment of relieving teachers—(1) Subject to subclauses (2) to (5) of this regulation, the Board may appoint a full-time relieving teacher at an area school—

- (a) Where the Principal of the school certifies that—
 (i) Without the appointment of the relieving teacher, the work of a full-time permanent teacher who is absent will not be able to be adequately undertaken; and
 (ii) That relieving teacher is competent to do the work:
 (b) During any period between the termination of the engagement of a full-time permanent teacher and the date on which the teacher's replacement commences duty:
 (c) During any period between an increase by 1 teacher or more in the number of teachers to which the school is entitled and the appointment of the additional permanent teachers to which the school has become entitled.

(2) Except with the approval of the Director-General, a relieving teacher shall not be appointed under subclause (1) of this regulation for a period of less than 1 day.

(3) Within 1 month of the appointment under subclause (1)(c) of this regulation of a relieving teacher to a position at an area school, the Board shall advertise for a permanent teacher or permanent teachers for the position or positions concerned.

(4) Within 1 month of the appointment under subclause (1) of this regulation of a relieving teacher to a position at an area school, the Board shall forward to the Director-General written notice of the appointment, specifying—

- (a) The position filled; and
- (b) The date the teacher was appointed; and
- (c) The teacher's name and qualifications.

(5) No Board shall engage an unqualified or superannuated teacher as a relieving teacher at an area school if a suitably qualified teacher who is not a superannuated teacher is available to carry out the relieving duties concerned.

12. Temporary appointments to positions of responsibility—(1) Where a teacher holding a position of responsibility at an area school is granted leave of absence for a period of 6 months or more, the Board may, after advertisement and with the approval of the Director-General, make a temporary appointment to that position for the duration of that leave.

(2) Any teacher who is appointed a relieving teacher under subclause (1) of this regulation shall be granted the necessary leave by the Board by which the teacher is employed.

13. Effect of change in roll number on grades of positions of responsibility—(1) Notwithstanding regulation 9 of these regulations, where, in any school year, the Director-General is satisfied that—

- (a) The roll of an area school is so high that, if the school had had that roll at the time when the grading roll for the year was calculated under regulation 6 (1) of these regulations, the school would have a grading roll higher than it has; and
- (b) A position of responsibility at the school has become or will become vacant; and
- (c) If that school had the higher grading roll, it would be entitled to an additional position of responsibility of a grade higher than that of the vacant position,—

the vacant position may be advertised and filled as if it is a position of the higher grade concerned.

(2) Notwithstanding regulation 9 of these regulations, where, in any school year, a Board is satisfied that the grading roll for the following year of an area school situated in its District will be lower than the school's present grading roll, it may advertise and fill any position that becomes vacant at the scale of salary that will, in the opinion of that Board, be applicable during the following year.

14. Special staffing entitlements to protect programmes of instruction—(1) Where in any school year it is ascertained that an area school will otherwise have a lower total staffing entitlement in the following school year, the Director-General, after considering a recommendation from the Advisory Committee under regulation 16 of these regulations, may authorise the Board to administer the school as if its basic staffing entitlement is increased by a notional amount specified by the Director-General by notice in writing to the Board; and in that case the school may be administered accordingly.

(2) The Director-General shall not authorise any increase under subclause (1) of this regulation that would have the effect of giving the school concerned a total staffing entitlement in any year greater than it had in the previous year.

(3) Where in any school year it is ascertained that an area school would otherwise be entitled to fewer positions of responsibility in the following year, the Minister, after considering a recommendation from the Advisory Committee under regulation 16 of these regulations, may authorise the Board to administer the school as if it is entitled to such number of additional positions of responsibility, and each of such grade, as the Minister notifies the Board in writing in the following year, and in every subsequent year until the school's entitlement to positions of responsibility alters.

15. Selection of teachers to become over-entitlement teachers—(1) Where—

- (a) In any year, an area school is entitled to a single position of responsibility of a particular grade (not being the position of Principal); and
- (b) In the following year the school is not entitled to a position of that grade; and
- (c) No increase in staffing has been approved under regulation 14 of these regulations that would restore the position; and
- (d) A permanently appointed teacher who held the position on the 1st day of July in the first-mentioned year is still employed by the Board concerned at the commencement of the following year without having been reassigned,—

the teacher shall become an over-entitlement teacher on that commencement.

