



## Education (2001 Area School Staffing) Order 2000

Michael Hardie Boys, Governor-General

### Order in Council

At Wellington this 31st day of July 2000

Present:

His Excellency the Governor-General in Council

Pursuant to section 91H(1) of the Education Act 1989, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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## Order

### 1 Title

This order is the Education (2001 Area School Staffing) Order 2000.

### 2 Commencement

This order comes into force on 14 August 2000.

### 3 Application

This order applies only to state area schools, and only to the 2001 school year.

## Part 1 Preliminary

### 4 Interpretation

- (1) In this order, unless the context otherwise requires,—

**Act** means the Education Act 1989

**area school** means a school, established under section 146 of the Act as a composite school, that offers education at a level below Form 1

**beginning teacher**, at any time, means a teacher who,—

- (a) at that time, has completed less than 12 months' teaching; and
- (b) at that time, holds a teaching position to which the teacher was appointed for a period of at least 10 weeks; and
- (c) before taking up that position, had completed a course of teacher training recognised by the Secretary for the purposes of this order

**Board**, in relation to an area school, means the school's Board

**FTTE** means full-time teacher equivalent

**junior staffing roll**, in relation to an area school, means the roll estimated for it under clause 7(1)

**other regular teacher** means a regular teacher who is not a permanently appointed regular teacher

**principal**, in relation to an area school, means the school's principal; and, in relation to a student who enrolls at an area school at any time, means the school's principal at that time

**qualified for targeted rural funding**, in relation to an area school, means the school is qualified for targeted rural funding in terms of its grant under section 79 of the Act

**regular teacher** means a teacher who is not a relieving teacher (within the meaning of section 91A(1) of the Act)

**resource teacher** means a teacher who provides specialist advice, guidance, and support to students, teachers, or both, whether at the teacher's school or other schools

**salary unit**, in relation to the holder of a teaching position at an area school, means an entitlement to a salary element in addition to the salary otherwise payable to the holder, allocated to the holder by the Board for the purpose of management, reward, responsibility, recruitment, or retention

**Secretary** means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of Part VIIIA of the Act

**senior staffing roll**, in relation to an area school, means the roll estimated for it under clause 8(1)

**special education list** means a list of special education students approved by the Secretary under the ongoing and transitional resourcing schemes administered by the Ministry

**special education student with high needs** means a student who has been classified by the Secretary as having high needs

**special education student with very high needs** means a student who has been classified by the Secretary as having very high needs

**teacher** includes a principal and any deputy principal (however described)

**total grading roll**, in relation to an area school, means the sum of the school's junior staffing roll and senior staffing roll.

- (2) In this order, unless the context otherwise requires, terms defined by section 91A of the Act have the meanings given to them by that section.
- (3) A school's roll comprises the junior staffing roll and senior staffing roll (including all the special education students).
- (4) For the purposes of this order,—
  - (a) the employment of a teacher on the basis of employment for 10 half-days every full week is the employment of 1 FTTE:
  - (b) the employment of a teacher on the basis of employment for a specified number (smaller than 10) of half-days every full week is the employment of one-tenth of that number of FTTEs:
  - (c) the employment of a teacher on the basis of employment for a specified number (smaller than 20) of half-days every full fortnight is the employment of one-twentieth of that number of FTTEs:
  - (d) the employment of a teacher on the basis of employment for a specified number of teaching hours (or an average of that number of teaching hours) every full week is the employment of one twenty-fifth of that number of FTTEs.
- (5) This order has effect as if every student enrolled at an area school who turns or turned 19 before 2001 were a full-time student.

**5 Years of schooling**

- (1) A student who first enrolls at an area school before the age of 7 and who is subsequently educated at area schools without substantial interruption—
  - (a) is—
    - (i) a year 1 student in the year of first enrolment if enrolment was on or before 30 June;
    - (ii) a year 0 student in the year of first enrolment if enrolment was on or after 1 July; and
  - (b) in every subsequent year, is a student of 1 year greater than the year before.
- (2) A student to whom subclause (1) does not apply is a student of the year that, in the principal's opinion, is—
  - (a) most appropriate for a student of that student's maturity, and educational and intellectual achievements; and
  - (b) in every subsequent year, is a student of a year 1 greater than the year before.

