



THE KINDERGARTEN REGULATIONS 1959

COBHAM, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 16th day of December 1959

Present:
HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Education Act 1914, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Kindergarten Regulations 1959.

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

“Association” means a free kindergarten association formed for the purpose of establishing and maintaining a kindergarten or kindergartens:

“Kindergarten” means a free kindergarten controlled by an association and recognised by the Minister:

“Kindergarten Diploma” means a certificate issued in New Zealand by the New Zealand Free Kindergarten Union Incorporated certifying that the holder thereof is competent to carry out the duties of a kindergarten teacher, or any certificate or qualification issued in New Zealand or elsewhere which is recognised by the Director of Education as denoting an equivalent or higher standard:

“Kindergarten teacher” means any person employed on teaching duties in a kindergarten, or employed by an association in an educational capacity in connection with kindergartens in that association’s area, or employed in a kindergarten training centre in connection with the training of kindergarten teachers:

“Kindergarten training centre” means a centre approved by the Minister for the training of kindergarten teachers:

“Minister” means the Minister of Education:

“Salary order” means an order or determination made under the Government Service Tribunal Act 1948 and relating to the salaries, allowances, or wages of members of the Education service:

“School year” means the period of 12 months ending with the 31st day of January in any year.

Recognition of Kindergartens

3. (1) Any association may apply to the Minister for recognition of a free kindergarten under its control.

(2) The Minister, if he is of the opinion that the kindergarten is necessary and that the association is in a position to conduct it satisfactorily with such assistance as may be granted under these regulations, may, from a date prescribed in that behalf, approve the application and fix the initial grade of the kindergarten so recognised.

(3) No application under this regulation for the recognition of a kindergarten shall be approved in respect of a kindergarten which has less than a total of 60 children enrolled or about to be enrolled in its morning and afternoon sessions.

(4) Unless the Minister otherwise decides, no application for recognition of a free kindergarten under this regulation shall be approved where the association making the application was not already controlling a kindergarten at the commencement of these regulations.

4. The Minister, if he considers any kindergarten is not being conducted in a satisfactory manner or is of the opinion that the number of children enrolled or likely to be enrolled is insufficient to justify the continued recognition of the kindergarten, may withdraw any recognition given under regulation 3 of these regulations, and the provisions of these regulations shall thereupon cease to apply to that kindergarten.

Grading and Staffing

5. (1) Each kindergarten shall be designated either Grade I or Grade II according to the number of children enrolled and such other considerations as the Minister may from time to time determine.

(2) A Grade I kindergarten shall have a Director and one assistant and a Grade II kindergarten shall have a Director and two assistants:

Provided that the Director of Education may on grounds of special circumstances approve in respect of any kindergarten the appointment of an additional assistant.

6. (1) The grade of a kindergarten for any year after the initial year shall be determined by the Director of Education.

(2) If any association wishes to increase the number on the roll of a kindergarten during any term to such an extent as to warrant an alteration in the grade of that kindergarten and the Director of Education is satisfied that the increased number is likely to be maintained and that there is adequate accommodation for the increased number, he may approve of the alteration of the grade of the kindergarten from such date as he may specify.

7. Every teacher employed in a kindergarten shall be the holder of a Kindergarten Diploma:

Provided that if a vacancy for the appointment of an assistant kindergarten teacher exists and no person holding a Kindergarten Diploma is available for the vacancy, the Director of Education may consent to some other person being appointed to the vacancy until such time as the holder of a Kindergarten Diploma becomes available for the position:

Provided also that where the position of Director of a kindergarten has been held by the holder of a Kindergarten Diploma and the position becomes vacant, the vacancy may, with the consent of the Director of Education, be filled by the appointment of a Director without a diploma for such time as the Director of Education may approve.

Salaries of Kindergarten Teachers

8. (1) Out of funds appropriated by Parliament for the purpose, grants may be made to associations for the purpose of the payment of the salaries and allowances of kindergarten teachers employed by associations and the allowances of students undertaking training in kindergarten training centres controlled by associations:

Provided that the amounts authorised to be paid to any association under this regulation in respect of students undertaking training in kindergarten training centres shall be paid by the association to each student concerned, subject to a condition that she attends regularly the classes provided for her training and makes satisfactory progress in her training.

(2) The number of students undertaking training in each kindergarten training centre in respect of which payments under this regulation are made in any year shall be determined by the Minister.

9. (1) Kindergarten teachers and students undertaking training in a kindergarten training centre shall be paid salaries and allowances in accordance with the appropriate salary order for the time being in force pertaining to such teachers and students:

Provided that any person employed as a part-time teacher in a kindergarten training centre and approved for that purpose by the Director of Education shall be paid at such hourly rates as the association controlling the training centre determines; but the grants paid to an association under subclause (1) of regulation 8 of these regulations towards the reimbursement of payments made to any such teacher shall not be paid at a rate in excess of that approved by the Minister from time to time with the concurrence of the Minister of Finance.