(2) Where—

- (a) In any year a school is entitled to 2 or more positions of responsibility of a particular grade; and
- (b) In the following year the school is entitled to a smaller number of positions of that grade; and
- (c) No increase in staffing has been approved under regulation 14 of these regulations that would restore the larger number of positions; and
- (d) Of the permanently appointed teachers who held the first-mentioned positions on the 1st day of July in the first-mentioned year, there are still employed by the Board concerned at the commencement of the following year, without having been reassigned, a number greater than the smaller number,—

of those permanently appointed teachers there shall become over-entitlement teachers on that commencement such number (selected in accordance with regulation 16 of these regulations) as will reduce the number of them who do not become over-entitlement teachers to the smaller number of positions.

(3) Where—

- (a) In any year a school is, by virtue of its basic staffing entitlements for the year entitled to 2 or more F1 positions; and

- (b) In the following year, by virtue of its basic staffing entitlement that school is entitled to a smaller number of F1 positions; and
- (c) Of the permanently appointed teachers who held the first-mentioned positions on the 1st day of July in the first-mentioned year, there are still employed by the Board at the commencement of that following year, without having been reassigned, a number greater than the smaller number,—

of the permanently appointed teachers there shall become over-entitlement teachers on that commencement such number (selected in accordance with regulation 16 of these regulations) as will reduce the number of them who do not become over-entitlement teachers to the smaller number of positions.

16. Selection of over-entitlement teachers—Where it is to be decided which of 2 or more teachers employed at an area school are to be selected to become over-entitlement teachers, the following provisions shall apply:

- (a) The Board shall require the Principal to provide to the Primary Inspector and the Secondary Inspector, on a form provided by the Director-General, an outline of the school's organisation, which shall include description of—
 - (i) The curriculum balance of the school; and
 - (ii) Essential course requirements; and
 - (iii) The pattern of roll movements:
- (b) The Primary Inspector and the Secondary Inspector shall forward the organisational outline together with any comments to an Advisory Committee comprising—
 - (i) One member nominated by the Board, who shall be Chairman and who shall have a casting vote;
 - (ii) The Primary Inspector;
 - (iii) The Secondary Inspector;
 - (iv) One member of the committee of management established under regulation 38 of these regulations in respect of the school:
- (c) The following persons may be present at any meeting of the Advisory Committee and shall be entitled to speak but shall not be entitled to vote:
 - (i) A representative of the New Zealand Educational Institute;
 - (ii) A representative of the New Zealand Post-Primary Teachers Association;
 - (iii) The Principal:
- (d) On the basis of the material submitted to it, the Advisory Committee shall recommend—
 - (i) To the Director-General what part, if any, of its present staffing the school should retain for the following year in order to assist it to adjust its programmes of instruction; and
 - (ii) To the Minister what part, if any, of its present entitlement to positions of responsibility the school should retain for the following year in order to assist it to adjust its programmes of instruction:
- (e) Having considered the material submitted to it, the Advisory Committee, having regard to the future pupil composition of the

school and the future curriculum needs of the school, shall recommend to the Board—

- (i) What component of the school's part-time staffing level should be retained for the following year:
 - (ii) Which permanently-appointed teacher or teachers should become over-entitlement teachers:
- (f) The Board may within 14 days of receiving any recommendations from the Advisory Committee refer them back to it for reconsideration, together with any comments; and in that case the Advisory Committee shall reconsider them and shall either—
- (i) Inform that Board that it confirms them; or
 - (ii) Make to that Board any amended or new recommendations that it might originally have made:
- (g) If the Board does not refer back to the Advisory Committee within 14 days of receiving them any recommendations under this regulation, they shall not thereafter be capable of being amended or replaced.

PART III

APPOINTMENT OF TEACHERS

17. Teachers to be appointed on recommendation of Appointments Committees—All appointments of teachers to positions at area schools shall be made by the Board on the recommendation of the appropriate Appointments Committee constituted under Part II of the Appointment Regulations; and that Part of those regulations, so far as it is applicable and with the necessary modifications, shall apply accordingly.

