

**Reprint
as at 2 September 2011**



**Education (2010 School Staffing)
Order 2009**

(SR 2009/234)

Education (2010 School Staffing) Order 2009: revoked, on 2 September 2011,
by clause 87 of the Education (2012 School Staffing) Order 2011 (SR 2011/300).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 24th day of August 2009

Present:

His Excellency the Governor-General in Council

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

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Ministry of Education.

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Order

- 1 Title**
This order is the Education (2010 School Staffing) Order 2009.
- 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 schools, and only to the 2010 school year.

Part 1 Preliminary provisions

- 4 Purpose of this order**
 - (1) The purpose of this order is, in accordance with section 91H of the Act, to limit the financial liability of the Crown arising out of its obligation under section 91C of the Act to pay the salaries of all regular teachers employed at payrolled schools.

- (2) To that end, this order prescribes limitations on the number of regular teachers who may be employed at payrolled schools during the school year to which this order applies.

5 Overview of this order

- (1) Part 1 contains preliminary provisions.
- (2) Part 2 specifies the limitations prescribed by this order.
- (3) Part 3 sets out components of the limitations.
- (4) Part 4 requires school rolls to be estimated, ascertained, notified, and confirmed for the purposes of this order.
- (5) Part 5 contains special provisions relating to specified schools and types of schools.
- (6) Part 6 provides for exemptions from the limitations.
- (7) Part 7 revokes an earlier school staffing order.
- (8) This clause is intended only as a guide to the general scheme and effect of this order.

Interpretation

6 Interpretation: general

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

Act means the Education Act 1989

area school means a composite school that offers education at a level below Form 1

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

- (a) at that time, has completed less than 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

BLENNZ means the Blind & Low Vision Education Network NZ

Board, in relation to a state school, means the school's Board
entitlement transfer agreement has the meaning set out in clause 49

Form 1 to 7 school means a composite school that offers primary education (as defined in section 2 of the Education Act 1964) to the extent only of the 2 years immediately before secondary education (as defined in section 2 of the Education Act 1964)

FTTE means full-time teacher equivalent

guaranteed minimum formula staffing, in relation to a high school, or area school, means the school's formula-generated staffing allowance (in FTTEs) ascertained under clause 51 by reference to its provisional rolls

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

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, 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, provides governance, management, mentoring, and professional support for the kura teina, because the school is a Kura Kaupapa Māori established under section 155 of the Act and is, in the Minister's opinion,—

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

Māori-medium student means a student of the school for whom the curriculum is taught in Māori for more than 12.5 hours per week

middle management allowance, in relation to a high school or an area school, means an allowance allocated by the Board to a teacher for undertaking duties in the school recognised by the Board as middle management activities

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

primary student means a student in any of years 1 to 8

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

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

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

salary unit, in relation to the holder of a teaching position at a school, means an entitlement to a salary element in addition to the salary otherwise payable to the holder, allocated to the holder by the Board

secondary student means a student of year 9 or above

senior management allowance, in relation to a high school, means an allowance allocated by the Board to a teacher for undertaking duties in the school recognised by the Board as senior management activities

special education authority means—

- (a) an agreement or direction under section 9(1)(a) of the Act that a 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 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 or deputy or assistant principal (however described).

- (2) In this order, unless the context otherwise requires, any term or expression that is defined in section 91A(1) or 145(1) of the Act and used, but not defined, in this order has the same meaning as in that section.

7 Interpretation: rolls

In this order, unless the context otherwise requires,—

Māori-medium roll means the number of a school's Māori-medium students

March rolls means the rolls confirmed, or stated to have effect as confirmed, for a school by the Secretary under clause 59 or 60

March special education list means a school's special education list determined by the Secretary as at 1 March 2010

non-Māori-medium roll means the number of a school's students left after its Māori-medium roll has been subtracted from its roll (as determined under Part 4)

October rolls, in relation to a primary school, means the rolls estimated for the school by the Secretary under clause 61

primary roll means the number of a school's students, if any, in years 1 to 8

provisional rolls means the rolls estimated for a school by the Secretary under clause 57

provisional special education list means a school's special education list determined by the Secretary as at 1 July 2009

school roll means all the students enrolled at a school, including Māori-medium students and special education students

secondary roll means the number of a school's students, if any, in year 9 or above

special education list or **list** means the list of special education students classified by the Secretary as having high or very high needs under the ongoing and reviewable schemes administered by the Ministry

specialist instruction roll, in relation to a school, means the number obtained by a calculation made in accordance with clause 9

total roll, in relation to a school, means the sum of a school's primary roll (if any) and its secondary roll (if any)

weighted roll means the number obtained by a calculation made in accordance with clause 8.

8 Weighted roll

A school's weighted roll at any time is the number obtained by adding any 1 or more of the following that apply to the school:

- (a) the product of 4 and the number of any year 1 to year 3 students then on its roll:
- (b) the product of 3.5 and the number of any year 4 to year 8 students then on its roll:
- (c) the product of 7 and the number of any year 9 and year 10 students then on its roll:
- (d) the product of 9 and the number of any year 11 students then on its roll:
- (e) the product of 15 and the number of any year 12 students then on its roll:
- (f) the product of 16 and the number of any year 13 or above students then on its roll:
- (g) the product of 0.5 and the number of any year 7 and year 8 students then on its specialist instruction roll.

9 Specialist instruction roll

- (1) In this clause,—

base students are students of year 7 or 8 who are enrolled at one school (the **base school**) but usually attend a different school for instruction in technology or some other specialist subject

visiting students are students of year 7 or 8 who are enrolled at a school other than the base 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 provisional or March rolls (as appropriate) to the number of visiting students; and
- (b) subtracting from the resulting sum the number of base students.

Proportions of FTTE

10 Proportions of FTTE

For the purposes of this order, the employment of a teacher for—

- (a) 10 half-days every full week generates 1 FTTE;
- (b) a specified number (smaller than 10) of half-days every full week generates one-tenth of that number of FTTEs;
- (c) a specified number (smaller than 20) of half-days every full fortnight generates one-twentieth of that number of FTTEs;
- (d) a specified number of teaching hours (or an average of that number of teaching hours) every full week generates one twenty-fifth of that number of FTTEs.

