



Education (2005 Special School Staffing) Order 2004

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 6th day of September 2004

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 (2005 Special School Staffing) Order 2004.

2 Commencement

This order comes into force on 11 September 2004.

3 Application

This order applies only to special schools, and only to the 2005 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 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

junior staffing roll, in relation to a school, means the best estimate of the number of students of each of years 1 to 8 likely to be enrolled at the school on 10 October 2005

Maori-medium roll, in relation to a school, means the number of the school's Maori-medium students

Maori-medium student, in relation to a school, means a student of the school—

- (a) who is Maori; and
- (b) for whom the curriculum is taught in Maori for more than 12.5 and up to 25 hours per week

non-Maori-medium roll, in relation to a school, means the number of the school's students left after the school's Maori-medium roll has been subtracted from its staffing roll (as determined under clause 7)

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

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

senior staffing roll, in relation to a school, means the best estimate of the number of students of year 9 and above likely to be enrolled at the school on 10 October 2005

special education authority means—

- (a) an agreement or direction under section 9(1)(a) of the Act that the person should be enrolled at a special school; and
- (b) in relation to a particular special school, an agreement that a person should be enrolled, or a direction to enrol a person, at that school

special education list or 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, in relation to a special school, means a student enrolled at that school in respect of whom there is for the time being in force a special education authority

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

special school means a special school established under section 98 of the Education Act 1964

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(1) of the Act have the meanings given to them by that section.
- (3) A school's roll comprises—
 - (a) the students (including Maori-medium students and special education students) on the junior staffing roll; and
 - (b) the students (including Maori-medium students and special education students) on the senior staffing roll.
- (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 special school before the age of 7 and who is subsequently educated at special 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 ascertain July 2004 rolls and estimate July 2005 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—

- (a) the school's actual roll (in the Board's opinion) as at 1 July 2004; and
- (b) the school's actual Maori-medium roll (in the Board's opinion) as at 1 July 2004; and
- (c) the school's likely roll (in the Board's opinion) as at 1 July 2005; and
- (d) the school's likely Maori-medium roll (in the Board's opinion) as at 1 July 2005.

7 **Secretary must estimate October 2005 roll, Maori-medium roll, and special education list**

(1) As soon as practicable after the commencement of this order, the Secretary must—

- (a) estimate the roll as at 10 October 2005 of every school; and
- (b) estimate the Maori-medium roll as at 10 October 2005 of every school; and
- (c) estimate the special education list as at 10 October 2005 of every school; and
- (d) give the Board of every school written notice of the roll, the Maori-medium roll, and special education list estimated for that school.

(2) The Secretary must not estimate the school's roll, Maori-medium roll, or special education 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 **Board must ascertain and notify actual March roll and actual Maori-medium roll**

As soon as practicable after 1 March 2005, the Board of every school must—

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

9 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 2004) 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

Provisions relating to specified schools or types of school

10 Health camps

The basic staffing entitlement, principal's grade, and salary units of a school at a health camp specified in the first column of Schedule 1 are as specified opposite its name in the appropriate columns of that schedule.

11 Social welfare campuses

The basic staffing entitlement, principal's grade, and salary units of a school at a Department of Social Welfare campus specified in the first column of Schedule 2 are as specified opposite its name in the appropriate columns of that schedule.

12 Residential schools

- (1) The basic staffing entitlement of a special residential school specified in the first column of Schedule 3 is as specified opposite its name in the second column of that schedule.
- (2) Despite clause 14, clauses 35 and 37 apply to the schools listed in Schedule 3.

13 Regional hospital and health schools

The basic staffing entitlement, principal's grade, and salary units of a regional hospital and health school specified in the first column of Schedule 4 are as specified opposite its name in the appropriate column of that schedule.

14 Parts 4 and 5 do not apply to schools in this Part

Parts 4 and 5 do not apply to a special school that is referred to in this Part as being listed in Schedule 1, Schedule 2, Schedule 3, or Schedule 4.

