



Education (2003 Area School Staffing) Order 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 16th day of September 2002

Present:

Her Excellency the Governor-General 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 (2003 Area School Staffing) Order 2002.

2 Commencement

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

3 Application

This order applies only to state area schools, and only to the 2003 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

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 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 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 2003 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 a year 1 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, a student of a year 1 greater than the year before.

**Part 2
Rolls****6 Boards must 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 2003.

7 Secretary must 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 2003.
- (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 2003; 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 2003; 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 that estimate.

8 Secretary must 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 2003 by estimating the number of students of year 9 and above likely to be enrolled at the school on 1 March 2003.
- (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 that notice.
- (3) As soon as practicable after estimating a school's senior staffing roll, the Secretary must give the Board written notice of that estimate.

9 Secretary must estimate March special education list

- (1) As soon as practicable after the commencement of this order, the Secretary must estimate for every school a list of special education students as at 1 March 2003, basing the estimate on the list of special education students who have been approved by the Secretary under the ongoing and reviewable resourcing schemes administered by the department of which the Secretary is the chief executive.
- (2) The Secretary must not estimate the school's special education list 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.
- (3) As soon as practicable after estimating a school's special education list, the Secretary must give the Board written notice of that estimate.

10 Certain students not counted

In determining 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 2002) 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 Board must ascertain and notify actual March roll

As soon as practicable after 1 March 2003, the Board 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 must ascertain roll and special education list if notice not received from Board

If a notice is not received from the Board of a school before 11 March 2003, 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 Board; 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 must confirm roll if notice received from Board

- (1) If a notice from the Board of a school reaches the Secretary before 11 March 2003, 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 2003, 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) A school's curriculum delivery allowance (in FTTEs) is the sum obtained by adding the items in subclause (2) and, if the resulting sum is not exactly divisible by 0.1, rounding it up to 1 decimal place.
- (2) The items 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 quotient obtained by dividing its specialist instruction roll by 120; and
 - (c) 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
 - (d) if there are 200 or fewer students on its senior staffing roll, the number obtained by—
 - (i) multiplying that roll by 0.0033; and
 - (ii) adding 0.05 to the resulting product; and
 - (iii) 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
 - (e) if there are more than 200 students on its senior staffing roll, the product of 1.16 and the number of levels of full-time senior students (to a maximum of 5) on its senior staffing roll.

- (3) In this clause and clause 18, **number of levels of full-time senior students** means the number of years from 9 to 13 at which the number of students enrolled in that year is greater than 0, where the roll for year 13 is taken as the sum of the rolls for years 13 to 15.

17 Adjustments to calculation of curriculum delivery allowance

- (1) If the number of students on a school's junior staffing roll is smaller than 160, and if the quotient obtained by dividing the school's junior staffing roll by the integer of the sum referred to in clause 16(2)(a) is over 27, that sum must be increased to the first whole number that will ensure the quotient obtained by dividing the number of students on the school's junior staffing roll by the integer value of that sum is equal to or less than 27.
- (2) If the number of students on a school's junior staffing roll is 160 or more, and the sum referred to in clause 16(2)(a) is less than 6, it must be replaced by 6.

18 Additional guidance allowance

- (1) A school's additional guidance allowance (in FTTEs) is the product of 0.08 and the number of levels of full-time senior students (to a maximum of 5) on its senior staffing roll.
- (2) In this clause, **number of levels of full-time senior students** has the meaning set out in clause 16(3).

19 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.

20 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 staffing allowance; and
 - (iv) the product of 0.05 and the number of attached resource teachers: Māori; and
 - (v) either,—
 - (A) if the school's roll is 28 or less, 0.2; or
 - (B) if the school's roll is 29 or more, 0.3; and
- (b) if the resulting sum is not exactly divisible by 0.1, rounding it down to 1 decimal place.

21 Special education staffing allowance

A school's special education staffing 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.

22 Formula-generated staffing allowance

A school's formula-generated staffing allowance (in FTTEs) is the sum of—

- (a) its curriculum delivery allowance; and
- (b) its additional guidance allowance; and
- (c) its management time allowance; and
- (d) its special education staffing allowance.

23 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 Māori who, before 1993, successfully completed training at a College of Education under the Te Atakura scheme.

24 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.

25 Community education co-ordination allowance

- (1) A school that offers a continuing education programme that comprises no more than 200 tutor-hours has in 2003 a community education co-ordination allowance (in FTTEs) that is the quotient (correct to 2 decimal places) obtained by dividing the number of tutor-hours by 3 800.
- (2) A school that offers a continuing education programme that comprises more than 200 tutor-hours has in 2003 a community education co-ordination allowance (in FTTEs) of,—
 - (a) if the programme concerned comprises not more than 1 000 tutor-hours, 0.1;
 - (b) if the programme concerned comprises more than 1 000 but not more than 1 500 tutor-hours, 0.2;
 - (c) if the programme concerned comprises more than 1 500 but not more than 4 000 tutor-hours, 0.3;
 - (d) if the programme concerned comprises more than 4 000 but not more than 5 000 tutor-hours, 0.4;

- (e) if the programme concerned comprises more than 5 000 tutor-hours, 0.5.