Years of schooling

11 Years of schooling in primary, area, or special schools

- (1) In the situation in subclause (2), a student is,—
 - (a) if first enrolled in a primary, area, or special school on or before 30 June in a particular school year, a year 1 student until the end of that school year; or
 - (b) if first enrolled in a primary, area, or special school on or after 1 July in a particular school year, a year 1 student until the end of the following school year.
- (2) The situation is that a student first enrolls at a primary, area, or special school before the age of 7 and is subsequently educated at primary, area, or special schools respectively without substantial interruption.
- (3) Any other student who enrolls at a primary, area, or special school is, in the year in which the student first enrolls at a primary, area, or special school, 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.

12 Years of schooling in intermediate schools

- (1) A student to whom clause 11(1) and (2) apply is a year 7 student in the year in which the student first enrolls at an intermediate school.
- (2) Any other student who enrolls at an intermediate school is, in the year in which the student first enrolls at the school, 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.

13 Years of schooling in high schools

- (1) A student is a year 9 student in the year in which the student first enrolls at a secondary school, if the student was a primary student in the year prior to enrolling at the secondary school.
- (2) A student is a year 7 student in the year in which the student first enrolls in a Form 1 to 7 school, if the student—
 - (a) has never been enrolled at a high school; and
 - (b) is enrolled as a year 6 student in the year before the year in which the student first enrolls at the Form 1 to 7 school.
- (3) Any other student who enrolls at a high school is, in the year in which the student first enrolls, or again enrolls, as the case may be, at a high school, 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.

Part 2
Limitations on employment of teachers
and principals

Regular teachers

14 Employment of regular teachers

- (1) The Board of a school must not employ a permanently appointed regular teacher whose employment generates a num-

- ber of FTTEs greater than the sum of any of the following that apply to the school:
- (a) its entitlement staffing, calculated in accordance with clause 28;
 - (b) any tuakana-teina allowance under clause 40;
 - (c) any activity centre allowance under clause 43;
 - (d) any attached teen parent unit allowance under clause 44.
- (2) A Board must not employ other regular teachers if the total of the FTTEs generated by their employment would exceed the number of FTTEs by which the school's total regular staffing allowance under clause 27 at that time exceeds the number of FTTEs generated by the employment of the permanently appointed regular teachers already then employed at the school.
- (3) The Board of a primary school or an intermediate school must not employ a permanently appointed regular teacher without the consent of the Secretary if the school's formula-generated staffing allowance, calculated in accordance with clause 51 as based on its provisional rolls, exceeds, by 1.0 or more FTTEs, its formula-generated staffing allowance based on, as the case may be,—
- (a) the primary school's October rolls; or
 - (b) the intermediate school's March rolls.
- (4) The Board of a secondary school or an area school must not employ a permanently appointed regular teacher without the consent of the Secretary if the school's guaranteed minimum formula staffing exceeds, by 1.0 or more FTTEs, its formula-generated staffing allowance as generated by its March rolls.
- (5) Subclauses (1) and (2) are subject to clauses 71 and 72.

15 Employment involving salary units

A Board must not employ regular teachers to whom salary units have been allocated (whether permanently or otherwise) if the total of those salary units would exceed the number of salary units calculated for the school under whichever of clause 16, 17, or 18 applies to the school.

16 Number of salary units calculated for primary, intermediate (except restricted composite), or special schools

- (1) The number of salary units referred to in clause 15 is calculated for a primary school, a special school, or an intermediate school which is not a restricted composite school, by—
 - (a) subtracting 1 from the school's formula-generated staffing allowance; and
 - (b) multiplying the resulting difference by 1.28; and
 - (c) subtracting 1.70 from the resulting product; and
 - (d) if the resulting difference is not a whole number, correcting it to the nearest whole number.
- (2) For a primary school, a special school, or an intermediate school that is not a restricted composite school, and that is in receipt of a special education staffing allowance calculated under clause 29, the calculation in subclause (1) must be modified by adding the number of salary units generated by the following calculation to the resulting difference in subclause (1)(c):
 - (a) add 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 calculated under clause 30; and
 - (b) multiply the resulting sum by 1.28; and
 - (c) if the resulting product is not a whole number, correct it to the nearest whole number.
- (3) For a primary school that is in receipt of a tuakana-teina allowance under clause 40, the calculation in subclause (1) must be modified by adding the number of salary units that the Secretary has determined, under clause 40, to be part of the allowance to the resulting difference in subclause (1)(c).
- (4) For Kelston Deaf Education Centre and van Asch Deaf Education Centre, the calculation in subclause (1) must be modified by adding the number of salary units specified opposite its name in the second column of Schedule 5 to the resulting difference in subclause (1)(c).
- (5) For BLENNZ, the calculation in subclause (1)(a) must be modified by adding the number of resource teachers: vision

determined by the Secretary under clause 85 to the school's formula-generated staffing allowance before subtracting 1.

- (6) For a school to which 2 or more of subclauses (2) to (5) apply, the modifications provided for in those subclauses are cumulative.

17 Number of salary units calculated for high schools

- (1) The number of salary units referred to in clause 15 is calculated for a high school 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.
- (2) For a high school that is in receipt of a special education staffing allowance calculated under clause 29, the calculation in subclause (1) must be modified by adding the number of salary units generated by the following calculation to the resulting sum in subclause (1)(c):
- (a) add 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 calculated under clause 30; and
 - (b) multiply the resulting sum by 1.2; and
 - (c) if the resulting product is not a whole number, correct it to the nearest whole number.
- (3) For a high school that has an activity centre allowance under clause 43 and is listed in the first column of Schedule 2, the calculation in subclause (1) must be modified by adding the number of salary units specified in the third column of that schedule opposite the name of the school to the resulting sum in subclause (1)(c).
- (4) For a high school that has an approved teen parent unit under clause 44, the calculation in subclause (1) must be modified by adding the number of salary units specified in the third column of Schedule 3 opposite the approved maximum roll of the unit in the first column of that schedule to the resulting sum in subclause (1)(c).

- (5) For a high school that has a principal grading roll, calculated in accordance with clause 26, of greater than 1 400, the calculation in subclause (1) must be modified by adding, to the resulting sum in subclause (1)(c),—
 - (a) 9 salary units, if the principal grading roll is no greater than 1 600; or
 - (b) 12 salary units, if the principal grading roll is greater than 1 600.
- (6) For a school to which 2 or more of subclauses (2) to (5) apply, the modifications provided for in those subclauses are cumulative.

