



Education (2006 Primary School Staffing) Order 2005

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 15th day of August 2005

Present:

The Hon Dr Michael Cullen presiding in Council

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

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Order

- Title**

This order is the Education (2006 Primary School Staffing) Order 2005.
- Commencement**

This order comes into force on 15 September 2005.
- Application**

This order applies only to state primary schools, and only to the 2006 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 school, means the school's Board

FTTE means full-time teacher equivalent

kura teina means a unit that—

- (a) operates in accordance with Te Aho Matua (as defined in section 155A of the Act), or in accordance with a similar approach to teaching and learning; and
- (b) is, with the approval of the Minister (as defined in section 145(1) of the Act), provided with governance, management, mentoring, and professional support by a kura tuakana; and
- (c) may, but need not, be on the same site or sites as the kura tuakana

kura tuakana, in relation to a kura teina, means the school that, with the approval of the Minister (as defined in section 145(1) of the Act), provides governance, management, mentoring, and professional support for the kura teina, because the school is a kura kaupapa Maori established under section 155 of the Act and, in that Minister's opinion,—

- (a) is, in the light of reports on the school prepared by the Education Review Office, a school of high quality; and
- (b) is capable of providing governance, management, mentoring, and professional support for the kura teina

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 for whom the curriculum is taught in Maori for more than 12.5 and up to 25 hours per week

March rolls and list, in relation to a school, means the rolls and list confirmed under clause 9

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 clauses 7, 9, and 10)

October rolls and list, in relation to a school, means the rolls and list estimated for the school by the Secretary under clause 10

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

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

provisional rolls and list, in relation to a school, means the rolls and list estimated for the school by the Secretary under clause 7

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 primary 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

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 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(1) of the Act have the meanings given to them by that section.
- (3) A school's roll comprises all the students enrolled at the school, including Maori-medium students and special education students.
- (4) For the purposes of this order,—
 - (a) the employment of a teacher on the basis of employment for 10 half-days every full week is the employment of 1 FTTE:
 - (b) the employment of a teacher on the basis of employment for a specified number (smaller than 10) of half-days every full week is the employment of one-tenth of that number of FTTEs:
 - (c) the employment of a teacher on the basis of employment for a specified number (smaller than 20) of half-days every full fortnight is the employment of one-twentieth of that number of FTTEs:
 - (d) the employment of a teacher on the basis of employment for a specified number of teaching hours (or an average of that number of teaching hours) every full week is the employment of one twenty-fifth of that number of FTTEs.

5 Years of schooling

- (1) A student who first enrolls at a primary school before the age of 7 and who is subsequently educated at primary institutions 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 2005 rolls and estimate July 2006 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 2005; and
- (b) the school's likely roll (in the Board's opinion) as at 1 July 2006; and
- (c) the school's actual Maori-medium 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 2006.

7 Secretary must estimate provisional rolls and list

- (1) As soon as practicable after the commencement of this order, the Secretary must—
 - (a) estimate the staffing roll as at 10 October 2006 of every school; and
 - (b) estimate the Maori-medium roll as at 10 October 2006 of every school; and
 - (c) estimate the special education list as at 10 October 2006 of every school; and
 - (d) give the Board of every school written notice of the rolls and list estimated for that school.
- (2) The Secretary must not estimate a school's staffing 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 rolls and actual March Maori-medium rolls

As soon as practicable after 1 March 2006, 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 that purpose.

9 Secretary must confirm March rolls and list

(1) Subject to subclause (2), as soon as practicable after 10 March 2006, the Secretary must—

- (a) confirm the actual staffing roll, actual Maori-medium roll, and special education list as at 1 March 2006 of every school; and
- (b) give the Board of every school written notice of the rolls and list confirmed for that school.

(2) If a notice under clause 8 from the Board of a school reaches the Secretary before 11 March 2006, the Secretary must not confirm the staffing roll, Maori-medium roll, or special education list under subclause (1) without taking into account—

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

10 Secretary must estimate rolls and list as at 10 October 2006

(1) Subject to subclauses (2), (3), and (4), as soon as practicable after 10 March 2006, the Secretary must—

- (a) estimate the likely staffing roll, Maori-medium roll, and special education list as at 10 October 2006 of every school; and
- (b) give the Board of every school written notice of the rolls and list estimated for that school.