18. Employment of over-entitlement teachers—(1) As soon as is practicable after it has ascertained that a teacher at an area school will become an over-entitlement teacher the Board shall inform the teacher of the fact and give the teacher notice that the teacher's employment in the teacher's present position will be terminated with effect from 1 July of the year in which the teacher becomes an over-entitlement teacher.

(2) Notwithstanding anything in these regulations, where, at the date on which the loss of the teacher's position takes effect, an over-entitlement teacher at an area school has not been reassigned or left, the teacher shall, subject to subclause (3) of this regulation, continue to be employed at the same school at the same salary level.

(3) The employment of any teacher under subclause (2) of this regulation shall cease—

- (a) Where the teacher is reassigned or leaves; or
- (b) Subject to subclause (4) of this regulation, 3 months after the receipt by the teacher of notice in writing from the Director-General that the Director-General is satisfied that the teacher has not made adequate efforts to obtain a new position,—

whichever is the sooner.

(4) The Director-General shall not give any teacher notice under subclause (3) (b) of this regulation within 15 months of the date on which the loss of the position concerned took effect.

(5) Notwithstanding anything in any regulations in force under the Act, a teacher whose employment at any area school is continued under

subclause (2) of this regulation shall not be counted for the purpose of determining the number of teachers employed at the school.

19. Priority rights for over-entitlement teachers—(1) Where a teacher at an area school is, or is to become, an over-entitlement teacher, the following provisions shall apply:

(a) From the date of notification that the teacher is to become an over-entitlement teacher, the teacher shall have a priority right in respect of permanent positions in schools to which appointments are made under these regulations, which shall be relevant to positions not higher in grade than the position the teacher held when that right was acquired; but

(b) The right shall expire when the teacher is reassigned or leaves.

(2) Where the holder of an area school priority right, before last being appointed to a position at an area school, had been employed as a primary teacher and had not thereafter been employed as a secondary teacher, the holder shall, for the purposes of regulations 45 and 59B (6) of the Appointment Regulations, have—

(a) A Board priority right from the 1st day of October in the year preceding the year in which the holder became an over-entitlement holder until the 1st day of July in the year in which the holder became an over-entitlement teacher; and

(b) Where by that 1st day of July the holder has been neither reassigned nor left, a national priority right from that day which, subject to regulation 18 (3) of these regulations, shall continue until the 31st day of December in the year following the year in which the holder became an over-entitlement teacher, or until the holder is reassigned or leaves, whichever is the sooner.

(3) Subject to subclause (4) of this regulation, where, on the day 3 months before a priority right acquired under this regulation is to expire, the teacher concerned has not been reassigned or left, the Board shall, as soon as practicable thereafter, take all such steps as are necessary to terminate the teacher's employment.

(4) A teacher who has been given notice under subclause (3) of this regulation may, before the day on which the right concerned is to expire, apply to the Director-General for an extension of supernumerary status; and in that case—

(a) If, and only if, the Director-General is satisfied that the teacher has made reasonable efforts to obtain other employment (the proof of which shall be on the teacher), the Director-General may grant the teacher an extension of supernumerary status until a specified date; and

(b) Where the teacher has been granted under paragraph (a) of this subclause an extension of supernumerary status until a specified date, the teacher shall have a national priority right until the date or until the teacher earlier loses the position concerned.

(5) Where the holder of an area school priority right, before last being appointed to a position at an area school, had been employed as a secondary teacher and had not thereafter been employed as a primary teacher, the Board shall provide the holder with a certificate that this subclause applies to the holder; and in that case regulation 81 (2) of the Appointment Regulations shall apply to the holder as if the certificate is

evidence of the matters referred to in regulation 81 (2)(a) of those regulations.

(6) The Director-General shall from time to time publish in the *Education Gazette* notices showing those positions in the primary or secondary service and in area schools that are to be regarded as of the same status; and any certificate issued under subclause (5) of this regulation shall state in terms of such a notice the status of position in the secondary service to which the position held by the teacher concerned is equivalent.

20. Priority rights arising from resignations on account of pregnancy or adoption—(1) This subclause applies to every person who—

- (a) Has resigned from a position as a permanently appointed teacher at an area school; and
- (b) Satisfies the Board that—
 - (i) The person was pregnant when the person resigned; or
 - (ii) The person resigned to undertake or prepare to undertake the care of a child adopted or to be adopted by the person; and
- (c) Within 12 months of the termination of the pregnancy or of the resignation (as the case may be), notifies the Board that the person wishes to resume full-time teaching.