18 Number of salary units calculated for area schools or restricted composite schools

- (1) For an area school, the number of salary units referred to in clause 15 is calculated by—
 - (a) subtracting 1 from the school’s formula-generated staffing allowance; and
 - (b) multiplying the resulting difference by 1.33; and
 - (c) adding 2.6 to the resulting product; and
 - (d) if the resulting sum is not a whole number, correcting it to the nearest whole number.
- (2) For a restricted composite school, the number referred to in clause 15 is calculated by—
 - (a) adding the school’s formula-generated staffing allowance for its secondary roll to the school’s formula-generated staffing allowance for its primary roll; and
 - (b) subtracting 1 from the resulting sum; and
 - (c) multiplying the resulting difference by 1.33; and
 - (d) adding 2.6 to the resulting product; and
 - (e) if the resulting sum is not a whole number, correcting it to the nearest whole number.
- (3) For an area school or restricted composite school that is in receipt of a special education staffing allowance calculated under clause 29, subclause (1) or (2) (as the case may be) must be modified by adding the number of salary units generated by the following calculation to the resulting sum in subclause (1)(c) or (2)(d) respectively:

- (a) add 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 under clause 30; and
 - (b) multiply the resulting sum by 1.33; and
 - (c) if the resulting product is not a whole number, correct it to the nearest whole number.
- (4) For an area school that is in receipt of a tuakana-teina allowance under clause 40, the calculation in subclause (1) must be modified by adding the number of salary units that the Secretary has determined, under clause 40, to be part of the allowance to the resulting sum in subclause (1)(c).
- (5) For a school to which both subclauses (3) and (4) apply, the modifications provided for in those subclauses are cumulative.

19 Employment of part-time teachers at high schools and area schools

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

20 Employment involving senior management allowances at high schools

- (1) The Board of a high school must not employ regular teachers to whom senior management allowances have been allocated (whether permanently or otherwise) if the total of these allowances would exceed the number of senior management allowances calculated for the school under subclause (2).
- (2) The number referred to in subclause (1) is calculated for a high school by—
- (a) subtracting 1 from the school's management time allowance (as determined in accordance with clause 54); and
 - (b) multiplying the resulting difference by 0.18; and
 - (c) adding 2 to the resulting product; and
 - (d) if the resulting sum is not a whole number, correcting it to the next whole number.

21 Employment involving middle management allowances in high schools

- (1) The Board of a high school must not employ a regular teacher to whom middle management allowances have been allocated (whether permanently or otherwise) if the total of these allowances would exceed the number of middle management allowances 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; and
 - (b) multiplying the resulting difference by 0.525; and
 - (c) adding 5 to the resulting product; and
 - (d) after rounding the sum resulting from the calculation in paragraph (c) to the nearest whole number, adding the integer part of the quotient obtained by dividing the number of special education students on the school's special education list by 5.

22 Employment involving middle management allowances in area schools

- (1) The Board of an area school must not employ regular teachers to whom middle management allowances have been allocated (whether permanently or otherwise) if the total of those allowances would exceed the number of middle management allowances calculated for the school under subclause (2).
- (2) The number referred to in subclause (1) is calculated by—
 - (a) adding in FTTEs,—
 - (i) the sum that is the item in clause 52(2)(b) (relating to the calculation of the curriculum delivery allowance); and
 - (ii) the number that is the item obtained by the calculation in whichever of clause 52(2)(c) or (d) applies to the school; and
 - (iii) the additional guidance allowance calculated in accordance with clause 55; and
 - (b) multiplying the resulting sum by 0.6; and
 - (c) if the resulting product is not a whole number, correcting it to the nearest whole number.

*Principals***23 Employment of principals**

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

24 Employment of deputy or assistant principals at primary and intermediate schools

- (1) The Board of a primary or intermediate school that employs a deputy or assistant principal must do so in accordance with this clause.
- (2) The maximum number of deputy or assistant principals (however described) that the Board may employ is—
 - (a) 2, if the school has no more than 21 FTTEs; or
 - (b) 3, if the school has more than 21 FTTEs.

25 Employment of associate principals at high schools

- (1) A Board may employ an associate principal for a school only if it is a high school.
- (2) A Board which employs an associate principal must do so in accordance with this clause.
- (3) The Board—
 - (a) must not employ an associate principal if the school's roll is no more than 1 400; but
 - (b) may employ 1 associate principal if the school's roll is more than 1 400.

26 Grades for principals

- (1) A Board must not employ a principal at a grade higher than the grade specified in the first column of Schedule 1 opposite the roll range in which the school's principal grading roll calculated under subclause (2) lies.

- (2) The principal grading roll for a school is the greater of (a) and (b), after any applicable weighting in accordance with subclause (3) or adjustment in accordance with subclause (4)—
 - (a) the sum of the school’s provisional rolls, as adjusted, and its provisional special education list;
 - (b) the sum of the school’s March special education list and,—
 - (i) for a primary school, its October rolls, as adjusted; or
 - (ii) for any other school, its March rolls, as adjusted.
- (3) In determining the principal grading roll for 2010, 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;
 - (c) 1 student enrolled at Felix Donnelly College, Westbridge Residential School, McKenzie Residential School, or Waimokoia Residential School is the equivalent of 6 students;
 - (d) 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.
- (4) In this clause, a reference to a roll as **adjusted** is a reference to that roll minus its list, if any.
- (5) In determining, under subclauses (2) to (4), the roll range for 2010, the roll of any kura tuakana is 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.
- (6) In determining the roll range for 2010, the roll of a restricted composite school is the sum of the number of students, if any, enrolled in years 7 to 10 at the school.

Part 3

Components of limitations

Total regular staffing allowance

27 Total regular staffing allowance

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

- (a) adding any 1 or more of the following that apply to the school:
 - (i) its entitlement staffing:
 - (ii) any special education staffing allowance:
 - (iii) any special education management allowance:
 - (iv) any supplementary learning support time allowance:
 - (v) any beginning teacher allowance:
 - (vi) any head of department beginning teacher time allowance:
 - (vii) any overseas teacher time allowance:
 - (viii) any study support grant time allowance:
 - (ix) any resource teacher support allowance:
 - (x) any supplementary learning support teacher support allowance:
 - (xi) any classroom release time allowance:
 - (xii) any tuakana-teina allowance:
 - (xiii) any specialist classroom teacher time allowance:
 - (xiv) any specialist teacher time allowance:
 - (xv) any activity centre allowance:
 - (xvi) any teen parent unit allowance:
 - (xvii) any Te Atakura allowance:
 - (xviii) any instrumental and vocal music tuition allowance:
 - (xix) any itinerant music teacher allowance:
 - (xx) any attached unit allowance:
 - (xxi) the sum of any additional entitlements arising from an entitlement transfer agreement; and
- (b) subtracting from the resulting sum any entitlements that must be deducted as a result of an entitlement transfer agreement.