(2) If a notice under clause 8 from the Board of a school reaches the Secretary before 11 March 2006, the Secretary must not estimate the school's staffing roll, Maori-medium roll, or special education list under subclause (1), without taking into account—

- (a) that notice; and
 - (b) all written evidence and argument the Board supplied with that notice.
- (3) The Secretary's estimate of the school's 10 October roll must not be less than the number obtained by adding the following:
- (a) the actual March roll as confirmed by the Secretary under clause 9; and
 - (b) eleven-twelfths of the number of students included in the confirmed actual March roll who are year 1 students (a result that is not a whole number being increased to the next whole number).
- (4) The Secretary's estimate of the school's 10 October Maori-medium roll must not be less than the number obtained by adding the following:
- (a) the actual March Maori-medium roll as confirmed by the Secretary under clause 9; and
 - (b) eleven-twelfths of the number of students included in the confirmed actual March Maori-medium roll who are year 1 students (a result that is not a whole number being increased to the next whole number).

11 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 2005) from the payment of all the amount required by section 4B of the Act to be paid; or
- (b) in respect of whom all the amount required by section 4B of the Act to be paid has been or is to be paid by the Ministry of Foreign Affairs and Trade.

Part 3

Allowances and entitlement staffing

Allowances

12 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.

13 Curriculum delivery allowance

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

$$p + q$$

where—

p is the sum of—

- (a) the number of students on its Maori-medium roll divided by 20; and
- (b) the number of year 0, year 1, year 2, and year 3 students on its non-Maori-medium roll divided by 23; and
- (c) the number of students of a year greater than 3 on its non-Maori-medium roll divided by 29

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

- (2) If the sum referred to in subclause (1) as p is less than 1, it must be rounded up to 1.
- (3) If the result of the calculation under subclause (1) is not exactly divisible by 0.1, the figure must be rounded up to 1 decimal place.
- (4) If a school's roll is less than 176, and if the quotient obtained by dividing the school's roll by the integer of the sum referred to in subclause (1) as p is over 26, p must be increased to the first whole number that will ensure the quotient obtained by

dividing the school's roll by the integer value of p is equal to or less than 26.

- (5) If a school's roll is 176 or more, and if the value of p is less than 7, then p must be given the value of 7.

14 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 students of years greater than 3 then included on its staffing roll; and
- (c) the product of 0.5 and the number of state students of years 7 and 8 who attend the school for instruction in technology or some other specialist subject.

15 Management time allowance

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

- (a) adding—
 - (i) the product of 0.0003 and its weighted roll; and
 - (ii) the product of 0.017 and the square root of its weighted roll; and
 - (iii) the product of 0.05 and the number of FTTEs for the time being represented by resource teachers: Maori employed at the school by virtue of an exemption granted under clause 37(1)(c); 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 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.

16 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 management time allowance.

17 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.

18 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).

19 Supplementary learning support time allowance

A school's supplementary learning support 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.

20 Classroom release time allowance

A school's classroom release time allowance (in FTTEs) is obtained by—

- (a) adding—
 - (i) its entitlement staffing; and
 - (ii) any special education staffing allowance; and
 - (iii) any special education management allowance; and
 - (iv) the number of FTTEs for the time being represented by any senior teacher appointed in accordance with clause 44 to carry out special duties at normal schools; and
 - (v) the number of FTTEs for the time being represented by any supernumerary teachers who have elected to be redeployed in the school or approved for redeployment from another school; and
 - (vi) any tuakana-teina allowance; and
 - (vii) the sum of any additional entitlements arising under clause 25 from an entitlement transfer agreement; and

- (b) subtracting from the resulting sum—
 - (i) any entitlements that must be deducted under clause 25 as a result of an entitlement transfer agreement; and
 - (ii) 1; and
- (c) if the resulting difference is not a whole number, rounding it down to the nearest lower whole number; and
- (d) multiplying the resulting whole number by 0.04.

21 Tuakana-teina allowance

The tuakana-teina allowance, if any, of a school that is the kura tuakana for a kura teina, is an allowance—

- (a) determined by the Secretary in the light of the Secretary's assessment of the number of teachers required for the kura teina; and
- (b) of not less than 1.0 FTTE and 1.0 salary unit.

22 Beginning teacher allowance

- (1) In this clause, **qualifying beginning teacher** means—
 - (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 school employs a qualifying beginning teacher who has completed less than 12 months' teaching, the school has a beginning teacher allowance (in FTTEs) calculated by adding—
 - (a) the product of—
 - (i) the number of qualifying beginning teachers, if any, then employed at the school full-time; and
 - (ii) 0.2; and
 - (b) the product of—
 - (i) the number of other qualifying beginning teachers, if any, then employed at the school; and
 - (ii) 0.1.
- (3) If a school employs a qualifying beginning teacher who has completed 12 months' teaching, it has a beginning teacher allowance (in FTTEs) calculated by adding (as well as the

amount, if any, obtained from the calculation in subclause (2))
the product of—

- (a) the number of qualifying beginning teachers, if any, then employed at the school full-time; and
- (b) 0.1.