Part 4
Allowances and entitlement staffing*Allowances***15 Specialist instruction roll**

(1) In this clause,—

base school is a primary 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 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 Maori-medium roll divided by 20; and
- (ii) the number of year 0, year 1, year 2, and year 3 students on its non-Maori-medium roll divided by 23; and
- (iii) the number of year 4, year 5, year 6, year 7, and year 8 students on its Maori-medium roll divided by 20; and
- (iv) the number of year 4, year 5, year 6, year 7, and year 8 students on its non-Maori-medium 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 Maori-medium roll divided by 20; and
 - (ii) the number of year 9 and year 10 students on its non-Maori-medium roll divided by 25; and
 - (iii) the number of year 11 students on its Maori-medium roll divided by 20; and
 - (iv) the number of year 11 students on its non-Maori-medium roll divided by 23; and
 - (v) the number of year 12 students on its Maori-medium roll divided by 18; and
 - (vi) the number of year 12 students on its non-Maori-medium roll divided by 18; and
 - (vii) the number of students of year 13 or above on its Maori-medium roll divided by 17; and
 - (viii) the number of students of year 13 or above on its non-Maori-medium 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 0.0035; 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) on its senior staffing roll; and
- (e) if there are more than 200 students on its senior staffing roll, the product of 1.2 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 years 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 176, 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 26, 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 26.
- (2) If the number of students on a school's junior staffing roll is 176 or more, and the sum referred to in clause 16(2)(a) is less than 7, it must be replaced by 7.

18 Additional guidance allowance

A school's additional guidance allowance (in FTTEs) is,—

- (a) if there are 200 or fewer students on its senior staffing roll, the number obtained by—
- (i) multiplying that roll by 0.0007; and
 - (ii) adding 0.08 to the resulting product; and
 - (iii) multiplying the resulting sum by the number of levels of full-time senior students (as defined in clause 16(3), and to a maximum of 5) on its senior staffing roll; and
- (b) if there are more than 200 students on its senior staffing roll, the product of 0.22 and the number of levels of full-time senior students (as so defined, and to a maximum of 5) on its senior staffing roll.

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) the product of 0.5 and the number of state students of year 7 and year 8 who attend the school for instruction in technology or some other specialist subject.

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) either,—
 - (A) if the school's roll is 28 or less, 0.2; or
 - (B) if the school's roll is 29 or more but less than 61, 0.3; or
 - (C) if the school's roll is 61 or more, 0.4; and
- (b) if the resulting sum is not exactly divisible by 0.1, rounding it down to 1 decimal place.

21 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.

22 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.

23 Special education management allowance

A school's special education management allowance (in FTTEs), if any, is the product (correct to 2 decimal places) of 0.05 and its special education staffing allowance (in FTTEs).

24 Supplementary learning support teacher time allowance

A school's supplementary learning support teacher time allowance (in FTTEs), if any, is the product of 0.1 and the number of students enrolled at the school and identified and classified by the Secretary as being in need of supplementary learning support.

25 Beginning teacher allowance

A beginning teacher allowance is, for the period of employment of each beginning teacher, calculated as follows:

- (a) in the case of a teacher employed on the basis of employment for 10 half-days each week, as an additional staffing allowance of 0.2 of an FTTE; and
- (b) in the case of a teacher whose employment is the employment of less than 1.0 of an FTTE but 0.5 or more of an FTTE, as an additional staffing allowance of 0.1 of an FTTE.

26 Attached unit allowance

A school's attached unit allowance, if any, is the number of FTTEs and salary units specified in the third and fourth columns of Schedule 7 opposite its name and the name of its attached unit in the appropriate columns of that schedule.

27 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 1 or more specified subjects to students enrolled at school A.
- (2) Subject to subclauses (3) and (4), if an entitlement transfer agreement is given to the Secretary before 1 January,—
 - (a) the Secretary must deduct from the total staffing entitlement of school A (the school relinquishing the entitlements) the number of FTTEs or salary units specified in the agreement; and
 - (b) the Secretary must add to the total staffing entitlement 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 secondary schools or high schools listed in the first column of Schedule 3 of the Education (2005 Secondary School and Form 1 to 7 School Staffing) Order 2004.
- (5) An agreement between 3 or more schools about the relinquishment and use of entitlements must be treated as a number of entitlement transfer agreements between various pairs of those schools.

