



Education (2002 Intermediate School Staffing) Order 2001

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 6th day of August 2001

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 91H(1) of the Education Act 1989, Her 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 (2002 Intermediate School Staffing) Order 2001.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Application

This order applies only to state intermediate schools, and only to the 2002 school year.

Part 1 Preliminary

4 Interpretation

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

Act means the Education Act 1989

adjusted staffing notice, in relation to a school, means a written notice, received by the school's Board from the Secretary, of—

- (a) the institution's adjusted staffing roll and special education list for 2002; and
- (b) the day on which its staffing will begin to be limited by reference to that roll and list

adjusted staffing roll, in relation to a school, means the roll estimated for it by the Secretary under clause 9

adjusted total staffing quotient, in relation to a school, means its total staffing quotient calculated by reference to its adjusted staffing roll and special education list

basic staffing quotient, in relation to a school, means the quotient calculated for it under clause 20

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 a school, means the school's Board

FTTE means full-time teacher equivalent

initial staffing roll, in relation to a school, means the roll estimated for it by the Secretary under clause 7

initial total staffing quotient, in relation to a school, means its total staffing quotient calculated by reference to its initial staffing roll and special education list

intermediate school has the same meaning as in section 145(1) of the Act

notified day, in relation to an adjusted staffing notice received by a school, means the day notified in that notice as the day on which the staffing of the school to which that notice relates will begin to be limited by reference to the adjusted staffing roll and special education list

primary institution means an institution that is a primary school or an intermediate school (within the meanings in section 145(1) of the Act)

principal, in relation to a primary institution, means the institution's principal; and, in relation to a student who enrolls at a primary institution at any time, means the institution's principal at that time

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

restricted composite school means an intermediate school that the Minister has authorised to enrol students up to, and including, year 10

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

salary unit, in relation to the holder of a teaching position at a 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

special education list means a list of special education students approved by the Secretary under the ongoing and reviewable 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 or assistant principal (however described)

total staffing quotient, in relation to a school, means the quotient calculated or specified for it under clause 21.

- (2) In this order, unless the context otherwise requires, terms defined by section 91A(1) of the Act have the meanings given to them by that section.
- (3) A school's roll comprises all the students enrolled at the school, including its 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 Years of schooling

- (1) A student who first enrolls at a primary institution before the age of 7 and who is subsequently educated at primary institutions without substantial interruption—
 - (a) is a year 7 student in the year in which the student first enrolls at an intermediate school; and
 - (b) in every subsequent year, is a student of a year 1 greater than the year before.
- (2) A student to whom subsection (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, a student of a year greater than the year before.

Part 2 Rolls

6 Boards must estimate July 2001 rolls

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) as at 1 July 2002.

7 Secretary must estimate initial staffing roll and special education list

- (1) As soon as practicable after the commencement of this order, the Secretary must—
 - (a) estimate the initial staffing roll as at 1 March 2002 of every school; and
 - (b) estimate the special education list as at 1 March 2002 of every school; and

- (c) give the Board of every school written notice of the roll and list estimated for that school.
- (2) The Secretary must not estimate the school's roll or list 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 that notice.

8 Principal must ascertain and notify actual March roll

As soon as practicable after 1 March 2002, 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 provided by the Secretary for that purpose.

9 Secretary must estimate adjusted staffing roll

- (1) Subject to subclause (2), as soon as practicable after 10 March 2002, the Secretary must—

- (a) estimate the adjusted staffing roll and special education list as at 1 March 2002 of every school; and
- (b) give the Board of every school written notice of the adjusted staffing roll and list estimated for that school.

- (2) If a notice under clause 8 from the principal of a school reaches the Secretary before 11 March 2002, the Secretary must not estimate the school's adjusted staffing roll or list without taking into account—

- (a) that notice; and
- (b) all written evidence and argument the Board supplied with that notice.

10 Certain students not counted

In determining any roll or special education list 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 2001) 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.

Part 3

Allowances and quotients

Allowances

11 Specialist instruction roll

- (1) In this clause,—

base school is an intermediate 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 initial or adjusted staffing roll (as appropriate) to the number of visiting students; and
 - (b) subtracting from the resulting sum the number of base students.

12 Curriculum delivery allowance

- (1) A school's curriculum delivery allowance (in FTTEs) is—

$$p + q$$

where—

p is the quotient obtained by dividing the number of students on its staffing roll by 29

q is the quotient obtained by dividing the school's specialist instruction roll by 120.