28 Entitlement staffing

- (1) A primary, intermediate, or special school's entitlement staffing as at any date in 2010 prior to the Secretary giving notice to the Board of the March rolls is its formula-generated staffing allowance, ascertained in accordance with clause 51, based on its provisional rolls.
- (2) A primary, intermediate, or special school's entitlement staffing as at any date in 2010 after the Secretary's notice to the Board of the March rolls is the greater of—
 - (a) its formula-generated staffing allowance, ascertained in accordance with clause 51, based on its provisional rolls; and
 - (b) its formula-generated staffing allowance, ascertained in accordance with clause 51, based on its March rolls.
- (3) A secondary or area school's entitlement staffing as at any date in 2010 prior to the Secretary giving notice to the Board of the March rolls is its guaranteed minimum formula staffing.
- (4) A secondary or area school's entitlement staffing as at any date in 2010 after the Secretary's notice to the Board of the March rolls is the greater of—
 - (a) its guaranteed minimum formula staffing; and
 - (b) its formula-generated staffing allowance, ascertained in accordance with clause 51, based on its March rolls.

29 Special education staffing allowance

A school's special education staffing allowance (in FTTEs), 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.

30 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).

31 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 who are identified and classified by the Secretary as being in need of supplementary learning support.

32 Beginning teacher allowance

- (1) In this clause and in clause 33, **qualifying beginning teacher** means a beginning teacher—
 - (a) in his or her first 12 months of teaching and who is employed for 0.5 of an FTTE or more; or
 - (b) in his or her second 12 months of teaching and who is employed full-time.
- (2) A school that employs a qualifying beginning teacher who has completed less than 12 months' teaching has a beginning teacher allowance (in FTTEs) calculated by adding—
 - (a) the product of 0.2 and the number of qualifying beginning teachers, if any, then employed at the school full-time; and
 - (b) the product of 0.1 and the number of other qualifying beginning teachers, if any, then employed at the school.
- (3) A school that employs a qualifying beginning teacher who has completed 12 months' teaching has a beginning teacher allowance (in FTTEs) calculated by adding, to any amount obtained from the calculation in subclause (2), the product of 0.1 and the number of qualifying beginning teachers, if any, then employed full-time at the school.

33 Head of department beginning teacher time allowance for high schools and area schools

A high school or area school that employs qualifying beginning teachers who have completed less than 12 months' teaching has a head of department beginning teacher time allowance (in FTTEs) calculated by—

- (a) adding—
 - (i) the number of qualifying beginning teachers, if any, then employed at the school full-time; and
 - (ii) the number of other qualifying beginning teachers, if any, then employed at the school; and

- (b) multiplying the resulting sum by 0.04.

34 Resource teacher support allowance

A school's resource teacher support allowance is 0.05 of an FTTE for each full-time teacher of the following kinds whom it employs:

- (a) resource teacher: learning and behaviour:
- (b) resource teacher: literacy:
- (c) resource teacher: literacy (Māori):
- (d) resource teacher: Māori:
- (e) resource teacher: vision.

35 Supplementary learning support teacher support allowance

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

36 Overseas teacher time allowance for high schools and area schools

- (1) In this clause, **qualifying overseas-trained teacher** means a teacher—
 - (a) who has—
 - (i) qualifications that are recognised for New Zealand teacher registration; and
 - (ii) been appointed to his or her first teaching position in a New Zealand state or state integrated school; and
 - (iii) completed less than 10 weeks' teaching in a New Zealand state or state integrated school; and
 - (iv) been employed full time from within the school's total regular staffing allowance; and
 - (v) been appointed for a minimum of 20 weeks; and
 - (b) in respect of whom the school employing the teacher has not, in the 2010 school year, been eligible for the beginning teacher time allowance.
- (2) A high school or area school that employs a qualifying overseas-trained teacher has an overseas teacher time allowance in

respect of that teacher of 0.1 FTTE for a maximum period of 20 weeks.

37 Overseas teacher time allowance for schools other than high schools and area schools

- (1) In this clause, **qualifying overseas-trained teacher** means a teacher—
- (a) who has—
 - (i) qualifications that are recognised for New Zealand teacher registration; and
 - (ii) been appointed to his or her first teaching position in a New Zealand state or state integrated school; and
 - (iii) completed less than 10 weeks' teaching in a New Zealand state or state integrated school; and
 - (iv) been employed full-time from within the school's total regular staffing allowance; and
 - (v) been appointed for a minimum of 10 weeks; and
 - (b) in respect of whom the school employing the teacher has not, in the 2010 school year, been eligible for the beginning teacher time allowance.
- (2) A school other than a high school or area school that employs a qualifying overseas-trained teacher has an overseas teacher time allowance in respect of that teacher of 0.1 FTTE for a maximum period of 10 weeks.

38 Study support grant time allowance for high schools and area schools

A high school's or area school's study support grant time allowance, if any, is 0.16 of an FTTE for each teacher employed by the school who holds a study support grant awarded by the Ministry.

39 Classroom release time allowance for primary, intermediate, and special schools

A primary, intermediate, or special school's classroom release time allowance (in FTTEs) is obtained by—

- (a) adding any 1 or more of the following that apply to the school:

- (i) its entitlement staffing;
 - (ii) any special education staffing allowance;
 - (iii) any special education management allowance;
 - (iv) the number of FTTEs for the time being represented by any senior teacher appointed in accordance with clause 81 to carry out special duties at normal schools;
 - (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;
 - (vi) any tuakana-teina allowance under clause 40;
 - (vii) the sum of any additional entitlements arising from an entitlement transfer agreement; and
- (b) subtracting from the resulting sum—
- (i) any entitlements that must be deducted as a result of an entitlement transfer agreement; and
 - (ii) 1; and
- (c) if the resulting difference is not a whole number and results in a number that ends in a value that is less than 0.80 of an FTTE, rounding it down to the nearest lower whole number; and
- (d) multiplying the resulting number by 0.04.

40 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.

41 Specialist classroom teacher time allowance for high schools

- (1) For a high school with a provisional roll of 1 200 or fewer students, the high school's specialist classroom teacher time allowance, if any, is 0.16 of an FTTE.