26 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).

27 Total regular staffing allowance

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

- (a) adding—
 - (i) its entitlement staffing; and
 - (ii) any Te Atakura allowance; and
 - (iii) any beginning teacher allowance; and
 - (iv) any community education co-ordination allowance; and
 - (v) any resource teacher support allowance; and
 - (vi) if in 2002 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
 - (vii) the sum of any added regular staffing arising out of a staffing transfer agreement under clause 28; and
- (b) subtracting from the resulting sum the sum of any deducted regular staffing arising out of a staffing transfer agreement under clause 28.

28 Staffing transfer agreements

- (1) The Boards of 2 schools (**school A** and **school B**) may enter into a **staffing 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 staffing; and
 - (b) school B will use that transferred teacher staffing 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 a staffing transfer agreement is given to the Secretary before 1 January,—
 - (a) the Secretary must deduct from the total regular staffing allowance of school A (the school relinquishing the teacher staffing) the number of FTTEs or salary units specified in the agreement; and
 - (b) the Secretary must add to the total regular staffing allowance of school B (the school receiving the teacher staffing) the number of FTTEs or salary units specified in the agreement.
- (3) No school may enter into a staffing transfer agreement relating to tuition in technology or another specialist subject.
- (4) A school may enter into a staffing transfer agreement relating to tuition in instrumental or vocal music only with one of the secondary schools listed in the first column of Schedule 5 of the Education (2003 Secondary and Form 1 to 7 School Staffing) Order 2002.
- (5) An agreement between 3 or more schools about the relinquishment and use of teacher staffing must be treated as a number of staffing transfer agreements between various pairs of those schools.

29 Application of clause 28 in relation to special education

Clause 28 applies to teacher staffing in relation to special education teachers in the same way as it applies to teacher staffing in relation to other teachers.

Part 4

Entitlement staffing

30 Guaranteed minimum formula staffing

An area school's guaranteed minimum formula staffing (in FTTEs) is its formula-generated staffing allowance, ascertained under clause 22 by reference to its estimated roll.

31 Entitlement staffing

- (1) An area school's entitlement staffing at a time in 2003 before its confirmed roll has been notified by the Secretary under clause 13 or clause 14(2), or confirmed by the Secretary under clause 14(1)(b), is its guaranteed minimum formula staffing.
- (2) An area school's entitlement staffing at a time in 2003 after its confirmed roll has been notified by the Secretary under clause 13 or clause 14(2), or confirmed by the Secretary under clause 14(1)(b), is the greater of its guaranteed minimum formula staffing and its formula-generated staffing allowance ascertained under clause 22 by reference to its confirmed roll.

Part 5**Limitations on employment****32 Limitation on employment of regular teachers**

- (1) The Board of a school may not employ a permanently appointed regular teacher whose employment generates a number of FTTEs greater than its entitlement staffing.
- (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 the number of FTTEs generated by the employment at the school at that time of permanently appointed regular teachers is less than its total regular staffing allowance.
- (3) The Board of a school may not make a permanent appointment of a regular teacher without the consent of the Secretary if the school's guaranteed minimum formula staffing exceeds its entitlement staffing, as generated by its confirmed roll, by 1.0 FTTE or more.
- (4) Despite subclauses (1) and (2), the Board of a school may continue to employ any permanently appointed regular teacher who, following receipt of the Secretary's notice of the school's confirmed roll, has become supernumerary.
- (5) Despite subclauses (1) and (2), the Board of a school may employ more permanently appointed regular teachers than is permitted under subclause (1), and may employ more other regular teachers than is permitted under subclause (2), if,—
 - (a) at some other time during the same year, the Board of the school has employed, or will employ, fewer regular teachers than the prescribed number; and

- (b) the employment of those teachers does not, at any time, cause the number of regular teachers employed by the Board at the school to exceed by more than 10% the number of FTTEs that the Board is entitled to employ at that school under subclause (1) or subclause (2); and
- (c) the net effect, over the full year, of employing the additional regular teachers does not result in the school's Board employing regular teachers representing more FTTEs than it is entitled to employ over that school year.

33 No entitlement to carry over surplus

If, during a school year, a Board employs fewer regular teachers at a school than equate to the number of FTTEs that the Board is entitled to employ at that school under clause 32, there is no entitlement to carry the net surplus over to the next school year.

34 Suspension of clause 32(5) if 10% limit exceeded

- (1) If, contrary to clause 32(5)(b), a Board employs a regular teacher whose employment causes the number of regular teachers employed at a school to exceed by more than 10% the number of FTTEs that the Board is entitled to employ at that school, the Secretary may notify the Board, in writing, that clause 32(5) does not apply to it.
- (2) A notice under subclause (1) applies from the date on which it is received by the Board until the date on which the number of regular teachers employed by the Board at the school during the year up to that date equals the number of FTTEs that the Board was entitled to employ at that school under clause 32(1) to (3) during that period.
- (3) If a Board receives a notice under subclause (1), clause 32(5) does not apply to that Board from the date of receipt of that notice until the date on which that notice ceases to apply in accordance with subclause (2).