(2) A person to whom subclause (1) of this regulation applies shall have an area school priority right as if the person is a teacher to whom regulation 19 (1) (a) of these regulations applies who became an over-entitlement teacher on the day the person notified the Board that the person wished to resume full-time teaching.

(3) An area school priority right acquired under subclause (2) of this regulation shall expire when the person concerned is permanently appointed to a position in the teaching service.

(4) A person to whom subclause (1) of this regulation applies who, before last being appointed to a position at an area school, had been employed as a primary teacher and had not subsequently been employed as a secondary teacher, shall be regarded as if the person is a teacher who has notified the Board under regulation 59F (1) of the Appointment Regulations; and that regulation shall apply to the person accordingly.

(5) The Director-General may by notice in the *Education Gazette*, either generally or in any particular case, declare any teaching position at an area school to be equivalent to any primary teaching position of a specified grade; and in that case, for the purposes only of subclause (4) of this regulation and regulation 59F (1) of the Appointment Regulations, a teacher who resigned from the area school position shall be treated as having resigned from a primary position of the grade concerned.

(6) The Board shall provide a person to whom subclause (1) of this regulation applies who, before last being appointed to a position at an area school, had been employed as a secondary teacher and had not subsequently been employed as a primary teacher, with a certificate under regulation 19 (5) of these regulations; and in that case regulation 81 (3) of the Appointment Regulations shall apply to the person as if that certificate is evidence of the matters referred to in regulation 81 (3) (a) of those regulations.

21. Teachers with previous service at area schools only—Where a teacher to whom regulation 19 or regulation 20 of these regulations applies has never been employed as a primary teacher or a secondary teacher, the Board by which that teacher is or, as the case may be, was last employed shall, after consultation with the Primary Inspector, the Secondary Inspector, and the appropriate employee organisation, certify whether, in its opinion, that person's position at the area school concerned is or, as the case may be, was more closely analogous to that of a primary teacher or a secondary teacher; and those regulations shall apply to the teacher accordingly.

22. Positions to be advertised—(1) Except as provided in these regulations, no person shall be appointed to a permanent position in an area school unless applications for appointment to the position have been invited by the Board by advertisement, in terms agreed by the Principal of the school and the Primary Inspector (or, in the case of the position of Principal, in terms approved by the Primary Inspector and the Secondary Inspector), published at least 14 days before the date specified in the advertisement as the closing date for applications for appointment to the position.

(2) Every such advertisement shall be published—

(a) In the *Education Gazette*; and

(b) In such other manner (if any) as the Director-General, in any particular case, requires.

(3) Every such advertisement relating to a position of responsibility shall state the specific areas of responsibility relating to the position.

23. Applications—(1) No application for an advertised position at an area school shall be considered unless—

(a) It is in writing on a form provided for the purpose by the Director-General; and

(b) It contains full details of the applicant's academic record, training as a teacher, and teaching experience, and any special qualifications the applicant possesses and regards as relevant to the position; and

(c) Either—

(i) A notice of intention to apply for the position is sent by telegram and received by the Board before 9 a.m. on the date specified in the advertisement as the closing date for applications for appointment to the position, and the application is received by the Board before applications for the position have been sent to the Appointments Committee; or

(ii) The application itself is received by the Board before 9 a.m. as aforesaid.

(2) Subject to subclause (3) of this regulation, there may be included in any application for an advertised position of responsibility or more senior position at an area school the names of not more than 3 referees.

(3) Where an applicant includes the names of only 1 or 2 referees, the referee or, as the case may be, each of them, shall be a person who can, from the person's knowledge of the applicant and the applicant's work as a teacher, advise the Appointments Committee on the applicant's

professional competence and general suitability for the position applied for.

(4) Every Board shall refer all applications for advertised positions at area schools received by it that comply with subclause (1) of this regulation to the Appointments Committee.

(5) The Appointments Committee shall take all reasonable steps to secure from all referees whose names have been supplied by applicants pursuant to this regulation references on a form supplied by the Director-General for the purpose.

