



# Education (2003 Secondary School and Form 1 to 7 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 Secondary School and Form 1 to 7 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 secondary schools and state Form 1 to 7 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

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

- (a) at that time, has completed less than 24 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 high school, means the school's Board

**confirmed roll**, in relation to a high school, means the numbers of students—

- (a) notified for it by the Secretary under clause 9 or clause 10(2); or
- (b) confirmed for it by the Secretary under clause 10(1)(b)

**estimated roll**, in relation to a high school, means the numbers of students estimated for it by the Secretary under clause 7

**Form 1 to 7 school** means a school established under section 146 of the Act as a composite school that offers primary education to the extent only of the 2 years immediately before secondary education

**FTTE** means full-time teacher equivalent

**high school** means a school that is a secondary school or a Form 1 to 7 school

**March roll**, in relation to a high school, means the sum of the number of full-time year 7 to 13 students enrolled at the school as at 1 March 2003

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

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

**primary student** means a year 7 or year 8 student

**principal**, in relation to a high school, means the school's principal; and, in relation to a student who enrolls at a high 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 a high 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

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

**secondary student** means a student of year 9 or above

**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

**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).

- (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 all the students enrolled at the high 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) This order has effect as if every student enrolled at a high school who turns or turned 19 years before 2003 were a full-time student.

## **5 Years of schooling**

- (1) This subclause applies to a student enrolled at a high school who—
  - (a) has never been enrolled at a Form 1 to 7 school; and
  - (b) is enrolled at a primary institution in the year before the year in which the student first enrolls at a secondary school; and
  - (c) is subsequently educated at secondary schools without any substantial interruption.
- (2) A student to whom subclause (1) applies—
  - (a) is a year 9 student in the year in which the student first enrolls at high school; and
  - (b) in every subsequent year, is a student of a year 1 greater than the year before.

- (3) Any other student who enrolls at a high school is,—
- (a) in the year in which the student first or again enrolls at a high school, as the case may be, a student of the year that, in the principal's opinion, is 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 high 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 March 2003.

#### **7 Secretary must estimate March roll and special education list**

- (1) As soon as practicable after the commencement of this order, the Secretary must—
- (a) estimate the likely roll as at 1 March 2003 of every high school; and
  - (b) estimate the likely special education list as at 1 March 2003 of every high school; and
  - (c) give the Board of every high school written notice of the numbers estimated for that school.
- (2) The Secretary must not estimate the school's roll or special education list under subclause (1) without considering—
- (a) the notice given by the high school under clause 6; and
  - (b) all written evidence and argument the Board supplied with that notice.

#### **8 Board must ascertain and notify actual March roll**

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

If a notice is not received from the Board of a high 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.

**10 Secretary must confirm roll if notice received from Board**

(1) If a notice from the Board of a high 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.

**11 Certain students not counted**

In determining any roll or special education list, account may not 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.

## 12 Part-time students

- (1) Every part-time student enrolled or to be enrolled at a high 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 11.

## Part 3 Allowances and entitlement staffing

### *Allowances*

## 13 Specialist instruction roll

- (1) In this clause,—

**base school** is a Form 1 to 7 school or a Form 3 to 7 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 estimated or confirmed roll (as appropriate) to the number of visiting students; and
- (b) subtracting from the resulting sum the number of base students.

## 14 Curriculum delivery allowance

- (1) A high school's curriculum delivery allowance (in FTTEs) is the sum obtained by adding the amounts calculated in accordance with the following paragraphs and, if the resulting sum is not exactly divisible by 0.1, rounding it up to 1 decimal place:

- (a) the sum of—
- $$p + q$$
- where—
- p is the quotient obtained by dividing the number of primary students on its roll by 29
  - q is the quotient obtained by dividing its specialist instruction roll by 120; and
- (b) the sum of the following numbers, calculated taking into account clauses 11 and 12:
- (i) the number of full-time year 9 and year 10 students on its roll divided by 25; and
  - (ii) the number of full-time year 11 students on its roll divided by 23; and
  - (iii) the number of full-time year 12 students on its roll divided by 18; and
  - (iv) the number of full-time students of year 13 or above on its roll divided by 17; and
- (c) if there are 200 or fewer secondary students on its roll, the number obtained by—
- (i) multiplying the number of secondary students on its roll by 0.0033; and
  - (ii) adding 0.5 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) that it has; and
- (d) if there are more than 200 secondary students on its roll, the product of 1.16 and the number of levels of full-time senior students (to a maximum of 5) that it has.
- (2) In this clause, **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.

## 15 Adjustments to calculation of curriculum delivery allowance

- (1) If a school's number of primary students is smaller than 160, and the quotient obtained by dividing the school's number of primary students by the integer of the quotient referred to as p in clause 14(1)(a) is over 27, the quotient p must be increased to the first whole number that will ensure the quotient

obtained by dividing the school's number of primary students by the integer value of the quotient  $p$  is equal to or less than 27.