35 Limitation on employment of principals

- (1) The Board of a school may not employ more than 1 principal for the school at any time.

- (2) A combined Board established under section 110 of the Act may not employ more than 1 principal for each school that the combined Board administers at any time.
- (3) Subsections (1) and (2) do not prevent the appointment of a principal during the term of his or her predecessor in office.

36 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 school's entitlement staffing; and
 - (b) multiplying the resulting difference 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.

37 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 2003, the special education list is determined as at 1 July 2002 and the following weightings apply:
 - (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.

38 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 6

Exemptions

39 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 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 (Māori)), 121;
 - (c) in respect of resource teachers: Māori, 53.

40 Reading recovery

- (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 participates in the training of reading recovery teachers; or
 - (b) because of the size or location of the school, the students of the school need to have a reading recovery teacher based at the school; or
 - (c) the school provides a base from which its reading recovery teacher can serve both that school and other schools in the area.
- (2) The maximum number of FTTEs in respect of whom an exemption under subclause (1) may be granted is 260.

41 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 consent to the Board under section 91F(b) of the Act.

42 Protection of specified programmes

The Secretary may exempt a 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 2002 level or some lower level) in order to protect a specified programme of instruction, the continued provision of which would otherwise be at risk.

43 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 permanently appointed regular teacher employed by the Board immediately before 1 January 2003 who is 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.

44 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.

45 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.

46 **Revocation**

The Education (2001 Area School Staffing) Order 2000 (SR 2000/147) is revoked.

Schedule

cl 37

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	501–675
U7	676–850
U8	851–1 025
U9	1 026–1 200
U10	1 201–1 400
U11	1 401–1 600
U12	1 601–1 800
U13	1 801–2 000
U14	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 on the day after its notification in the *Gazette*, prescribes limitations on the numbers of regular (ie, non-relieving) teachers who may be employed at area schools in 2003. 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:

- under *clause 12*, it is now the responsibility of the Board to ascertain the school roll and notify the Secretary, rather than the responsibility of the principal:
- the formula for calculating a school's curriculum delivery allowance in *clause 16* has been amended. The amendment is to effect staffing improvement changes by increasing each school's curriculum delivery allowance:
- a *new clause 18* has been added, which sets out schools' entitlement to an additional guidance allowance:
- the management time allowance for all schools has been increased by raising the universal base management staffing level in *clause 20(a)(v)*. This has been increased from 0.1 FTTE to—
 - 0.2 FTTE for schools with a roll of 28 or less; and
 - 0.3 FTTE for schools with a roll of 29 or more:
- a *new clause 22* has been added, which sets out how a school's formula-generated staffing allowance is calculated:
- clauses 24 and 25 of last year's order, which provided for certain schools to receive targeted rural funding and small school staffing allowances, have been omitted:
- *clause 27*, which sets out a school's total regular staffing allowance, has been amended. The main effect of the amendment is that rural staffing allowances and small school staffing allowances no longer form part of a school's total regular staffing allowance, but the new additional guidance allowance will form part of that entitlement:
- *new clauses 30 and 31* have been added, which set out how to calculate a school's guaranteed minimum formula staffing and its entitlement staffing:
- a *new clause 32(4)* has been added, which permits the continued employment of permanently appointed regular teachers who have become supernumerary:
- a *new clause 32(5)(b)* has been added, which changes a school's right to employ staff in excess of its entitlement at times during the year. Currently, a school may employ staff in excess of its entitlement if the net effect at the end of the year

is that the school's FTTE entitlement is not exceeded. *New clause 32(5)(b)* limits the extent to which a school's staffing level may exceed its entitlement, at any one time, to a maximum of 10% above the level of the school's FTTE entitlement:

- a *new clause 33* has been added, which provides that a school may not carry forward to the next school year any net surplus if it does not employ the number of teachers to which it is entitled during a school year:
- a *new clause 34* has been added, which allows the Secretary to suspend the application of *clause 32(5)* if a Board exceeds the 10% limit imposed in *new clause 32(5)(b)*. Suspension of *clause 32(5)* will mean that the Board cannot employ any more teachers than its FTTE entitlements allow until the payments that it has received for the year to date and its FTTE entitlements over that period balance:
- a *new clause 35* has been added, which limits the number of principals that a school may have to 1:
- *clause 38* of last year's order has been omitted from this order. That clause enabled the Secretary to exempt a Board from the limitations imposed in the order so as to protect teachers' allocated salary units in certain circumstances. This is a matter that relates to salary protection only and is covered in teachers' employment agreements:
- the *Schedule*, which sets out grades for principals' positions, has been amended to extend principals' U grades.

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

Date of notification in *Gazette*: 19 September 2002.

This order is administered in the Ministry of Education.