(6) The Appointments Committee shall consider all applications for an advertised position at an area school, and all references so supplied relating to any applicant received within 21 days of the closing date for applications for the position; but that where an advertised position is one for which references are not required, the Appointments Committee shall consider all applications received within 3 working days of the closing date for applications for the position, where "working day" means any day of the week other than—

(a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Waitangi Day, or the day observed as Anniversary day in the locality in which the offices of the Board concerned are situated; or

(b) A day in the period commencing on the 25th day of December in any year and ending with the 15th day of January in the following year.

(7) For the purposes of this regulation,—

(a) An area school priority right; or

(b) A Board priority right acquired under the Appointment Regulations; or

(c) A national priority right acquired under the Appointment Regulations; or

(d) A right to preference of appointment under regulation 81 (2) of the Appointment Regulations—

shall be a relevant priority right if the position applied for is shown, in terms of a notice published under regulation 19 (6) of these regulations to be of a status equal to or lower than the status of the position in respect of which the right was acquired.

(8) Where only one applicant for a position at an area school holds a relevant priority right, the Appointments Committee shall recommend either that the applicant be appointed or that the applicant is not capable of carrying out the duties of the position as advertised.

(9) Where 2 or more applicants for a position at an area school hold a relevant priority right the Appointments Committee shall recommend to the Board either the appointment of that one of them who is in the opinion of the Appointments Committee best suited by virtue of the applicant's qualifications, professional experience, and professional competence to hold the position as advertised or that none of the applicants is satisfactory to fill the position as advertised.

(10) Subject to subclauses (8) and (9) of this regulation, the Appointments Committee shall recommend to the Board for appointment to any position at an area school the applicant who, in the opinion of the Appointments Committee, is best suited by virtue of the applicant's qualifications

professional experience, and professional competence, to hold the position, or that the position be re-advertised.

(11) Where a Board receives a recommendation under subclause (8) or subclause (9) of this regulation, the Board shall act in accordance with the recommendation unless it considers that some other recommendation should have been made and in that case it may ask the Appointments Committee to reconsider its recommendation.

(12) Where a Board has asked the Appointments Committee to reconsider a recommendation under subclause (8) or subclause (9) of this regulation, and the Committee has done so and confirmed the recommendation, the Board shall act in accordance with the recommendation.

(13) Where an Appointments Committee has made a recommendation under subclause (10) of this regulation, the Board shall appoint the teacher recommended for appointment by the Appointments Committee unless it considers that some other applicant should be appointed; and in that case it shall either—

- (a) Ask the Appointments Committee to reconsider its recommendation; or
- (b) Re-advertise the position.

(14) Where a Board has asked the Appointments Committee to reconsider a recommendation under subclause (10) of this regulation and the Committee has done so and confirmed that recommendation, the Board shall either—

- (a) Appoint the person originally recommended for appointment; or
- (b) Re-advertise the position.

(15) Where a Board has received a recommendation under this regulation that any teacher who holds a relevant priority right is not capable of carrying out the duties of the position as advertised, it shall forthwith forward to the Minister details of the position and of the matters considered by the Appointments Committee; and if the Minister is satisfied that the teacher is not capable as aforesaid the Minister shall forthwith inform the Board that the teacher should not be appointed to the position, and the Board shall refer the matter to the Appointments Committee for a further recommendation; but—

- (a) If the Minister is of the opinion that the teacher (or one of 2 or more teachers holding a relevant priority right) is capable as aforesaid, the Minister shall so inform the Board who shall appoint the teacher to the position forthwith; and
- (b) If the Minister is of the opinion that 2 or more of the teachers holding a relevant priority right are capable as aforesaid, the Minister shall so inform the Board who shall refer the matter to the Appointments Committee for a recommendation as to which of them shall be appointed; and the Board shall appoint the recommended applicant to the position forthwith.

24. Appointment to positions of responsibility—(1) Subject to subclause (2) of this regulation and regulation 23 of these regulations, in coming to a decision concerning the recommendation for appointment of an applicant for a position of responsibility at an area school (other than the position of Principal) the Appointments Committee shall have regard to the opinion of the Principal on the suitability of the applicants.

(2) Except where an appointment is made pursuant to regulation 23 (8) or regulation 23 (14) of these regulations, no Board shall make any appointment to a position of responsibility without the prior approval of the Director-General.