- (2) For a high school with a provisional roll of greater than 1 200 students, the high school's specialist classroom teacher time allowance, if any, is 0.32 of an FTTE.

42 Specialist teacher time allowance for area schools

- (1) For an area school with a roll of less than 100 students, the area school's specialist teacher time allowance, if any, is 0.08 of an FTTE.
- (2) For an area school with a roll of 100 or more students, the area school's specialist teacher time allowance, if any, is 0.16 of an FTTE.

43 Activity centre allowance for high schools

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

44 Teen parent unit allowance for high schools

A high school with a teen parent unit approved by the Minister is entitled to a staffing allowance of the number of FTTEs and salary units shown in the second and third columns of Schedule 3 opposite the number in the first column that accords with the approved maximum roll of that school's teen parent unit.

45 Te Atakura allowance for high schools and area schools

A high school's or area school's Te Atakura allowance (in FTTEs), if any, 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.

46 Instrumental and vocal music tuition allowance for high schools, area schools, and restricted composite schools

- (1) A high school or area school for which the Secretary approved an allowance for instrumental, vocal, or instrumental and vocal tuition in 2010 has an instrumental and vocal tuition

allowance (in FTTEs) which is the product (correct to 2 decimal places) of 0.001 and the sum of—

- (a) the school's secondary roll; and
- (b) the number of year 7 and year 8 students (if any) enrolled at the school.

- (2) A restricted composite school for which the Secretary approved an allowance for instrumental, vocal, or instrumental and vocal tuition in 2010 has an instrumental and vocal tuition allowance (in FTTEs) which is the product (correct to 2 decimal places) of 0.001 and the school's secondary roll.

47 Itinerant music teacher allowance for high schools

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

48 Attached unit allowance for special schools

A special school's attached unit allowance, if any, is the number of FTTEs and salary units specified in the third and fourth columns of Schedule 6 opposite its name and the name of its attached unit in the appropriate columns of that schedule.

Adjustments to schools' total regular staffing entitlements through transfer of staffing entitlements between schools

49 Transfer of staffing entitlements

- (1) In this order,—

entitlement transfer agreement means a written agreement between the Boards of school A and school B 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
- school A** means the school relinquishing the entitlements
school B means the school receiving the entitlements.
- (2) If an entitlement transfer agreement under this clause is given to the Secretary before 1 January 2010,—
- (a) he or she must deduct from the total regular staffing allowance of school A the number of FTTEs or salary units specified in the agreement; and
- (b) he or she must add to the total regular staffing allowance of school B the number of FTTEs or salary units specified in the agreement.
- (3) A school must not 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 instrumental or vocal music only with one of the secondary schools or high schools listed in the first column of Schedule 4.
- (5) A school listed in the first column of Schedule 4 must not, under entitlement transfer agreements entered into with 1 or more other schools for the 2010 school year, relinquish a total number of FTTEs of teacher entitlements relating to tuition in instrumental or vocal music that exceeds the number of FTTEs specified in the second column of that schedule opposite the name of the school.
- (6) 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.

50 Application of clause 49 to special education

Clause 49 applies to entitlements in relation to special education teachers in the same way as it applies to entitlements in relation to other teachers.

Formula-generated staffing allowance

51 Formula-generated staffing allowance

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

- (a) its curriculum delivery allowance under clause 52; and
- (b) its management time allowance under clause 54; and
- (c) its additional guidance allowance under clause 55 (if any).

52 Curriculum delivery allowance

(1) A school's curriculum delivery allowance (in FTTEs) is the sum obtained by adding each of the items in subclause (2) that apply to the school and, if the resulting sum is not exactly divisible by 0.1, rounding it up to 1 decimal place.

(2) The items are, in relation to a school,—

- (a) if it has a primary roll, the greater of 1 and the sum of—
 - (i) the number of any students in year 1 on its Māori-medium roll divided by 15; and
 - (ii) the number of any students in year 1 on its non-Māori-medium roll divided by 15; and
 - (iii) the number of any students in years 2 and 3 on its Māori-medium roll divided by 18; and
 - (iv) the number of any students in years 2 and 3 on its non-Māori-medium roll divided by 23; and
 - (v) the number of any students in years 4 to 8 on its Māori-medium roll divided by 18; and
 - (vi) the number of any students in years 4 to 8 on its non-Māori-medium roll divided by 29;
- (b) the sum of—
 - (i) the number of any students in years 9 and 10 on its Māori-medium roll divided by 20; and
 - (ii) the number of any students in years 9 and 10 on its non-Māori-medium roll divided by 23.5; and
 - (iii) the number of any year 11 students on its Māori-medium roll divided by 20; and
 - (iv) the number of any year 11 students on its non-Māori-medium roll divided by 23; and
 - (v) the number of any year 12 students on its Māori-medium roll divided by 18; and

- (vi) the number of any year 12 students on its non-Māori-medium roll divided by 18; and
 - (vii) the number of any students of year 13 or above on its Māori-medium roll divided by 17; and
 - (viii) the number of any students of year 13 or above on its non-Māori-medium roll divided by 17:
- (c) if it has a secondary roll and that roll is 200 or less, 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 secondary students (to a maximum of 5) on its secondary roll:
- (d) if it has a secondary roll and that roll is greater than 200, the product of 1.2 and the number of levels of full-time secondary students (to a maximum of 5) on its secondary roll:
- (e) the quotient obtained by dividing its specialist instruction roll (if any) by 120.
- (3) In this clause and clause 55, **number of levels of full-time secondary 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.
- (4) This clause is subject to clause 53.

53 Adjustments to calculation of curriculum delivery allowance for any school with primary roll

- (1) For a school with a primary roll of 176 or greater, if the sum referred to in clause 52(2)(a) is less than 7, the sum must be replaced by 7.
- (2) For a school that has a primary roll that is less than 176, if the sum referred to in clause 52(2)(a) does not result in a quotient of 25 or smaller when the school's primary roll is divided by the sum's integer value, the sum must be increased to the first whole number that will ensure that the quotient so obtained is 25 or smaller.