- (2) If a school's number of primary students is 160 or more, and the quotient referred to as  $p$  in clause 14(1)(a) is less than 6, then  $p$  must be given the value of 6.

## 16 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) that it has.
- (2) In this clause **number of full-time senior students** has the meaning set out in clause 14(2).

## 17 Weighted roll

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

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

## 18 Management time allowance

A high 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) 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.

## 19 Special education staffing allowance

A high 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.

## 20 Formula-generated staffing allowance

A high 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.

## 21 Beginning teacher allowance

- (1) In this clause, a **qualifying beginning teacher** is either—
- (a) a beginning teacher in his or her first 12 months of teaching who is employed for 0.5 of an FTTE or more; or
  - (b) a beginning teacher in his or her second 12 months of teaching who is employed full-time.
- (2) If a high school employs a qualifying beginning teacher who has completed less than 12 months teaching, it has a beginning teacher allowance (in FTTEs) calculated by adding—
- (a) one-fifth of the number of qualifying beginning teachers, if any, then employed at the school full-time; and
  - (b) one-tenth of the number of other qualifying beginning teachers, if any, then employed at the school.
- (3) If a high school employs a qualifying beginning teacher who has completed 12 months teaching, it has a beginning teacher allowance (in FTTEs) calculated by adding one tenth of the number of qualifying beginning teachers, if any, then employed at the school full-time.

**22 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).

**23 Ministerial community education co-ordination allowance**

A high school's ministerial community education co-ordination allowance, if any, (in FTTEs) is the number specified opposite its name in the second column of Schedule 1.

**24 Community learning centre allowance**

A high school's community centre learning allowance, if any, (in FTTEs) is the number specified opposite its name in the second column of Schedule 2.

**25 Community education co-ordination allowance**

- (1) This subclause applies to every high school that—
  - (a) has neither—
    - (i) a ministerial community education co-ordination allowance; nor
    - (ii) a community learning centre allowance; but
  - (b) offers a continuing education programme approved by the Minister for the purposes of this clause.
- (2) Every high school to which subclause (1) applies whose approved programme 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.
- (3) Every high school to which subclause (1) applies whose approved programme 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 Activity centre allowance**

A high school's activity centre allowance, if any, (in FTTEs) is the number specified opposite its name in the second column of Schedule 3.

## **27 Instrumental and vocal music tuition allowance**

The instrumental and vocal music tuition allowance (in FTTEs) of a high school for which the Secretary approved an allowance for instrumental, vocal, or instrumental and vocal tuition in 2003 is the product (correct to 2 decimal places) of the school's roll and 0.001.

## **28 Itinerant music teacher allowance**

Every high school to which a full-time permanently appointed itinerant teacher of a musical instrument is attached has an itinerant music teacher allowance (in FTTEs) of,—

- (a) if 1 teacher is attached, 0.1:
- (b) if 2 teachers are attached, 0.2:
- (c) if 3 or 4 teachers are attached, 0.3:
- (d) if more than 4 teachers are attached, 0.4.

## **29 Te Atakura allowance**

A high 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.

## **30 Total regular staffing allowance**

A high school's total regular staffing allowance (in FTTEs) is the sum of—

- (a) its entitlement staffing; and

- (b) any ministerial community education co-ordination allowance; and
- (c) any community learning centre allowance; and
- (d) any activity centre allowance; and
- (e) any beginning teacher allowance; and
- (f) any resource teacher support allowance; and
- (g) any instrumental and vocal music tuition allowance; and
- (h) any community education co-ordination allowance; and
- (i) any itinerant music teacher allowance; and
- (j) any Te Atakura allowance; and
- (k) in the case of a school specified in Schedule 4, the numbers, if any, specified opposite the school's name in any of the columns of that schedule.

### **31 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 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 regular staffing allowance 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 regular staffing allowance 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 one of the high schools listed in the first column of Schedule 5.

- (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.

### **32 Application of clause 31 to special education**

Clause 31 applies to entitlements in relation to special education teachers in the same way as it applies to entitlements in relation to other teachers.

#### *Entitlement staffing*

### **33 Guaranteed minimum formula staffing**

A high school's guaranteed minimum formula staffing (in FTTEs) is its formula-generated staffing allowance, ascertained in accordance with clause 20 and by reference to its estimated roll.