25. Qualification for appointment—Subject to regulation 28 of these regulations, no person shall be appointed to a full-time teaching position in an area school on any basis unless the person is eligible to be appointed to a full-time teaching position in a State primary school or a secondary school on the same basis.

26. Preference in appointment—(1) Subject to subclause (2) of this regulation, where—

- (a) An area school has, by virtue of its entitlement under these regulations, ceased to be entitled to a particular number of positions of a certain grade and has instead become entitled to fewer positions of that grade; and
- (b) The school, by virtue of a subsequent entitlement, thereafter becomes entitled to the greater number of positions of that grade; and
- (c) There is on the staff of that school an over-entitlement teacher who had, immediately before becoming an over-entitlement teacher, held a position of that grade,—

the teacher shall thereupon cease to be an over-entitlement teacher, and cease to have any priority rights, and become a permanently-appointed teacher; but the teacher may become an over-entitlement teacher in the future.

(2) Where 2 or more over-entitlement teachers would be entitled to become permanently appointed teachers under subclause (1) of this regulation, the Appointments Committee, having forwarded details of the position to them and invited them to apply for it as if it had been advertised, shall choose the teacher who is, in its opinion, the most suitable by virtue of qualifications, professional experience, and professional competence, to hold the position; and subclause (1) of this regulation shall apply to the teacher accordingly.

27. Priority rights on closure of school—(1) This subclause shall apply to any teacher whose position in an area school is disestablished as a result of the closure of that school and who will be appointed to a supernumerary position at some other school or department under section 154 (1)(c) or section 154 (1A) of the Act.

(2) Every teacher to whom subclause (1) of this regulation applies shall have an area school priority right from the time it applies.

(3) Regulation 59EB of the Appointment Regulations may be applied to any area school; and in that case shall have effect in respect of every teacher at the school to whom subclause (1) of this regulation applies who, before last being appointed to a position at an area school, had been employed as a primary teacher and had not thereafter been employed as a secondary teacher, as if the school is a primary school.

(4) Where a teacher to whom subclause (1) of this regulation applies, before last being appointed to a position at an area school, had been employed as a secondary teacher and had not thereafter been employed as a primary teacher, the Board shall provide the teacher with a certificate

that this subclause applies to the teacher; and in that case regulation 81 (2) of the Appointment Regulations shall apply to the teacher as if the certificate is evidence of the matters referred to in regulation 81 (2) (a) of those regulations.

(5) Where a teacher to whom subclause (1) of this regulation applies has never been employed as a primary teacher or a secondary teacher, the Board shall, after consultation with the Primary Inspector, the Secondary Inspector, and the appropriate employee organisation, certify whether, in its opinion, that teacher's position at the area school concerned is more closely analogous to that of a primary teacher or a secondary teacher; and subclause (3) or subclause (4) of this regulation shall apply to that teacher accordingly.

28. Appointment of student teachers—(1) Notwithstanding regulation 26 of these regulations, but subject to subclause (2) of this regulation, any student in the final year of training at a teachers college may, in accordance with these regulations, apply for and be appointed to a position in an area school that has been advertised in the *Education Gazette*; but the following provisions shall apply to the student's application and appointment:

(a) The Appointments Committee concerned shall, before making any recommendation that the student be appointed, request from the Principal of the teachers college that the student is attending and consider, and the Principal shall prepare and deliver to the Primary Inspector and the Secondary Inspector, a report on the student's suitability for the position applied for:

(b) The appointment of the student shall be provisional until the date on which the student is granted a teacher's certificate, but the student may at any time after that date request the Board to confirm the student's appointment as permanent; and in that case—

(i) Where the student has completed a course of training for secondary teaching but has not been granted a teachers certificate before the end of the third year of teaching the Board may; and

(ii) In every other case the Board shall,—

confirm the student's appointment as permanent from that date.

(2) In any year, no student shall be eligible to apply for any position in an area school before a date specified in that behalf in respect of the year by the Director-General by notice in the *Education Gazette*.