28 Application of clause 27 to special education

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

29 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 special education staffing allowance; and
 - (iii) any special education management allowance; and
 - (iv) any supplementary learning support teacher time allowance; and
 - (v) any beginning teacher allowance; and
 - (vi) any attached unit allowance; and
 - (vii) the sum of any additional entitlements arising from an entitlement transfer agreement under clause 27; and
- (b) subtracting from the resulting sum, the sum of any entitlement deductions arising from an entitlement transfer agreement under clause 27.

*Entitlement staffing***30 Entitlement staffing**

A school's entitlement staffing at a time in 2005 after its estimated October 2005 roll, Maori-medium roll and list have been notified by the Secretary under clause 7 is its formula-generated staffing allowance based on its rolls as estimated under clause 7.

Part 5**Limitations on employment****31 Limitation on employment of regular teachers**

- (1) The Board of a special school may not employ a permanently appointed regular teacher whose employment generates a number of FTTEs greater than its total regular staffing allowance.
- (2) The Board of a special 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) 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 rolls and list as estimated under clause 7, has become supernumerary.
- (4) 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 2005 school year, the Board 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 teachers employed by the Board at the school to exceed by more than 10% the number of FTTEs on the school's total regular staffing allowance; and
 - (c) the net effect during the 2005 school year of employing the additional teachers does not result in the Board employing regular teachers representing more FTTEs than it is entitled to employ over that school year.

32 No entitlement to carry over surplus beyond 31 March 2006

If, during the 2005 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 31, there is no entitlement to carry the net surplus over after 31 March 2006.

33 Suspension of clause 31(4) if 10% limit exceeded

- (1) If, contrary to clause 31(4)(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 31(4) 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 31(1) and (2) during that period.

- (3) If a Board receives a notice under subclause (1), clause 31(4) 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).

34 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) Subclauses (1) and (2) do not prevent the appointment of a principal during the term of his or her predecessor in office.

35 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 formula-generated staffing allowance to get the first result; and
 - (b) multiplying the first result by 0.72 to get the second result; and
 - (c) subtracting 0.77 from the second result to get the third result; and
 - (d) if the third result is not a whole number, correcting it to the nearest whole number.

36 Adjustment to calculation of limitation on employment involving salary units

In relation to a school that is in receipt of a special education staffing allowance under clause 22, clause 35 has effect as if the third result were increased by adding the number of salary units generated by—

- (a) adding the number of FTTEs of the school's special education staffing allowance to the number of FTTEs, if any, of the school's special education management allowance; and
- (b) multiplying the result by 0.72; and
- (c) if the resulting product 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 Schedule 5 opposite the roll range that applies to the school.
- (2) For the purposes of determining the roll range for 2005, the special education list is determined as at 1 July 2004 and the following weightings apply:
 - (a) 1 student enrolled at Felix Donnelly College, Westbridge Residential School, McKenzie Residential School, or Waimokoia Residential School is the equivalent of 6 students:
 - (b) 1 student (not being a student with high needs or with very high needs) enrolled at Halswell Residential College or Salisbury School is the equivalent of 3 students:
 - (c) 1 special education student with high needs is the equivalent of 3 students:
 - (d) 1 special education student with very high needs is the equivalent of 6 students.

Part 6 Exemptions

38 Deaf and hearing impaired students

The Secretary may exempt the Boards of Kelston Deaf Education Centre and Van Asch Deaf Education Centre from the limitations relating to staffing entitlements and salary units imposed by this order to the extent specified in Schedule 6.

39 Blind and vision impaired students

The Secretary may exempt the Board of Homai National School for the Blind and Vision Impaired from the limitations relating to staffing entitlements and salary units imposed by this order to the extent specified in Schedule 6.

40 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.

41 Time allowance for teachers absent on long-term training

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

42 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 permanently appointed regular teacher employed by the Board immediately before 1 January 2005 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.