**Part 2  
Rolls****6 Boards to estimate March roll**

As soon as practicable after the commencement of this order, the Board of every school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of the school's likely roll (in the Board's opinion) on 1 March 2001.

**7 Secretary to estimate March junior staffing roll**

- (1) As soon as practicable after the commencement of this order, the Secretary must estimate for every school a roll of junior students for 2001.
- (2) The Secretary must not estimate the school's roll under subclause (1) without considering—
  - (a) the notice given by the school under clause 6; and
  - (b) all written evidence and argument the Board supplied with the notice.
- (3) The Secretary's calculation is the number obtained by—
  - (a) adding—

- (i) the Secretary's best estimate of the number of students of year 1 likely to be enrolled at the school on 1 March 2001; and
  - (ii) seven-eighths of that number; and
  - (iii) the Secretary's best estimate of the number of students of year 2, year 3, year 4, year 5, year 6, year 7, and year 8 likely to be enrolled at the school on 1 March 2001; and
- (b) if the resulting sum is not a whole number, increasing it to the next whole number.
- (4) As soon as practicable after estimating a school's junior staffing roll, the Secretary must give the Board written notice of it.

### **8 Secretary to estimate March senior staffing roll**

- (1) As soon as practicable after the commencement of this order, the Secretary must estimate for every school a roll of senior students for 2001 by estimating the number of students of year 9 and above likely to be enrolled at the school on 1 March 2001.
- (2) The Secretary must not estimate the school's roll under sub-clause (1) without considering—
- (a) the notice given by the school under clause 6; and
  - (b) all written evidence and argument the Board supplied with the notice.
- (3) As soon as practicable after estimating a school's senior staffing roll, the Secretary must give the Board written notice of it.

### **9 Secretary to estimate March special education roll**

- (1) As soon as practicable after the commencement of this order, the Secretary must estimate for every school a roll of special education students as at 1 March 2001, basing the estimate on the list of special education students who have been approved by the Secretary under the ongoing and transitional resourcing schemes administered by the Ministry.
- (2) The Secretary must not estimate the school's special education roll without considering—
- (a) that notice given by the school under clause 6; and
  - (b) all written evidence and argument the Board supplied with the notice.

- (3) As soon as practicable after estimating a school's special education roll, the Secretary must give the Board written notice of it.

### **10 Certain students not to be counted**

In the determination of any roll, no account may be taken of any foreign student (within the meaning of section 2(1) of the Act)—

- (a) who is not a student of a kind or description exempted (under a notice under section 4C of the Act having effect in 2000) from the payment of all the amount required by section 4B of the Act to be paid; or
- (b) in respect of whom all the amount required by section 4B of the Act to be paid has been or is to be paid by the Ministry of Foreign Affairs and Trade.

### **11 Part-time students**

- (1) Every part-time student enrolled or to be enrolled at a school must be treated as a fraction of a full-time student, calculated by dividing by 20 the number of hours of tuition the student receives or is to receive in a normal week.
- (2) Subclause (1) applies despite clause 4(5), but is subject to clause 10.

### **12 Principal to ascertain and notify actual March roll**

As soon as practicable after 1 March 2001, the principal of every school must—

- (a) ascertain the school's roll as at that day; and
- (b) give the Secretary written notice of that roll on a form approved by the Secretary for that purpose.

### **13 Secretary to ascertain roll and special education list if notice not received from principal**

If a notice is not received from the principal of a school before 11 March 2001, the Secretary must, as soon as practicable, take any steps the Secretary thinks fit to ascertain the school's March roll and special education list, and give the school's Board written notice that—

- (a) a notice was not received (or received in time) from the principal; and

- (b) the numbers of students specified in the notice (being the Secretary's best estimate of the school's March roll and special education list) will have effect as the school's confirmed roll.