29. Special provisions relating to appointment of Principals—(1) Notwithstanding anything in these regulations, but subject to regulation 23 of these regulations, the following provisions shall apply to appointments to the position of Principal of an area school:

(a) When the Board has received applications for the position it shall send to the Director-General a list specifying the name of each applicant and the qualifications stated in the applicant's application:

(b) At any time within 21 days after the list is sent, the Director-General may make to the Board any comments the Director-General thinks fit as to the fitness for appointment to the position of all or any of the applicants listed:

- (c) Upon the expiration of 21 days from the date on which the list was sent to the Director-General, the Board shall send to the Appointments Committee (as the case requires) either—
- (i) Any comments received; or
 - (ii) Notice that no comments have been received during that period:
- (d) The Appointments Committee shall not make any recommendation with regard to the position—
- (i) Until it has received the comments or notice; and
 - (ii) Where comments have been received, without considering the comments:
- (e) Where the position is at an area school that has not yet opened, an appointment to it may be made to take effect from a date before the school's opening; and in that case, subject to paragraph (f) of this subclause, the salary of the appointee shall be payable on and from that date:
- (f) No appointment to the position shall take effect—
- (i) Before the 1st day of November in any year where the school is to open before the 7th day of February in the following year; or
 - (ii) More than 6 weeks before the school is due to open in any other case.

(2) Where—

- (a) In any year an area school was entitled by virtue of its grading roll to a Principal's position of a certain grade; and
- (b) In any subsequent year the school becomes entitled to a Principal's position of a lower grade; and
- (c) The Principal who held the more highly graded position is still employed in the position on the day the school becomes entitled to the position of a lower grade;—

the Principal shall be appointed to the position from that day; and notwithstanding anything in these regulations, a position held by virtue of appointment under this subclause shall not be further downgraded until the Principal holding it is reassigned or leaves.

(3) Where—

- (a) In any year an area school was entitled by virtue of its grading roll to a Principal's position of a certain grade; and
- (b) In any subsequent year the school becomes entitled to a Principal's position of a higher grade; and
- (c) The Principal who held the more lowly graded position is still employed in the position on the day the school becomes entitled to the more highly graded position,—

the Principal shall be appointed to the position from that day.

(4) Notwithstanding anything in these regulations, it shall not be necessary to advertise any position in circumstances to which subclause (2) or subclause (3) of this regulation applies.

30. No rights of appeal—Notwithstanding anything in the Appointment Regulations, no person who applies for a position at an area

school shall have a right of appeal against the appointment of any other person to the position.

31. Interviews—(1) The Director-General may from time to time approve categories of positions at area schools the applicants for which may be interviewed by the Appointments Committee; and the Appointments Committee may interview all or any, as it sees fit, of the applicants for any position belonging to a category for the time being so approved.

(2) No applicant for a position belonging to a category not for the time being approved under subclause (1) of this regulation shall be interviewed.

(3) Any applicant for a position at an area school who is, in accordance with this regulation, interviewed by an Appointments Committee, shall be reimbursed for expenses incurred in attending the interview, on such basis and to such extent as the Director-General approves.

PART IV

TEACHERS' CONDITIONS OF SERVICE

32. Classification of teachers—The Director-General shall from time to time publish in the *Education Gazette* the provisions under which teachers in area schools may receive or continue to hold a primary teachers' personal report or a classification as a secondary teacher.

33. Calculation of holiday pay—The holiday pay of teachers employed in area schools shall be calculated in the same manner as for teachers in secondary schools.

34. Overseas exchanges—The regulations relating to exchange of New Zealand teachers with teachers from another part of the British Empire, published in the *Gazette* on the 8th day of November 1934 at p. 3534 shall, with the necessary modifications, apply to teachers in area schools as if they were teachers employed in secondary schools.

35. Compassionate grant on death of teacher—If a teacher employed in a permanent teaching position in an area school dies, a compassionate grant shall be paid subject to the same conditions as for teachers in State primary schools.

36. Termination of employment—The employment of a part-time or relieving teacher at an area school may be terminated by the Board without notice.

PART V

ADMINISTRATION

37. Control—Every area school shall be under the control of the Board.

38. Committee of management—Every area school shall have a committee of management which shall have the same powers and responsibilities as the school committee of a State primary school; but may have such additional functions and powers as the Board from time to time delegates to it.

39. Constitution of committees of management—(1) The committee of management of an area school shall be elected in accordance with section 41 of the Act.