(2) Except as otherwise provided in any such salary order or in these regulations and without restricting anything so provided, the conditions under which salaries and allowances shall be paid to kindergarten teachers and to students undertaking training in a kindergarten training centre shall from time to time be defined by the Director of Education by notification in the *Education Gazette* or by notification to the teachers or students concerned.

10. The provisions of regulations 9 and 10 of the Education (Salaries and Staffing) Regulations 1957* shall, with the necessary modifications, apply to kindergarten teachers as if they were teachers within the meaning of those regulations.

Leave of Absence

11. Every kindergarten teacher and every student admitted for training to a kindergarten training centre shall be entitled to leave of absence in accordance with the provisions of the Teachers' Leave of Absence Regulations 1951.*

Conduct of Kindergartens

12. (1) The minimum weekly schedule to be observed in kindergartens shall cover 25 hours, and, except where otherwise approved by the Director of Education, shall be made up as follows:

- (a) A period of three hours in the morning on each of five days in each week (to be known as morning kindergarten sessions):
- (b) A period of two and a half hours in the afternoon on each of two days in each week (to be known as afternoon kindergarten sessions):
- (c) A period of two and a half hours on one other afternoon in each week for work with parents:
- (d) An additional two and a half hours to be made up on two further afternoons in the week, not less than one hour being made up on any such afternoon.

(2) Every kindergarten shall observe an interval of not less than one hour between the morning and afternoon periods on any day.

(3) The weekly hours of duty of every teacher on the staff of a kindergarten shall include those of the minimum weekly schedule of that kindergarten and such other periods in the week as the association may consider necessary for the efficient conduct of the kindergarten.

(4) Every kindergarten shall remain open for the purposes of sub-clause (1) of this regulation for not less than 380 half days in each calendar year:

Provided that, if it is shown to the satisfaction of the Director of Education that the closing of a kindergarten is necessary owing to the prevalence of epidemics or other sufficient cause, he may approve of the kindergarten remaining open for a lesser number of half days.

13. (1) Subject to the provisions of this regulation, any child who has attained the age of three years but who has not attained the age of five years may be enrolled as a pupil in a kindergarten:

Provided that a child who is enrolled as a pupil may remain so enrolled until the end of the school term in which he attains the age of five years:

Provided also that, in special circumstances and with the approval of the Director of Education, any child may be enrolled or continue to be enrolled as a pupil in a kindergarten after attaining the age of five years, but in no case after attaining the age of seven years.

(2) Any child who attains the age of two and a half years but who has not attained the age of three years may be admitted to the afternoon kindergarten sessions:

Provided that not more than one-fifth of the total number of children admitted to afternoon kindergarten sessions shall be under the age of three years.

14. No fee shall be payable in respect of the attendance of a child at a kindergarten.

15. No religious instruction of a sectarian character shall be given at a kindergarten.

Training of Kindergarten Teachers

16. (1) Any association approved by the Minister for the purpose may conduct a kindergarten training centre and admit students for training as kindergarten teachers.

(2) The staff of a training centre shall consist of a principal, an assistant principal, and such full-time and part-time assistants as the Minister may approve.

(3) The syllabus of training at a training centre shall be approved by the Director of Education.

(4) Every kindergarten training centre shall be open in each calendar year for all students for not less than 380 half days:

Provided that, if it is shown to the satisfaction of the Director of Education that the closing of the centre is necessary owing to the prevalence of epidemics or other sufficient cause, he may approve of the kindergarten remaining open for a lesser number of half days.

17. A candidate for training as a kindergarten teacher shall have the following qualifications and shall comply with the following requirements:

(a) She shall be not less than 17 years of age on the last day of February in the year in which she commences her course of training:

(b) She shall have passed the School Certificate Examination or possess equivalent or superior educational qualifications or possess such other educational qualifications as may be accepted as sufficient by the Director of Education in any special case:

(c) She shall furnish to the selection committee for the training centre she wishes to attend:

(i) Such evidence as the Director of Education may require that she is free from any physical or other defect incompatible with effective work as a kindergarten teacher; and

(ii) Two satisfactory testimonials (one of which shall be preferably from the Head Teacher of the school that she last attended) as to her character and personality:

(d) She shall sign such declaration of intention to teach for a specified period after the completion of training as the Minister may require for entrants to a kindergarten training centre.

18. (1) For the purpose of selecting students for training at a training centre, the association in control thereof may appoint for the training centre a committee of not less than three persons, one of whom shall be the Principal of the training centre.

(2) All persons appointed to a committee under this regulation, other than the Principal of the training centre, shall be approved by the Director of Education.