#### **14 Secretary to confirm roll if notice received from principal**

- (1) If a notice from the principal of a school reaches the Secretary before 11 March 2001, the Secretary must,—
  - (a) as soon as practicable, take any steps the Secretary thinks fit to verify the numbers notified; and
  - (b) give the school's Board written notice confirming those numbers, unless subclause (2) applies.
- (2) If the Secretary is satisfied that the numbers are inaccurate, the Secretary may, at any time before 15 April 2001, give the Board written notice that—
  - (a) the Secretary is satisfied that those numbers are inaccurate; and
  - (b) the numbers of students specified in the notice (being the Secretary's best estimate of the school's March roll and special education list) will have effect as the school's confirmed roll.

### **Part 3 Allowances**

#### **15 Specialist instruction roll**

- (1) In this clause,—

**base school** is an area school

**base students** are students of years 7 or 8 who are enrolled at the base school but usually attend a different school for instruction in technology or some other specialist subject

**visiting students** are students of years 7 or 8 who are enrolled at a different school but usually attend a centre attached to the base school for instruction in technology or some other specialist subject.

- (2) A base school's specialist instruction roll is the number obtained by—

- (a) adding the number of students of years 7 and 8 included in the base school's junior staffing roll to the number of visiting students; and
- (b) subtracting from the resulting sum the number of base students.

## 16 Curriculum delivery allowance

- (1) In this clause, **level of full-time senior students** means 1 or more full-time students of any of years 9, 10, 11, 12, or 13 enrolled at the school.
- (2) A school's curriculum delivery allowance (in FTTEs) is the sum obtained by adding the items in subclause (3) and, if the resulting sum is not exactly divisible by 0.1, rounding it up to 1 decimal place.
- (3) The items referred to in subclause (2) are—
  - (a) the greater of 1 and the sum of—
    - (i) the number of year 0, year 1, year 2, and year 3 students on its junior staffing roll, divided by 23; and
    - (ii) the number of year 4, year 5, year 6, year 7, and year 8 students on its junior staffing roll, divided by 29; and
  - (b) the difference between the sum referred to in paragraph (a) and the next whole number, if—
    - (i) the school has a junior staffing roll under 160; and
    - (ii) the quotient obtained by dividing that roll by the integer of that sum is over 28; and
  - (c) the quotient obtained by dividing by 120 its specialist instruction roll; and
  - (d) the sum of—
    - (i) the number of year 9 and year 10 students on its senior staffing roll, divided by 25; and
    - (ii) the number of year 11 students on its senior staffing roll, divided by 23; and
    - (iii) the number of year 12 students on its senior staffing roll, divided by 18; and
    - (iv) the number of students of year 13 or above on its senior staffing roll, divided by 17; and
  - (e) if there are 200 or fewer students on its senior staffing roll, the number obtained by—

- (i) dividing that roll by 200; and
  - (ii) multiplying the resulting quotient by 0.6; and
  - (iii) adding 0.4 to the resulting product; and
  - (iv) multiplying the resulting sum by the number of levels of full-time senior students (to a maximum of 5) on its senior staffing roll; and
- (f) if there are more than 200 students on its senior staffing roll, the number of levels of full-time senior students (to a maximum of 5) on its senior staffing roll.
- (4) If a school's roll is less than 160, and the school is qualified for targeted rural funding, then the sum referred to in sub-clause (2) may be rounded up to the next whole number if the quotient obtained by dividing the school's roll by the integer of that sum is over 27.

## 17 Weighted roll

A school's weighted roll at any time is the sum of—

- (a) the product of 4 and the number of year 0, year 1, year 2, and year 3 students then included on its staffing roll; and
- (b) the product of 3.5 and the number of year 4, year 5, year 6, year 7, and year 8 students then included on its staffing roll; and
- (c) the product of 7 and the number of year 9 and year 10 students then included on its staffing roll; and
- (d) the product of 9 and the number of year 11 students then included on its staffing roll; and
- (e) the product of 15 and the number of year 12 students then included on its staffing roll; and
- (f) the product of 16 and the number of students of year 13 or above then included on its staffing roll; and
- (g) half its specialist instruction roll.