(2) Where, in the year in which any biennial meeting of electors is held, the roll number of an area school estimated in the manner prescribed by regulation 6 of these regulations does not exceed 100 pupils, the number of members of the committee of management to be elected at the meeting shall be 5; where the roll number exceeds 100 and does not exceed 200, the number of members to be elected at the meeting shall be 6; and where the roll number exceeds 200 the number of members to be elected at the meeting shall be 7.

(3) There shall be added to the committee of management of an area school for the first 2 years of the committee's existence 1 member appointed by the Board; but the Board may appoint a member to represent it on the committee for such longer period as the Board decides in consultation with the committee.

(4) There may, from time to time, with the approval of the Board, be added to the committee of management of an area school not more than 2 members co-opted by the committee itself for such period or periods as it thinks necessary.

(5) Except as provided in this regulation, section 41 of the Act and regulations 19, 20, 21, 22, 23, 24, and 25 of the School Committees Administration Regulations 1965*, so far as they are applicable and with the necessary modifications, shall apply to the committee of management of every area school as if that committee is the committee of an intermediate school.

40. Classes in continuing education—There may be provided in any area school any classes in continuing education for the time being recognised by the Director-General under section 91 of the Act.

41. Powers and responsibilities of Principal—Subject to the general direction of the Board, the Principal of an area school shall have the powers and responsibilities of the Principal of a secondary school.

42. Right of Principal to attend meetings of committee of management—(1) Subject to subclause (2) of this regulation, the Principal of an area school shall be entitled to be present and to speak, but not to vote, at any meeting of the committee of management of the school.

(2) The Principal of an area school shall not be entitled to be present at any meeting of the committee of management of the school at any time when—

- (a) The meeting is deliberating on the course of action to be taken following the hearing of a complaint against the Principal; or
- (b) The matter under discussion is one in which the Principal has a pecuniary interest.

43. Inspection—(1) From time to time as the Director-General directs the Primary Inspector and Secondary Inspector shall jointly inspect every area school; and it shall be the duty of the Principal to complete in quadruplicate, by such date before the inspection as the Director-General requires, a schedule on a form approved by the Director-General, setting out the responsibilities of the teachers on the staff of the school, the size of

their classes, and any other matters pertaining to the organisation of the school provided for on the schedule, and send copies of the schedule to the Board, the Primary Inspector, and the Secondary Inspector.

(2) The inspection of an area school under this regulation shall be concerned with the accommodation and staffing organisation of the school, the effectiveness of its educational programmes, and any other matters that the Inspectors concerned consider necessary; but the Board or the Principal may at any time request the Inspectors to investigate any other matter; and the Inspectors shall, after their inspection, jointly make a written report to the Board.

44. Consequential amendment—Regulation 23 of the Appointment Regulations is hereby consequentially amended by inserting, after subclause (4), the following subclause:

“(4A) When an Appointments Committee is considering the appointment of a teacher to a position at an area school—

“(a) It shall have 3 additional members, who shall be the District Senior Inspector of Secondary Schools for the district concerned, the Chairman of the Committee of Management of the school, and a person appointed by the National Executive of the New Zealand Post Primary Teachers Association (Inc.); and

“(b) Those additional members shall hold office with all the rights, duties, and responsibilities of the other members of the committee; and

“(c) Subject to paragraph (d) of this subclause, the Principal of the school may be present but shall not be entitled to speak except where that position is a position of responsibility, and shall not in any case be entitled to vote:

“(d) The Principal shall not be present while the committee is considering the appointment of a new Principal.”

45. Revocations—The Composite School Regulations 1979* are hereby revoked.

SCHEDULE

Reg. 9 (1)

Grading Roll	POSITIONS OF RESPONSIBILITY				Total PRS (Excluding Principals)
	Principal (Scale F)	F4	F3	F2	
1-100	Gd 1			2	2
101-125	Gd 2			2	2
126-175	Gd 2		1	2	3
176-225	Gd 3		1	3	4
226-250	Gd 3	1	1	3	5
251-275	Gd 4	1	1	3	5
276-325	Gd 4	1	2	3	6
326-375	Gd 5	1	2	4	7
376 and over	Gd 5	1	3	4	8

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 relate to those composite schools called area schools. In particular they provide for the grading and staffing of those schools, the conditions of service of teachers in them, and their administration.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 July 1986.

These regulations are administered in the Department of Education.