43 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 an unusual increase in the number of students enrolled at the school.

44 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 special schools, but not being a reason that applies to all other special schools.

45 Revocation

The Education (2003 Special School Staffing) Order 2002 (SR 2002/270) is revoked.

cl 10

Schedule 1
Basic staffing entitlements of special schools at health camps

School	Staffing entitlement in FTTEs	Principal's grade	Salary units
Te Kainga Whaiora Children's Health Camp	2.6	U1	0
Glenelg (Canterbury)	2.6	U1	0
Northland	2.6	U1	0
Health Camp School Otago-Southland	3.8	U1	1
Otaki	3.8	U1	1
Pakuranga (Auckland)	3.8	U1	1

cl 11

Schedule 2
Basic staffing entitlements of special schools at Department of Social Welfare campus

School	Staffing entitlement in FTTEs	Principal's grade	Salary units
Kingslea (Christchurch)	7.8	Secondary Basic Scale	3

Schedule 3

Basic staffing entitlements for residential special schools

cl 12

School	Staffing entitlement in FTEs
Felix Donnelly College	4.2
Halswell Residential College	10.3
McKenzie Residential School	4.3
Salisbury School (Nelson)	6.4
Waimokoia Residential School	6.3
Westbridge Residential School	4.3

Schedule 4

cl 13

Basic staffing entitlements for regional hospital and health schools

School	Staffing entitlement in FTEs	Principal's grade	Salary units
Central	12.8	U4	8
Northern	25.3	U6	17
Southern	11.8	U4	7

Schedule 5

cl 37(1)

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	501–675
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

cls 38, 39

Schedule 6

Provision for regional staffing structure at schools for hearing and for vision impaired students

School	Staffing entitlement in FTTEs	Salary units
Deaf and hearing impaired (includes Regional Co-ordinator positions)	107.5	50
Itinerant teachers of the blind and vision impaired (Homai)	14.0	12

cl 26

Schedule 7

Units attached to special schools

School	Attached unit	Staffing entitlement in FTTEs	Salary units
Central Regional Health School	Lower North Youth Justice Residence	8.6	5

Martin Bell,
Acting for 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 11 September 2004, prescribes limitations on the numbers of regular (ie, non-relieving) teachers who may be employed at special schools in 2005. It sets out how the limitations are calculated, and the circumstances in which, and conditions on which, the Secretary may grant exemptions from limitations.

The substantive differences between this order and the order for last year are as follows:

- the special education staffing allowance, based on the special education list, is removed from entitlement staffing. The special education management allowance is also separated out from the management time allowance. Instead, the special education staffing allowance and the special education management allowance are included in the total regular staffing allowance. They are now also part of the basis of calculating additional salary units, through an adjustment to the calculation of the limitation on employment involving salary units:
- the provisions which require the Secretary, soon after the order comes into force (see *clause 7*), to estimate a school's rolls and list, and to give a school's Board notice of those estimates, now require the estimate to be for 10 October, rather than 30 September as in the previous order:
- this order introduces an attached unit allowance. If a school is mentioned in the *new Schedule 7* as having an attached unit, the allowance forms part of the school's total regular staffing allowance:
- this order introduces a formula-generated staffing allowance for special schools, containing the curriculum delivery, additional guidance, and management time allowances which were formerly part of the total staffing entitlement:
- entitlement staffing is also introduced, based in turn on the formula-generated staffing allowance:
- the previous order's total staffing entitlement is replaced in this order by a total regular staffing allowance:
- the provisions on limitations on the employment of regular teachers in this order now resemble those of the other school staffing orders, to the extent that the nature of special school staffing resembles the staffing of other types of schools:
- like the previous order, there is still no entitlement to carry over a net surplus of staffing beyond a certain time if a Board has employed fewer regular teachers at a school during the year than its entitlement. However, the cut-off time beyond which carrying over a net surplus is not permitted has changed from the previous order, which referred to there being no entitlement to carry the net surplus over to the next

school year. This order however states that any net surplus cannot be carried over after 31 March 2006.

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