- (2) If the result of the calculation under subclause (1) is not exactly divisible by 0.1, the figure must be rounded up to 1 decimal place.
- (3) If a school's roll is less than 160, and if the quotient obtained by dividing the school's roll by the integer of the quotient

referred to in subclause (1) as p is over 27, p must be increased to the first whole number that will ensure the quotient obtained by dividing the school's roll by the integer value of p is equal to or less than 27.

- (4) If a school's roll is 160 or more, and if the value of p is less than 6, then p must be given the value of 6.

13 **Weighted roll**

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

- (a) the product of 3.5 and the number of students then included on its staffing roll; and
- (b) the product of 0.5 and the number of state students of years 7 and 8 who attend the school for instruction in technology or some other specialist subject.

14 **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 its weighted roll; and
 - (iii) the product of 0.05 and its special education teacher allowance; and
 - (iv) the product of 0.05 and the number of resource teachers: Māori employed at the school by virtue of an exemption granted under clause 27(1)(c); and
 - (v) 0.1; and
- (b) if the resulting sum is not exactly divisible by 0.1, rounding it down to 1 decimal place.

15 **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.

16 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.

17 Resource teacher support allowance

A school has a resource teacher support allowance of 0.05 FTTE for each full-time teacher of the following kinds whom it employs:

- (a) resource teacher: learning and behaviour; or
- (b) resource teacher: literacy; or
- (c) resource teacher: literacy (Māori).

18 Transfer of staffing entitlements

- (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 (the **entitlements**); and
 - (b) school B will use the entitlements to sustain the employment at school B of 1 or more teachers to teach a specified subject 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 quotient of school A (the school relinquishing entitlements) the number of FTTEs or salary units specified in the agreement; and

- (b) the Secretary must add to the total staffing quotient 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 (2002 Secondary and Form 1 to 7 School Staffing) Order 2001.
- (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.

19 Application of clause 18 in relation to special education

Clause 18 applies to entitlements in relation to special education teachers in the same way as it applies to entitlements in relation to other teachers.

Staffing quotients

20 Basic staffing quotient

A school's basic staffing quotient (in FTTEs) is the number obtained by adding—

- (a) its curriculum delivery allowance, ascertained in accordance with clause 12 and by reference to its initial staffing roll; and
- (b) its management time allowance, ascertained in accordance with clause 14 and by reference to its initial staffing roll; and
- (c) its special education teacher allowance, ascertained in accordance with clause 16 and by reference to its initial staffing roll.

21 Total staffing quotient

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

- (a) adding—
 - (i) its basic staffing quotient; and

- (ii) its beginning teacher allowance; and
 - (iii) its resource teacher support allowance, if any; and
 - (iv) the sum of any additional entitlements arising under clause 18 from an entitlement transfer agreement; and
 - (v) the number of FTTEs for the time being represented by teachers employed at the school by virtue of a guaranteed staffing component granted under clause 26; and
 - (vi) the number of FTTEs for the time being represented by resource teachers: Māori employed at the school by virtue of an exemption granted under clause 27(1)(c); and
- (b) subtracting from the resulting sum any entitlements that must be deducted under clause 18 as a result of an entitlement transfer agreement.

Part 4

Limitations on employment

22 Limitation on employment of teachers

- (1) Before the notified day, the total number of regular teachers that the Board of a school may employ is the number of FTTEs on the school's initial total staffing quotient.
- (2) On and after the notified day, the total number of regular teachers that the Board of a school may employ is the number of FTTEs on the higher of its initial total staffing quotient and the school's adjusted total staffing quotient.
- (3) Despite subclause (2), the Board of a school may continue to employ any permanently appointed regular teacher who, following receipt of the adjusted staffing notice, has become supernumerary.
- (4) Despite subclauses (1) and (2), the Board of a school may employ more teachers before the notified day than is permitted under subclause (1), and may employ more teachers on and after the notified day than is permitted by subclause (2), if,—
 - (a) at some other time during the 2002 school year, the Board has employed, or will employ, fewer teachers than the prescribed number; and

- (b) the net effect during the 2002 school year of employing the additional teachers does not result in the school's Board employing teachers representing more FTTEs than it is entitled to employ over that school year.

23 Limitation on employment of deputy or assistant principals

The maximum number of deputy or assistant principals (however described) that may be employed at a school is,—

- (a) if the school has 21 or fewer FTTEs, 2;
- (b) if the school has more than 21 FTTEs, 3.