## 18 Management time allowance

A school's management time allowance (in FTTEs) is the number obtained by—

- (a) adding—
  - (i) the product of 0.0003 and its weighted roll; and
  - (ii) the product of 0.017 and the square root of that weighted roll; and

- (iii) the product of 0.05 and its special education teacher allowance; and
- (b) if the resulting sum is not exactly divisible by 0.1, rounding it down to 1 decimal place.

### 19 Special education teacher allowance

A school's special education teacher allowance, if any, is the number of special education students on the school's special education list multiplied by the following FTTEs:

- (a) 0.1 for each special education student with high needs;
- (b) 0.2 for each special education student with very high needs.

### 20 Te Atakura allowance

A school's Te Atakura allowance, if any, (in FTTEs) is the product of 0.5 and the number of permanently employed teachers (other than beginning teachers) then employed at the school in the teaching of Te Reo Maori who, before 1993, successfully completed training at a College of Education under the Te Atakura scheme.

### 21 Beginning teacher allowance

- (1) In this clause, a **qualifying beginning teacher** is a beginning teacher who is employed for 0.5 of an FTTE or more.
- (2) If a school employs a qualifying beginning teacher, it has a beginning teacher allowance (in FTTEs) calculated by adding—
  - (a) the product of—
    - (i) the number of qualifying beginning teachers then employed at the school full-time; and
    - (ii) 0.2; and
  - (b) the product of—
    - (i) the number of other qualifying beginning teachers then employed at the school; and
    - (ii) 0.1.

### 22 Community education co-ordination allowance

A school that offers a continuing education programme has a community education co-ordination allowance (in FTTEs) calculated by adding—

- (a) the quotient (correct to 2 decimal places) obtained by dividing the number of tutor-hours in the 2001 programme by 3800, if there are no more than 200 tutor-hours in the programme in 2001; and
- (b) 0.1, if there are more than 200 but no more than 1000 tutor-hours in the programme in 2001; and
- (c) 0.2, if there are more than 1000 but no more than 1500 tutor-hours in the programme in 2001; and
- (d) 0.3, if there are more than 1500 but no more than 4000 tutor-hours in the programme in 2001; and
- (e) 0.4, if there are more than 4000 but no more than 5000 tutor-hours in the programme in 2001; and
- (f) 0.5, if there are more than 5000 tutor-hours in the programme in 2001.

### **23 Rural staffing allowance**

A school that is qualified for targeted rural funding is entitled to a rural staffing allowance of the number of FTTEs shown in the second column of Schedule 1 opposite the number in the first column of that schedule that accords with the roll of the school.

### **24 Small school staffing allowance**

A school that is not qualified for targeted rural funding but has a roll of 200 or less is entitled to a small school staffing allowance of the number of FTTEs shown in the second column of Schedule 2 opposite the number in the first column of that schedule that accords with the roll of the school.

### **25 RTLB support allowance**

A school that employs 1 or more full-time resource teachers: learning and behaviour has an RTLB support allowance of 0.05 FTTE for each teacher so employed.

### **26 Total staffing entitlements**

A school's total staffing entitlement (in FTTEs) is the number obtained by—

- (a) adding—
  - (i) its curriculum delivery allowance; and
  - (ii) its management time allowance; and

- (iii) its special education teacher allowance; and
  - (iv) any Te Atakura allowance; and
  - (v) any beginning teacher allowance; and
  - (vi) any community education co-ordination allowance; and
  - (vii) any rural staffing allowance; and
  - (viii) any small school staffing allowance; and
  - (ix) any RTLB support allowance; and
  - (x) if in 2000 the Secretary has approved an allowance for instrumental, vocal, or instrumental and vocal tuition at the school, an instrumental and vocal tuition allowance that is the product (correct to 2 decimal places) of 0.001 and the sum of the school's senior staffing roll and the number of year 7 and year 8 students on its junior staffing roll; and
  - (xi) the sum of any entitlement additions; and
- (b) subtracting from the resulting sum the sum of any entitlement deductions.