### **34 Entitlement staffing**

- (1) A high school's entitlement staffing at a time in 2003 before its confirmed roll has been notified by the Secretary under clause 9 or clause 10(2), or confirmed by the Secretary under clause 10(1)(b), is its guaranteed minimum formula staffing.
- (2) A high school's entitlement staffing at a time in 2003 after its confirmed roll has been notified by the Secretary under clause 9 or clause 10(2), or confirmed by the Secretary under clause 10(1)(b), is the greater of its guaranteed minimum formula staffing and its formula-generated staffing allowance ascertained in accordance with clause 20 and by reference to its confirmed roll.

## **Part 4**

### **Limitations on employment**

#### **35 Limitation on employment of regular teachers**

- (1) The Board of a high school may not employ a permanently appointed regular teacher whose employment generates a number of FTTEs greater than the sum of—
- (a) its entitlement staffing; and
  - (b) any ministerial community education co-ordination allowance; and
  - (c) any community learning centre allowance; and

- (d) any activity centre allowance.
- (2) The Board of a high school may not employ other regular teachers whose employment generates a number of FTTEs greater than the number of FTTEs by which the school's total regular staffing allowance at that time is greater than the number of FTTEs generated by the employment at the school at that time of permanently appointed regular teachers.
- (3) The Board of a high 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 high school may employ more permanently appointed regular teachers than is permitted under subclause (1), and 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 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.

### **36 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 35, there is no entitlement to carry the net surplus over to the next school year.

**37 Suspension of clause 35(5) if 10% limit exceeded**

- (1) If, contrary to clause 35(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 35(5) does not apply to it.
- (2) A notice under subclause (2) 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 35(1) to (3) during that period.
- (3) If a Board receives a notice under subclause (2), clause 35(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).

**38 Limitation on employment of principals**

- (1) The Board of a high 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.

**39 Limitation on employment of associate principals**

- (1) The Board of a high school with a roll of, or less than, 1 400 may not employ an associate principal for the school.
- (2) The Board of a high school with a roll of more than 1 400 may employ 1 associate principal for the school.

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

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

**41 Limitation on employment involving salary units**

- (1) Subject to clause 42, the Board of a high 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 the number calculated for the high school under subclause (2).
- (2) The number referred to in subclause (1) is calculated by—
  - (a) subtracting 1 from the school's formula-generated staffing allowance; and
  - (b) multiplying the resulting difference by 1.2; and
  - (c) adding 8 to the resulting product; and
  - (d) if the resulting sum is not a whole number, correcting it to the nearest whole number.

**42 Adjustments to calculation of limitation on employment involving salary units**

- (1) In relation to a high school listed in the first column of Schedule 1, clause 41 has effect as if the resulting sum calculated in accordance with that clause were increased by the number of salary units specified in the third column of that schedule opposite the name of the school.
- (2) In relation to a high school listed in the first column of Schedule 2, clause 41 has effect as if the resulting sum calculated in accordance with that clause were increased by the number of salary units specified in the third column of that schedule opposite the name of the school.
- (3) In relation to a high school listed in the first column of Schedule 3, clause 41 has effect as if the resulting sum calculated in accordance with that clause were increased by the number of salary units specified in the third column of that schedule opposite the name of the school.
- (4) In relation to a high school listed in the first column of Schedule 4, clause 41(2) has effect as if the resulting sum calculated in accordance with that clause were increased by the number of salary units specified in the second column of that schedule opposite the name of the school.

- (5) The increases provided for in subclauses (1) to (4) are (in relation to a high school to which 2 or more of those subclauses apply) cumulative.

#### **43 Limitation on grades for principals**

- (1) The Board of a high school may not employ a principal at a grade higher than the grade specified in the first column of Schedule 6 opposite the roll range that applies to that school.
- (2) For the purposes of determining the roll range for 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.

### **Part 5 Exemptions**

#### **44 Resource teachers**

- (1) The Secretary may exempt a Board, in respect of any high 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 on a national basis 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 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.

#### **45 Board-funded teachers**

The Secretary may exempt a Board, in respect of any high 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.

#### **46 Time allowance for teachers absent on long-term training**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if the Secretary believes that the school needs an in-service course allowance of up to 1 FTTE for each teacher absent on a recognised long-term training course.

#### **47 Protection of specified programmes**

The Secretary may exempt a Board, in respect of any high 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 order 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.

#### **48 Protection of associate principals**

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

- (a) the school's entitlement to an associate principal has been (or, but for the exemption, would be) affected by a reorganisation, change in attendance, closure, amalgamation, or change in class of the school; and
- (b) it is desirable to exempt the Board from the limitation in order to preserve the position.

**49 Protection of supernumerary teachers**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if the exemption is necessary 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 a reorganisation, change in enrolment, closure, amalgamation, or change in class of schools.

**50 Roll increases**

The Secretary may exempt a Board, in respect of any high school it administers, from the limitations imposed by this order if the school's total roll is less than it would be if calculated as at the day on which the Secretary is considering whether or not to grant the exemption.