54 Management time allowance

- (1) A school's management time allowance (in FTTEs) is the sum obtained by adding each of the items in subclause (2) that apply to the school to the number in subclause (3) that applies to the school and, if the resulting sum is not exactly divisible by 0.1, rounding it down to 1 decimal place.
- (2) The items are, in relation to a school,—
 - (a) the product of 0.0003 and its weighted roll;
 - (b) the product of 0.017 and the square root of its weighted roll.
- (3) The number is,—
 - (a) 0.2, if the school's roll is 28 or less; or
 - (b) 0.3, if the school's roll is 29 or more but less than 61; or
 - (c) 0.4, if the school's roll is 61 or more but less than 93; or
 - (d) 0.5, if the school's roll is 93 or more but less than 124; or
 - (e) 0.6, if the school's roll is 124 or more but less than 156; or
 - (f) 0.7, if the school's roll is 156 or more but less than 187; or
 - (g) 0.8, if the school's roll is 187 or more but less than 219; or
 - (h) 0.9, if the school's roll is 219 or more but less than 250; or
 - (i) 1.0, if the school's roll is 250 or more.
- (4) For the purposes of the calculation in subclause (3), a restricted composite school's roll is the sum of the number of students, if any, enrolled in years 7 to 10 at the school.

55 Additional guidance allowance for high schools, area schools, restricted composite schools, and special schools

- (1) The additional guidance allowance (in FTTEs) of a high school, area school, restricted composite school, or special school is, if its secondary roll is 200 or less, the number, correct to 1 decimal place, obtained by—
 - (a) multiplying that roll by 0.00185; and
 - (b) adding 0.08 to the resulting product; and

- (c) multiplying the resulting sum by the number of levels of full-time secondary students (to a maximum of 5) on its secondary roll.
- (2) The additional guidance allowance (in FTTEs) of a high school, area school, restricted composite school, or special school is, if its secondary roll is greater than 200, the product, correct to 1 decimal place, of 0.45 and the number of levels of full-time secondary students (to a maximum of 5) on its secondary roll.
- (3) In this clause, **number of levels of full-time secondary students** has the meaning given to it in clause 52(3).

Part 4

Rolls

Rolls estimated and notified soon after commencement of order

56 Boards must estimate rolls

- (1) As soon as practicable after the commencement of this order, the Board of every primary school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of—
 - (a) the school's actual roll and Māori-medium roll (in the Board's opinion) as at 1 July 2009; and
 - (b) the school's likely roll and Māori-medium roll (in the Board's opinion) as at 1 March 2010.
- (2) As soon as practicable after the commencement of this order, the Board of every other school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of the school's likely roll and Māori-medium roll (in the Board's opinion) as at 1 March 2010.

57 Secretary must estimate and notify provisional rolls

- (1) As soon as practicable after the commencement of this order, the Secretary must give the Board of every school written notice of the rolls estimated for that school under subclause (2), (3), or (4) (as the case may be).
- (2) The Secretary must estimate the roll and Māori-medium roll of every primary school as at 10 October 2010.

- (3) The Secretary must estimate the roll and Māori-medium roll of every intermediate school, restricted composite school, high school, and special school as at 1 March 2010.
- (4) The Secretary must, in relation to every area school,—
 - (a) estimate the roll of the school by adding the Secretary’s estimate of the number of year 1 students as at 10 October 2010 and the number of year 2 to year 15 students as at 1 March 2010; and
 - (b) estimate the Māori-medium roll of the school by adding the Secretary’s estimates of the number of year 1 Māori-medium students as at 10 October 2010 and the number of year 2 to year 15 Māori-medium students as at 1 March 2010.
- (5) The Secretary must not estimate a school’s roll or Māori-medium roll under subclauses (2) to (4) without considering—
 - (a) the notice, if any, given by the school under clause 56; and
 - (b) all written evidence and argument the Board supplied with the notice.

*Ascertaining, notifying, and confirming March
and October rolls from March 2010 onwards*

58 Board must ascertain and notify March rolls

As soon as practicable after 1 March 2010, the Board of every school must give the Secretary, on a form provided by the Secretary for the purpose, written notice of the school’s roll and Māori-medium roll as at 1 March 2010.

59 Secretary must confirm March rolls if notice received from Board

- (1) This clause applies where the Secretary receives a notice under clause 58 from a Board before 11 March 2010.
- (2) Where this clause applies, the Secretary must, as soon as practicable, take any steps he or she thinks fit to verify the numbers notified by the Board.
- (3) If the Secretary is satisfied that the numbers notified are accurate, he or she must give the Board written notice that,—

- (a) for any school other than an area school, confirms those numbers as the rolls; or
 - (b) for an area school, confirms those numbers, with the addition of eleven-twelfths of the number of year 1 students and year 1 Māori-medium students (rounded up to the next whole number if it is not already a whole number), as the rolls.
- (4) If the Secretary is satisfied that the numbers notified are not accurate, at any time prior to 15 April 2010 he or she must give the Board written notice that—
- (a) states that he or she is satisfied that the numbers notified by the Board are not accurate; and
 - (b) specifies his or her best estimate of the school's roll and Māori-medium roll as at 1 March 2010; and
 - (c) states that,—
 - (i) for any school other than an area school, that estimate will have effect as the school's confirmed rolls; or
 - (ii) for an area school, that estimate, with the addition of eleven-twelfths of the number of year 1 students and year 1 Māori-medium students (rounded up to the next whole number if it is not already a whole number), will have effect as the school's confirmed rolls.

60 Secretary must ascertain March rolls if notice not received from Board

- (1) This clause applies where the Secretary does not receive a notice under clause 58 from a Board before 11 March 2010.
- (2) Where this clause applies, the Secretary must, as soon as practicable, take any steps he or she thinks fit to ascertain the school's roll and Māori-medium roll as at 1 March 2010.
- (3) The Secretary must give the Board at any time prior to 15 April 2010 written notice that—
 - (a) states that he or she did not receive a notice under clause 58 from the Board before 11 March 2010; and
 - (b) specifies his or her best estimate of the school's roll and Māori-medium roll as at 1 March 2010; and
 - (c) states that,—

- (i) for any school other than an area school, that estimate will have effect as the school's confirmed rolls; or
- (ii) for an area school, that estimate, with the addition of eleven-twelfths of the number of year 1 students and year 1 Māori-medium students (rounded up to the next whole number if it is not already a whole number), will have effect as the school's confirmed rolls.