23 Resource teacher support allowance

A school has a resource teacher support allowance of 0.05 of an 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 (Maori).

24 Supplementary learning support teacher support allowance

A school has a supplementary learning support teacher support allowance of 0.05 of an FTTE for each teacher employed as a supplementary learning support teacher for 0.6 of an FTTE or more.

25 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 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 secondary schools or high schools listed in the first column of Schedule 3 of the Education (2006 Secondary School and Form 1 to 7 School Staffing) Order 2005.
- (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.

26 Application of clause 25 to special education

Clause 25 applies to entitlements in relation to special education teachers in the same way as it applies to entitlements in relation to other teachers.

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 special education staffing allowance; and
 - (iii) any special education management allowance; and
 - (iv) any supplementary learning support time allowance; and
 - (v) any classroom release time allowance; and
 - (vi) any tuakana-teina allowance; and
 - (vii) any beginning teacher allowance; and
 - (viii) any resource teacher support allowance; and
 - (ix) any supplementary learning support teacher support allowance; and
 - (x) the sum of any additional entitlements arising under clause 25 from an entitlement transfer agreement; and

- (xi) the number of FTTEs for the time being represented by resource teachers: Maori employed at the school by virtue of an exemption granted under clause 37(1)(c); and
- (b) subtracting from the resulting sum any entitlements that must be deducted under clause 25 as a result of an entitlement transfer agreement.

Entitlement staffing

28 Entitlement staffing

- (1) A school's entitlement staffing at a time in 2006 before its March rolls and list have been confirmed by the Secretary under clause 9 is its formula-generated staffing allowance, ascertained in accordance with clause 16, based on its provisional rolls as estimated under clause 7.
- (2) A school's entitlement staffing at a time in 2006 after its March rolls and list have been notified under clause 9 is the greater of—
 - (a) its formula-generated staffing allowance, ascertained in accordance with clause 16, based on its provisional rolls as estimated under clause 7; and
 - (b) its formula-generated staffing allowance, ascertained in accordance with clause 16, based on its March rolls as confirmed by the Secretary under clause 9.

Part 4

Limitations on employment

29 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 and any tuakana-teina allowance.
- (2) The Board of a 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 school may not make a permanent appointment of a regular teacher without the consent of the Secretary if the school's formula-generated staffing allowance based on its provisional rolls exceeds its formula-generated staffing allowance based on its October rolls, estimated under clause 10, 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 provisional rolls and list, 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 2006 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 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 during the 2006 school 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.

**30 No entitlement to carry over surplus beyond
31 March 2007**

If, during the 2006 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 29, there is no entitlement to carry the net surplus over after 31 March 2007.

31 Suspension of clause 29(5) if 10% limit exceeded

- (1) If, contrary to clause 29(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 29(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 29(1) to (3) during that period.
- (3) If a Board receives a notice under subclause (1), clause 29(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).

32 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.

33 Limitation on employment of deputy or assistant principals

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

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

34 Limitation on employment involving salary units

- (1) Subject to clause 35, 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 the number calculated for the school under subclause (2).
- (2) The number calculated for the school referred to in subclause (1) is calculated by—
 - (a) adding, to get the first result,—

- (i) its entitlement staffing; and
- (ii) any resource teacher: Maori exemption granted by the Secretary under clause 37(1)(c); and
- (b) subtracting 1 from the first result to get the second result; and
- (c) multiplying the second result by 0.72 to get the third result; and
- (d) subtracting 0.77 from the third result to get the fourth result; and
- (e) if the fourth result is not a whole number, correcting it to the nearest whole number.

35 Adjustment to calculation of limitation on employment involving salary units

- (1) In relation to a school that is in receipt of a special education staffing allowance under clause 17, clause 34 must be applied by increasing the fourth result 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 resulting sum by 0.72; and
 - (c) if the resulting product is not a whole number, correcting it to the nearest whole number.
- (2) In relation to a school that has a tuakana-teina allowance under clause 21, clause 34 must be applied by increasing the fourth result by the number of salary units that the Secretary has, under clause 21, determined to be part of that allowance.
- (3) The increases provided for in subclauses (1) and (2) are, in relation to a primary school to which both of those subclauses apply, cumulative.