**51 Special reason**

The Secretary may exempt a Board, in respect of any high 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 high schools, but not being a reason that applies to all other high schools.

**52 Revocation**

The Education (2001 Secondary School and Form 1 to 7 School Staffing) Order 2000 (SR 2000/146) is revoked.

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cls 23, 42(1)

**Schedule 1**  
**Ministerial community education**  
**co-ordination allowance**

<b>School</b>	<b>Staffing (FTTEs)</b>	<b>Salary units</b>
Buller High School	0.7	2
Greymouth High School	0.5	0
Hagley Community College (Risingholme)	1	2
Hillary College	1	3
Opotiki College	1	3
Wellington High School	1	6
Westland High School	0.5	0

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cls 24, 42(2)

**Schedule 2**  
**Community learning centre allowance**

<b>School</b>	<b>Staffing (FTTEs)</b>	<b>Salary units</b>
Aorere College	1	3
Aranui High School	1	3
Ashburton College	1	3
Edgewater College	1	3
Feilding High School	1	3
Glenfield College	1	3
Hagley Community College	2	4
Melville High School	1	3
Newlands College	1	3
Rutherford College	1	3

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### Schedule 3

#### Activity centre allowance

cls 26, 42(3)

School	Staffing (FTEs)	Salary units
Aotea College	2	2
Gisborne Girls' High School	2	2
Kaikorai Valley College	2	2
Karamu High School	2	2
Mt Anglem College	2	2
Naenae College	2	2
Napier Boys' High School	2	2
Otahuhu College	2	2
Palmerston North Boys' High School	2	2
Papakura High School	2	2
Rotorua Boys' High School	2	2
Spotswood College	2	2
Wellington East Girls' College	2	2
Western Springs College	2	2

### Schedule 4

#### Additional allowance

cls 30(k), 42(4)

School	Salary units	Other (FTEs)	Linkage (FTEs)
Blue Mountain College	–	–	0.1
Burnside High School	8	1.0	0.2
Dunstan High School	–	–	0.15
Feilding Agricultural High School	–	0.5	–
Fiordland College	–	–	0.1
Greymouth High School	–	–	0.2
Henderson High School	–	1.2	–
Kapiti College	–	–	0.2
Kawerau College	–	–	0.2
Linwood High School	–	–	0.5
Makoura College	–	0.5	–
Naenae College	1.0	–	–
Ngata Memorial College	–	–	0.2
Northland College	–	1.0	–
Porirua College	–	0.5	–
Reporoa College	–	–	0.2
Rotorua Lakes High School	–	–	0.2
Tamaki College	–	1.0	–
Tawa College	2	–	0.2
Timaru Boys' High School	–	–	0.1
Tongariro High School	–	1.0	–

cl 31(4)

## Schedule 5

### Instrumental and vocal music

School	Staffing (FTTEs)
Auckland Grammar School	4
Freyberg High School	2
Geraldine High School	5
Gisborne Boys' High School	1
Hagley Community College	14
Hauraki Plains College	12
Havelock North High School	1
James Hargest High School	5
Macleans College	2
Mt Albert Grammar School	2
Otahuhu College	1
Pakuranga College	1
Queen's High School	7
Rangitoto College	2
Rotorua Girls' High School	1
Saint Peter's College (Auckland)	1
Tauranga Boys' College	4
Whakatane High School	2

cl 43

## Schedule 6

### 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.

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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 the day after the date of its notification in the *Gazette*, prescribes limitations on the numbers of regular (ie, non-relieving) teachers who may be employed at secondary schools and Form 1 to 7 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 the last year. The substantive changes are as follows:

- under *clause 8*, 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 14* has been amended. This amendment is to effect staffing improvement changes by increasing each school's curriculum delivery allowance;
- a *new clause 15* 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 18(a)(iv)*. 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;
- part of the definition of a **beginning teacher** has been amended so that the definition will apply to teachers who have completed less than 24 months' teaching, rather than less than 12 months' teaching. In addition, *clause 21* has been amended to specify different rates of beginning teacher allowance to

apply during a beginning teacher's first 12 months' teaching and during their second 12 months' teaching:

- clause 29 of last year's order has been omitted from this order. That clause provided for certain schools to receive targeted rural funding:
- a *new clause 35(4)* has been added, which permits the continued employment of permanently appointed regular teachers who have become supernumerary:
- a *new clause 35(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 35(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 36* 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 37* has been added, which allows the Secretary to suspend the application of *clause 35(5)* if a Board exceeds the 10% limit imposed under *new clause 35(5)(b)*. Suspension of *clause 35(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:
- clause 47 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:

- *Schedule 6*, which sets out grades for principals' positions, has been amended to extend principals' U grades.
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This order is administered in the Ministry of Education.

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