61 Secretary must estimate primary school rolls as at 10 October 2010

- (1) As soon as practicable after 10 March 2010, the Secretary must give the Board of every primary school written notice of the roll and Māori-medium roll estimated for that school as at 10 October 2010.
- (2) The Secretary's estimate of the school's 10 October 2010 roll must not be less than the number obtained by adding the non-Māori-medium roll component of its March rolls and eleven-twelfths of the number of year 1 students in that component (rounded up to the next whole number if it is not already a whole number).
- (3) The Secretary's estimate of the school's 10 October 2010 Māori-medium roll must not be less than the number obtained by adding the non-Māori-medium roll component of its March rolls and eleven-twelfths of the number of year 1 students in that component (rounded up to the next whole number if it is not already a whole number).
- (4) If the Secretary receives a notice under clause 58 from a primary school's Board before 11 March 2010, he or she must not estimate the school's roll or Māori-medium roll as at 10 October 2010 under subclauses (2) and (3) without considering that notice and all written evidence and argument the Board supplied with that notice.

How certain types of students are treated for purposes of determining rolls

62 Certain students not counted

A foreign student must not be included in any roll or special education list for the purposes of this order unless he or she is a student—

- (a) of a kind or description exempted (under a notice under section 4C of the Act having effect in 2009) 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.

63 Part-time students enrolled in high schools or in area schools

- (1) Every part-time student enrolled or to be enrolled at a high school or area school must be treated as a fraction of a full-time student calculated, for each year level, by dividing by 20 the number of hours of tuition the student receives or is to receive in a normal week (a result for a year level that is not a whole number being increased, for that year level, to the next whole number).
- (2) Clause 62 overrides subclause (1).

Part 5

Provisions relating to specified schools or types of school

Application of Parts 3 and 4 to schools listed in Schedules 7 to 10

64 Provisions in Parts 3 and 4 that apply to schools in this Part

- (1) A special school listed in any of Schedules 7 to 10 has any 1 or more of the following allowances and entitlements that apply to the school:
 - (a) any special education staffing allowance calculated under clause 29:

- (b) any special education management allowance calculated under clause 30:
 - (c) any beginning teacher allowance calculated under clause 32:
 - (d) any overseas teacher time allowance calculated under clause 37:
 - (e) any classroom release time allowance calculated under clause 39:
 - (f) any attached unit allowance as shown in Schedule 6 opposite its name and the name of its attached unit in the appropriate columns of that schedule:
 - (g) any entitlements arising from an entitlement transfer agreement.
- (2) Except as provided in subclause (1) and in clauses 49 and 50, Parts 3 and 4 do not apply to a special school that is listed in any of Schedules 7 to 10.

*Entitlement staffing, principal's grade, and
salary units of schools listed in Schedules 7
to 10*

65 Health camps

The entitlement staffing, principal's grade, and salary units of a school at a health camp specified in the first column of Schedule 7 are as specified opposite its name in the appropriate columns of that schedule.

66 Child, Youth, and Family residential centre

The entitlement staffing, principal's grade, and salary units of a school at a Child, Youth and Family residential centre specified in the first column of Schedule 8 are as specified opposite its name in the appropriate column of that schedule.

67 Special residential schools

The entitlement staffing, principal's grade, and salary units of a special residential school specified in the first column of Schedule 9 are as specified opposite its name in the appropriate column of that schedule.

68 Regional hospital and health schools

The entitlement staffing, principal's grade, and salary units of a regional hospital and health school specified in the first column of Schedule 10 are as specified opposite its name in the appropriate column of that schedule.

**Part 6
Exemptions****69 Special reason**

The Secretary may exempt a Board, in respect of a school it administers, from the limitations imposed by this order if there is a special reason for an exemption for the school, being a reason that applies only to the school or to some other schools, but not being a reason that applies to all other schools.

70 Board-funded teachers

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

71 Overriding of clause 14(1) and (2) for supernumerary teachers after notice of provisional rolls

- (1) A Board may continue to employ any permanently appointed regular teacher who, following receipt of the Secretary's notice of the school's provisional rolls, has become supernumerary.
- (2) This clause overrides clause 14(1) and (2).

72 Overriding of clause 14(1) and (2) based on employment over all 2010 school year

- (1) A Board may employ more permanently appointed regular teachers than is permitted under clause 14(1), and may employ more other regular teachers than is permitted under clause 14(2), if,—
 - (a) at some other time during the 2010 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 the school under clause 14(1) or (2); and
 - (c) the net effect during the 2010 school year of employing the additional teachers does not result in the school's Board employing regular teachers representing a greater number of FTTEs than it is entitled to employ over that school year.
- (2) This clause overrides clause 14(1) and (2).

73 Suspension of clause 72 if 10% limit exceeded

- (1) The Secretary may notify a Board, in writing, that clause 72 does not apply to it if the circumstances in subclause (2) exist.
- (2) The circumstances are that, contrary to clause 72, the Board employs a regular teacher whose employment causes the number of regular teachers employed at the school to exceed by more than 10% the number of FTTEs that the Board is entitled to employ at the school.
- (3) Clause 72 does not apply to a Board that receives a notice under subclause (1) from the date of receipt of the notice until the date on which the notice ceases to apply in accordance with subclause (4).
- (4) 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 the school under clause 14(1) or (2) during that period.

74 Exemption for surplus to carry over until 31 March 2010

- (1) If the circumstances in subclause (2) exist, a Board is exempted until 31 March 2010 from the limitations imposed by clause 14 in respect of any surplus as if the exemption were an exemption calculated under clause 72.
- (2) The circumstances are that the Board employed fewer regular teachers at the school during the 2009 school year than equated

to the number of FTTes that the Board was entitled to employ under a provision set out in clause 14 of the Education (2009 School Staffing) Order 2008.

- (3) In this clause, **surplus** means a positive number that is obtained by subtracting the number of FTTes that the Board employed at a school during the 2009 school year from the number it was entitled to employ at the school under clause 14 of the Education (2009 School Staffing) Order 2008.

75 Roll increases

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

76 Time allowance for teachers on long-term training

The Secretary may exempt a Board, in respect of a 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 FTTTE for each teacher absent on a long-term training course.

77 Resource teachers

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

- (2) The maximum number of FTTEs in respect of 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 1 to year 10 students enrolled at state 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.

78 Supplementary learning support teachers

- (1) The Secretary may exempt a Board, in respect of a 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 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 needs that can and should be met by the appointment 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 calculated under clause 31.

79 Protection of supernumerary teachers

The Secretary may exempt a Board, in respect of a 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 2010 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.