## 27 Transfer of staffing entitlement agreements

- (1) The Boards of 2 schools (**school A** and **school B**) may enter into an **entitlement transfer agreement**, which is a written agreement to the effect that—
- (a) school A will relinquish to school B a specified number of FTTEs, salary units, or both, of teacher entitlements (**entitlements**); and
  - (b) school B will use the entitlements to sustain the employment at school B of 1 or more teachers to teach specified subjects to students enrolled at school A.
- (2) Subject to subclauses (3) and (4), if an entitlement transfer agreement is given to the Secretary before 1 January,—
- (a) the Secretary must deduct from the total staffing entitlements of school A (the school relinquishing the entitlements) the number of FTTEs or salary units specified in the agreement; and
  - (b) the Secretary must add to the total staffing entitlements of school B (the school receiving the entitlements) the number of FTTEs or salary units specified in the agreement.

- (3) No school may enter into an entitlement transfer agreement relating to tuition in technology or another specialist subject.
- (4) A school may enter into an entitlement transfer agreement relating to tuition in instrumental or vocal music only with 1 of the secondary schools listed in the first column of Schedule 7 of the Education (2001 Secondary School and Form 1 to 7 School Staffing) Order 2000.
- (5) An agreement between 3 or more schools about the relinquishment and use of entitlements must be treated as a number of entitlement transfer agreements between various pairs of those schools.

## **28 Application of clause 27 in relation to special education**

Clause 27 applies to entitlement in relation to special education teachers in the same way it applies to entitlements in relation to other teachers.

## **Part 4**

### **Limitations on employment of teachers**

#### **29 Limitation on employment of teachers**

- (1) The Board of a school may not employ a permanently appointed regular teacher whose employment generates a number of FTTEs greater than the number obtained by—
  - (a) adding—
    - (i) its curriculum delivery allowance; and
    - (ii) its management teacher allowance; and
    - (iii) its special education teacher allowance; and
    - (iv) the sum of any entitlement additions; and
  - (b) subtracting from the resulting sum the sum of any entitlement deductions.
- (2) The Board of a school must not employ other regular teachers whose employment generates a number of FTTEs greater than the number of FTTEs by which—
  - (a) the number of FTTEs generated by the employment at the school at that time of permanently appointed regular teachers,—

is less than—
  - (b) its total staffing entitlement.

- (3) Despite subclause (1), the Board of a school may employ more permanently appointed regular teachers under subclause (1) if,—
  - (a) at some other time during the same year, the Board of the school has employed, or will employ, fewer teachers than the prescribed number; and
  - (b) the net effect, over the full year, of employing the additional teachers does not result in the Board of the school employing teachers representing a number greater than the number calculated in accordance with subclause (1).
- (4) Despite subclause (2), the Board of a school may employ other regular teachers under subclause (2) if,—
  - (a) at some other time during the same year, the Board of the school has employed, or will employ, fewer teachers than the prescribed number; and
  - (b) the net effect, over the full year, of employing the additional teachers does not result in the Board of the school employing teachers representing a number greater than the number calculated in accordance with subclause (2).

### **30 Limitation on employment involving salary units**

- (1) The Board of a school may not employ regular teachers to whom salary units have been allocated (whether permanently or otherwise) whose employment taken together is equivalent to the employment of teachers to whom there have been allocated a total number of salary units greater than a number calculated for the school under subclause (2).
- (2) The number referred to in subclause (1) is calculated by—
  - (a) subtracting 1 from the sum of—
    - (i) its curriculum delivery allowance; and
    - (ii) its management teacher allowance; and
    - (iii) its special education teacher allowance; and
  - (b) multiplying the resulting remainder by 0.96; and
  - (c) adding 2 to the resulting product; and
  - (d) if the resulting sum is not a whole number, correcting it to the nearest whole number.

**31 Limitation on grades for principals**

- (1) The Board of a school may not employ a principal at a grade higher than the grade specified in the first column of Schedule 3 opposite the roll range that applies to that school.
- (2) For the purposes of determining the roll range as at 1 July 2000,—
  - (a) 1 special education student with high needs is the equivalent of 3 students:
  - (b) 1 special education student with very high needs is the equivalent of 6 students.

**32 Limitation on employment of part-time teachers**

The Board of a school may not employ a part-time teacher for 0.9 FTTE or more.