36 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 in which the school's principal grading roll lies.
- (2) The principal grading roll for a school is the greater of—

- (a) the school's provisional rolls and provisional special education list, after any applicable weighting in accordance with subclause (7); and
 - (b) the school's confirmed rolls and confirmed special education list, after any applicable weighting in accordance with subclause (7).
- (3) A school's provisional rolls are the rolls estimated in accordance with clause 7.
 - (4) A school's confirmed rolls are the rolls estimated by the Secretary under clause 10.
 - (5) A school's provisional special education list is its actual special education list determined by the Secretary as at 1 July 2005.
 - (6) A school's confirmed special education list is its special education list confirmed by the Secretary under clause 9.
 - (7) For the purposes of determining the principal grading roll for 2006, 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.
 - (8) For the purpose of determining the roll range as at 2006, the roll of any kura tuakana will be the sum of the number of students on the roll of the kura tuakana and the number of students on the rolls of any associated kura teina.

Part 5

Exemptions

37 Resource teachers

- (1) The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order in any 1 or more of the following circumstances:
 - (a) the students enrolled at the school have particular educational needs that can and should be met by the employment of 1 or more resource teachers: learning and behaviour:
 - (b) the students enrolled at the school have particular educational needs that can and should be met by the

- employment of 1 or more resource teachers: literacy or resource teachers: literacy (Maori):
- (c) the students enrolled at the school have particular educational needs that can and should be met by the employment of 1 or more resource teachers: Maori.
- (2) The maximum number of FTTEs in respect of which the Secretary may grant an exemption under subclause (1) (on a national basis and across all state schools of any type) is,—
- (a) in respect of resource teachers: learning and behaviour, the number obtained by dividing the total number of year 0 to year 10 students enrolled at schools by 750:
 - (b) in respect of resource teachers: literacy (which includes resource teachers: literacy (Maori)), 121:
 - (c) in respect of resource teachers: Maori, 53.

38 Supplementary learning support teachers

- (1) The Secretary may exempt a Board, in respect of any school it administers, from the limitations imposed by this order if either or both of the following circumstances exist:
- (a) the students enrolled at the school have particular educational needs that can be and should be met by the employment of 1 or more supplementary learning support teachers, each of whom is employed as a supplementary learning support teacher for 0.6 of an FTTE or more:
 - (b) students enrolled at another school, or at other schools, in the area have particular educational needs that can be and should be met by the employment of 1 or more supplementary learning support teachers, each of whom is employed as a supplementary learning support teacher for 0.6 of an FTTE or more, and the school administered by the Board provides a base from which the supplementary learning support teacher or teachers can serve the other school or schools.
- (2) The sum of the following (on a national basis across all state schools of any type) must not exceed 150:
- (a) the number of FTTEs in respect of which the Secretary grants exemptions for supplementary learning support teachers, under subclause (1); and
 - (b) the total staffing (in FTTEs) for the supplementary learning support time allowance.

39 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 which an exemption under subclause (1) may be granted is 260.

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 2006 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 Normal and model schools

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

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

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

46 Revocation

The Education (2004 Primary School Staffing) Order 2003 (SR 2003/194) is revoked.

cl 36

Schedule

Grades for principals' positions

Principal's grade	Roll range
U1	1–50
U2	51–100
U3	101–150
U4	151–300
U5	301–500
U6	501–675
U7	676–850
U8	851–1 025
U9	1 026–1 200

Principal's grade	Roll range
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

Diane Morcom,
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 15 September 2005, prescribes limitations on the numbers of regular (ie, non-relieving) teachers who may be employed at state primary schools in 2006. 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:

- the total regular staffing allowance provisions in *clause 27* reflect the introduction of 2 new allowances, the “classroom release time allowance” (see *clause 20*) and the “supplementary learning support teacher support allowance” (see *clause 24*), as well as a change from the previous order’s “supplementary learning support teacher time allowance” to the “supplementary learning support time allowance” (see *clause 19*) in this order;
- a new exemption for supplementary learning support teachers (see *clause 38*) is available to a school’s Board;
- changes to the limitations on grades for principals (see *clause 36*) introduce the “principal grading roll”, which is based on the greater of a school’s provisional and confirmed rolls and list;
- the definition of **Maori-medium student** in *clause 4* is no longer restricted to students who are Maori.

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

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This order is administered in the Ministry of Education.