19. There shall be paid out of money appropriated by Parliament for the purpose to each association in respect of each student who is required to travel daily in order to undertake her training, travelling allowances at such rates and on such conditions as the Minister may from time to time determine with the concurrence of the Minister of Finance.

20. Every student at a kindergarten training centre shall when required by the Director of Education submit to examination by a School Medical Officer, and to such further medical examination as the School Medical Officer considers necessary.

21. (1) With the concurrence of the Director of Education the course of training of a student may be terminated for any of the following reasons:

- (a) If the Principal of a training centre reports that the student has not after reasonable trial shown sufficient promise of suitability for kindergarten teaching; or
- (b) If a School Medical Officer reports or other medical evidence reveals that the health of the student is such as to render her unfit for the work of kindergarten teaching; or
- (c) If the student marries before completing such period of her training as the Minister may from time to time determine; or
- (d) If the Principal reports that the student's conduct, diligence, and attention to study are unsatisfactory; or
- (e) If it should become known to an association that the student does not intend to render teaching service in a kindergarten at the completion of her period of training as provided for in the declaration of intention to teach signed by her in accordance with paragraph (d) of regulation 17 of these regulations.

(2) For immorality, wilful disobedience, or gross misbehaviour a student at a training centre shall be liable to suspension and may, after due inquiry by the controlling authority of the training centre, be dismissed without claim on the association if adjudged guilty of such conduct.

(3) Where a studentship is terminated under paragraph (d) or paragraph (e) of subclause (1), or under subclause (2), of this regulation or by resignation, all fees and allowances paid in respect of the studentship shall, unless the Minister otherwise directs, constitute a debt due from the student to the Crown and shall be recoverable accordingly in a Court of competent jurisdiction.

Sites, Buildings, Furniture, and Equipment

22. There may be paid out of money appropriated by Parliament for the purpose and on such conditions as the Minister may deem appropriate—

- (a) Subsidies not exceeding £2 for every £1 of voluntary contributions raised by an association and expended with the approval of the Minister on sites, buildings, furniture, or equipment for kindergartens, and on furniture or equipment for kindergarten training centres;
- (b) The money required for the provision of sites and buildings for kindergarten training centres approved by the Minister.

General

23. (1) Each association shall keep full and true accounts and shall cause its accounts for each school year to be balanced and true statements to be prepared showing—

- (a) All money received and paid during the year;
- (b) The income and expenditure for the year;
- (c) The assets and liabilities at the end of the year.

(2) All such accounts and statements shall be audited by some competent person and shall be open to inspection by an officer of the Department of Education and copies of the statement shall be sent to the Director of Education within three months of the close of the school year.

24. Each association shall forward to the Director of Education returns relating to the payment of the salaries of kindergarten teachers at such times and in such manner as he may require.

25. (1) All kindergartens shall be closed on the following days:

Good Friday:

Easter Monday:

Easter Tuesday:

Anzac Day:

The day appointed for observance of the birthday of the reigning Sovereign:

Labour Day (the fourth Monday in October):

Anniversary Day of the province.

(2) In addition to the days listed in subclause (1) an association may close a kindergarten on such special occasions as it may in its discretion decide but not so that the total number of half days when the kindergarten is open in any calendar year is less than provided for in subclause (4) of regulation 12 of these regulations.

New Zealand Free Kindergarten Union

26. The New Zealand Free Kindergarten Union Incorporated shall be recognised by the Minister as representing all associations in the discussion of all matters relating to kindergarten policy.

Revocations

27. (1) The regulations specified in the Schedule hereto are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

SCHEDULE

Reg. 27 (1)

REGULATIONS REVOKED

Title or Subject-matter	Reference
Parts XIII and XIV of the Schedule to the amended regulations under the Education Act 1914	<i>Gazette</i> 1927, Vol. III, page 3671.
The Kindergarten Grants Regulations 1937	Statutory Regulations S.R. 1937/282.
Regulation 2 of the Education Amending Regulations 1940	S.R. 1940/275.
Regulation 15 of the Education Amending Regulations 1942	S.R. 1942/20.
The Education Amending Regulations 1942 (No. 2)	S.R. 1942/347.

T. J. SHERRARD,
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 consolidate and amend the existing regulations relating to free kindergartens. They provide for the conduct and staffing of recognised free kindergartens and for the training and payment of kindergarten teachers. Under these regulations the Government may make grants to free kindergarten associations for the payment of salaries and allowances of kindergarten teachers and students undertaking training in kindergarten training centres.

Provision is made for the payment by the Government of subsidies not exceeding £2 for every £1 of voluntary contributions raised by an association and expended on sites, buildings, furniture, or equipment for kindergartens, and on furniture or equipment for kindergarten training centres. Provision is also made for payment by the Government of the whole cost of sites and buildings for kindergarten training centres.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 December 1959.

These regulations are administered in the Department of Education.