**Part 5  
Exemptions**

**33 Resource teachers**

- (1) The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order in any 1 or more of the following circumstances:
  - (a) the students enrolled at the school have particular educational needs that can and should be met by the employment of 1 or more resource teachers: learning and behaviour:
  - (b) the students enrolled at the school have particular educational needs that can and should be met by the employment of 1 or more resource teachers: literacy or resource teachers: literacy (Maori):
  - (c) the students enrolled at the school have particular educational needs that can and should be met by the employment of 1 or more resource teachers: Maori.
- (2) The maximum number of FTTEs in respect of whom the Secretary may grant an exception under subclause (1) (on a national basis across all state schools of any type) is,—
  - (a) in respect of resource teachers: learning and behaviour, the number obtained by dividing the total number of year 0 to year 10 students enrolled at schools by 750:
  - (b) in respect of resource teachers: literacy (which includes resource teachers: literacy (Maori)), 121:

(c) in respect of resource teachers: literacy (Maori), 48.

### **34 Board-funded teachers**

The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order if the Minister has given consents to the Board under section 91F(b) of the Act.

### **35 Protection of specified programmes**

The Secretary may exempt Board, in respect of any school it administers, from the limitations imposed by this order if the Secretary believes that—

- (a) the school's staffing has been (or but for the exemption would be) affected by a fall in its roll; and
- (b) it is desirable to grant an exemption (sufficient to restore the school's staffing to its 2000 level or some lower level) in order to protect a specified programme of instruction, the continued provision of which would otherwise be at risk.

### **36 Protection of teachers' allocated salary units**

The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order in order to preserve the continued allocation of salary units to the holder of a teaching position at the school, when that allocation has been (or but for the exemption would be) affected by a re-organisation, change in enrolment, closure, amalgamation, or change in class of the school.

### **37 Protection of supernumerary teachers**

The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order if the exemption is necessary in order to preserve the continued employment of any permanent teachers employed by the Board immediately before 1 January 2001 who are for the time being supernumerary, having been declared surplus by virtue of amalgamation, merger, change of status, closure, or a fall in the roll of the school.

**38 Roll increases**

The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order if there has been any unusual increase in the number of students enrolled at the school.

**39 Special reason**

The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order, if there is a special reason for an exemption for that school, being a reason that applies only to that school or to some other area schools, but not being a reason that applies to all other area schools.

**40 Revocation**

The Education (1999 Area School Staffing) Order 1998 (SR 1998/203) is revoked.

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**Schedule 1**  
**Rural staffing allowance**

cl 23

<b>Roll range</b>	<b>FTTE</b>
Up to 114	0.5
115 to 269	0.6
270 to 424	0.7
425 to 499	0.8

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**Schedule 2**  
**Small school staffing allowance**

cl 24

<b>Roll range</b>	<b>FTTE</b>
Up to 114	0.5
115 to 200	0.6

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cl 31

### Schedule 3

## Grades for principals' positions in relation to roll range (including special education students)

Principal's grade	Roll range
U1	1-50
U2	51-100
U3	101-150
U4	151-300
U5	301-500
U6	501-850
U7	851-1200
U8	1201-1600
U9	1601-2000
U10	2001 and above

Marie Shroff,  
Clerk of the Executive Council.

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### Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which comes into force on 14 August 2000, prescribes limitations on the numbers of regular (ie, non-relieving) teachers who may be employed at area schools in 2001. It sets out how the limitations are calculated, and the circumstances in which, and conditions upon which, the Secretary may grant exemptions from the limitations.

The order largely repeats the equivalent order for last year, though parts have been redrafted. The substantive changes are as follows:

- specific provision is made to enable schools to “bank” their entitlements, which will mean the number of teachers employed in school can fluctuate during the year;
- provision is made for a rural staffing allowance to be available for schools that are qualified for targeted rural funding;
- provision is made for a small school staffing allowance to be available for schools that are not qualified for targeted rural funding but have a roll of 200 or less:

- a definition of **resource teacher** has been inserted:
  - provision is made for resource teachers: literacy, including resource teacher: literary (Maori):
  - a limit of 48 has been placed on the number of resource teachers: Maori that can be provided under exemptions.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 3 August 2000.

This order is administered in the Ministry of Education.

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