80 Reading recovery in primary and area schools

- (1) The Secretary may exempt the Board of a primary or area school, in respect of a school it administers, from the limitations imposed by this order if any 1 or more of the following circumstances exist:
- (a) the school participates in the training of reading recovery teachers;
 - (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;
 - (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 (on a national basis and across all primary and area schools) is 260.

81 Normal and model schools

The Secretary may exempt a Board, in respect of a normal or model school it administers, from the limitations imposed by this 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.

82 Maintenance of specified programmes in high schools and area schools

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

- (a) the school's staffing has been (or, but for the exemption, would be) affected by a fall in its roll; and
- (b) it is desirable to grant an exemption (sufficient to restore the school's staffing to its 2009 level or some lower level) in order to maintain a specified programme of instruction, the continued provision of which would otherwise be at risk.

83 Protection of associate principals in high schools

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

84 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 11.

85 Blind and vision-impaired students

The Secretary may exempt the Board of BLENNZ from the limitations imposed by this order if the students at the school have particular educational needs that can and should be met by the employment of not more than 50 resource teachers: vision.

Part 7 Revocation

86 Revocation

The Education (2008 School Staffing) Order 2007 (SR 2007/228) is revoked.

Schedule 1 Grades for principals' positions

cl 26

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	2 001–2 200
U15	2 201–2 400
U16	2 401 and above

Schedule 2 Activity centre allowance

cl 43

School	Staffing (FTTEs)	Salary units
Aotea College	2.0	2
Bayfield High School	2.0	2

School	Staffing (FTTEs)	Salary units
Gisborne Girls' High School	2.0	2
Hutt Valley High School	2.0	2
James Hargest College	2.0	2
Karamu High School	2.0	2
Napier Boys' High School	2.0	2
Otahuhu College	2.0	2
Palmerston North Boys' High School	2.0	2
Papakura High School	2.0	2
Rongotai College	2.0	2
Rotorua Boys' High School	2.0	2
Spotswood College	2.0	2
Western Springs College	2.0	2

Schedule 3

cl 44

Teen parent unit allowance

Approved maximum roll	Staffing (FTTEs)	Salary units
20	2.0	2
25	2.5	2
30	3.0	3
35	3.5	3
40	4.0	4
45	4.5	4
50	5.0	5

Schedule 4

cl 49(4), (5)

Instrumental and vocal music tuition

School	Staffing (FTTEs)
Auckland Grammar School	4.0

School	Staffing (FTTEs)
Freyburg High School	2.0
Geraldine High School	5.0
Hagley Community College	14.0
James Hargest College	5.0
Macleans College	2.0
Mt Albert Grammar School	2.0
Otahuhu College	1.0
Pakuranga College	1.0
Queen's High School	7.0
Rangitoto College	2.0
Saint Peter's College (Auckland)	1.0
Tauranga Boys' College	4.0
Waikato Diocesan School for Girls	12.0
Whakatane High School	2.0

Schedule 5
**Provision of additional salary units for
resource teachers**

cl 16(4)

School	Additional salary units
Kelston Deaf Education Centre	49
van Asch Deaf Education Centre	43

Schedule 6

cl 48

Units attached to special schools

School	Attached unit	Entitle- ment staffing in FTTEs	Salary units
Central Regional Health School	Lower North Youth Justice Residence	8.9	8

Schedule 7

cl 65

**Entitlement staffing, etc, of special schools
at children's health camps**

School	Entitlement staffing in FTTEs	Prin- cipal's grade	Salary units
Glenelg	2.6	U1	0
Health Camp School (Otago Southland)	2.6	U1	0
Northland	2.6	U1	0
Otaki	2.6	U1	0
Pakuranga	3.8	U1	2
Te Kainga Whaiora	2.6	U1	0

Schedule 8

cl 66

**Entitlement staffing, etc, of special schools
at Child, Youth, and Family residential
centre**

School	Entitlement staffing in FTTEs	Prin- cipal's grade	Salary units
Kingslea	16.8	U4	19

Schedule 9

cl 67

**Entitlement staffing, etc, for special
residential schools**

School	Entitlement staffing in FTTEs	Prin- cipal's grade	Salary units
Felix Donnelly College	27.2	U6	32
Halswell Residential College	10.3	U4	10
McKenzie Residential School	5.8	U4	4
Salisbury School	9.7	U4	9
Waimokoia Residential School	6.3	U4	5
Westbridge Residential School	5.0	U4	4

Schedule 10

cl 68

**Entitlement staffing, etc, for regional
hospital and health schools**

School	Entitlement staffing in FTTEs	Prin- cipal's grade	Salary units
Central Regional Health School	15.3	U5	17

School	Entitlement staffing in FTTEs	Prin- cipal's grade	Salary units
Northern Regional Health School	30.3	U6	36
Southern Regional Health School	14.1	U4	15

Schedule 11

cl 84

Provision for regional staffing structure at schools for hearing-impaired students

School	Additional staffing in FTTEs	Salary units
Kelston and van Asch Deaf Education Centres Deaf and hearing impaired (includes regional co-ordinator positions)	107.5	50

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

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

This order, which comes into force on the day after the date on which it is notified in the *Gazette*, sets limits on the numbers of teachers who may be employed at payrolled schools during the 2010 school year.

The changes, other than minor drafting changes, from the order relating to the 2009 school year are as follows:

- there are increased salary units allowed for primary, intermediate, area, restricted composite, and special schools (see *clauses 16 and 18*):
- area schools are to have the same overseas teacher time allowance as high schools (see *clauses 36 and 37*):
- study support grant time allowances for high schools and area schools are provided for in *clause 38*:
- the calculation method for any classroom release time allowance for primary, intermediate, and special schools is adjusted in a way that may result in an increase in the allowance (see *clause 39(c) and (d)*):
- the reference to any tuakana-teina allowance as being determined by the Secretary, referred to in earlier orders, is restored (see *clause 40*):
- references to additional salary units for regional hospital and health schools are omitted from *clause 68* on the basis that they do not consist of limitations on a board's employment of teachers:
- terminology in relation to specified programmes is updated (see *clause 82*):
- in *Schedule 2* (which relates to the activity centre allowance) the reference to Naenae College is replaced with a reference to Hutt Valley High School:
- entitlement staffing in FTTEs and salary units for various special schools are increased (see *Schedules 6, 8, 9, and 10*).

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Education (2010 School Staffing) Order 2009. The reprint incorporates all the amendments to the order as at 2 September 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Education (2012 School Staffing) Order 2011 (SR 2011/300): clause 87