24 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) adding, to get the first result,—
 - (i) its basic staffing quotient; and
 - (ii) any exemption granted by the Secretary for the guaranteed staffing component under clause 26; and
 - (iii) any resource teacher: Māori exemption granted by the Secretary under clause 27(1)(c); and
 - (b) subtracting 1 from the first result to get the second result; and
 - (c) multiplying the second result by 0.72 to get the third result; and
 - (d) subtracting 0.77 from the third result to get the fourth result; and
 - (e) if the fourth result is not a whole number, correcting it to the nearest whole number.

25 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 the Schedule opposite the roll range that applies to that school.

- (2) For the purposes of determining the roll range as at 1 July 2001,—
- (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.

Part 5

Exemptions

26 Guaranteed staffing component

- (1) The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order if—
- (a) the school's staffing has been (or, but for the exemption, would be) affected by a fall in its roll since 2001; and
 - (b) it is desirable to reduce the impact in 2002 of any resulting decrease in the school's entitlement to staff.
- (2) The Secretary may give the Board of a school an exemption under this clause in respect of no more than 1 FTTE, and the exemption applies for 1 year only.

27 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 (Māori):
 - (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: Māori.
- (2) The maximum number of FTTEs in respect of whom the Secretary may grant an exemption under subclause (1) (on a national basis and 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 (Māori)), 121:
- (c) in respect of resource teachers: Māori, 53.

28 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.

29 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 reorganisation, change in enrolment, closure, amalgamation, or change in the class of the school.

30 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 to preserve the continued employment of any permanent teachers employed by the Board immediately before 1 January 2002 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.

31 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.

32 Normal schools

The Secretary may exempt a Board, in respect of any normal school it administers, from the limitations imposed by this order in order to ensure that the school is able—

- (a) to recruit and retain sufficient skilled and experienced teachers to carry out the special functions of normal schools; and
- (b) to carry out the extra work required by the performance of those functions.

33 Community education co-ordination

- (1) The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order if the school offers a continuing education programme approved by the Secretary.
- (2) The exemption must relate to the number of tutor-hours that the programme comprises.

34 Restricted composite schools

The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order if the school is a restricted composite school.

35 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 intermediate schools, but not being a reason that applies to all other intermediate schools.

36 Revocation

The Education (2000 Intermediate School Staffing) Order 1999 (SR 1999/188) is revoked.

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Schedule Grades for principals' positions

Principal's grade	Roll range
U1	1-50
U2	51-100
U3	101-150
U4	151-300
U5	301-500
U6	501-850
U7	851-1 200
U8	1 201-1 600
U9	1 601-2 000
U10	2 001 and above

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

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

This order, which comes into force 28 days after the date of its notification in the *Gazette*, prescribes limitations on the numbers of regular (ie, non-relieving) teachers that may be employed at intermediate schools in 2002. It sets out how the limitations are calculated, and the circumstances in which, and conditions on which, the Secretary may grant exemptions from the limitations.

The order largely repeats the equivalent order for last year. The substantive changes are as follows:

- a maximum average class size of 27 has been introduced for schools with a roll of less than 160 (*clause 12(3)*). Provision has been made to ensure that a school whose roll increases from below 160 to 160 or more does not suffer a reduction in its curriculum staffing as a result (*clause 12(4)*);
- a universal base management staffing of 0.1 FTTE has been introduced for all schools (*clause 14(a)(v)*);

- the maximum number of resource teachers: Māori that may be provided under an exemption has been increased from 48 to 53 (*clause 27(2)(c)*):
- provision has been made for resource teacher support allowances of 0.05 FTTE for the following types of resource teacher, in addition to resource teachers: learning and behaviour, that are now available to schools (*clause 17*):
 - resource teacher: literacy; and
 - resource teacher: literacy (Māori):
- a definition of a **restricted composite school** and a *new clause 34* have been added. *New clause 34* permits the Secretary to exempt restricted composite schools from the limitations imposed by this order. Restricted composite schools are intermediate schools that the Minister has authorised to enrol students up to, and including, year 10:
- the definition of **special education list** has been amended to reflect the fact that the original transitional resourcing schemes have ended and have been incorporated into ongoing resourcing schemes, which are now reviewable.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 9 August 2001.

This order is administered in the Ministry of Education.
