

**Reprint  
as at 13 September 2014**



**Education (2013 School Staffing)  
Order 2012**

(SR 2012/97)

Education (2013 School Staffing) Order 2012: revoked, on 13 September 2014,  
by clause 85 of the Education (2015 School Staffing) Order 2014 (LI 2014/246).

Rt Hon Dame Sian Elias, Administrator of the Government

**Order in Council**

At Wellington this 21st day of May 2012

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 91H of the Education Act 1989, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following order.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Ministry of Education.**

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## Order

- 1 Title**  
This order is the Education (2013 School Staffing) Order 2012.
- 2 Commencement**  
This order comes into force on 2 July 2012.
- 3 Application**  
This order applies only to State schools, and only to the 2013 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 provisionally registered 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

**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 46

**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 an area school, means the school's formula-generated staffing allowance (in FTTEs) ascertained under clause 48 by reference to its provisional rolls

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

**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 school** means a school established under section 146 of the Act as a primary 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 a 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 extension student** means a special education student who has been classified by the Secretary as an extension student

**special education sensory student** means a special education student with high needs or a special education student with very high needs who has been classified by the Secretary as having special education sensory needs

**special education student** means a student who has been classified by the Secretary as eligible under the ongoing resourcing schemes

**special education student with high needs** means a special education student who has been classified by the Secretary as having high needs

**special education student with very high needs** means a special education 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 56 or 57

**March special education list** means a school's special education list determined by the Secretary as at 1 March 2013

**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 58

**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 54

**provisional special education list** means a school's special education list determined by the Secretary as at 1 July 2012

**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 who have been classified by the Secretary as any of the following:

- (a) extension students:
- (b) having high needs:
- (c) having very high needs

**specialist instruction roll**, in relation to a school, means the number obtained by a calculation made in accordance with clause 8A

**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.

Clause 7(1) **specialist instruction roll**: inserted, on 7 September 2012, by clause 4 of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**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.

Clause 8(g): inserted, on 7 September 2012, by clause 5 of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**8A 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.

Clause 8A: inserted, on 7 September 2012, by clause 6 of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

*Proportions of FTTE***9 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***10 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, an area, or a 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, an area, or a 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, an area, or a 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, an area, or a special school is, in the year in which the student first enrolls at a primary, an area, or a 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.

**11 Years of schooling in intermediate schools**

- (1) A student to whom clause 10(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.

## **12 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*

## **13 Employment of regular teachers**

- (1) The board of a school must not employ a permanently appointed regular teacher whose employment generates a number 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 27;
  - (b) any activity centre allowance under clause 40;
  - (c) any attached teen parent unit allowance under clause 41.
- (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 26 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 48 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 67 and 68.

**14 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 15, 16, or 17 applies to the school.

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

- (1) The number of salary units referred to in clause 14 is calculated for a primary school, a special school, or an intermediate school that 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,—

- (i) decreasing it to the nearest lower whole number, if it ends in less than 0.5; or
  - (ii) increasing it to the nearest higher whole number, if it ends in 0.5 or greater.
- (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 28, 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 29; and
  - (b) multiply the resulting sum by 1.28; and
  - (c) if the resulting product is not a whole number,—
    - (i) decrease it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increase it to the nearest higher whole number, if it ends in 0.5 or greater.
- (3) For Kelston Deaf Education Centre and van Asch Deaf Education Centre, the calculation in subclause (1)(a) must be modified by adding the number of resource teachers: hearing determined by the Secretary under clause 80(2) to the school's formula-generated staffing allowance before subtracting 1.
- (4) For BLENNZ, the calculation in subclause (1)(a) must be modified by adding the number of resource teachers: vision identified in clause 81 to the school's formula-generated staffing allowance before subtracting 1.
- (5) For a school to which 2 or more of subclauses (2) to (4) apply, the modifications provided for in those subclauses are cumulative.

Clause 15(3): replaced, on 7 September 2012, by clause 7(1) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 15(4): amended, on 7 September 2012, by clause 7(2) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**16 Number of salary units calculated for high schools**

- (1) The number of salary units referred to in clause 14 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,—
    - (i) decreasing it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increasing it to the nearest higher whole number, if it ends in 0.5 or greater.
- (2) For a high school that is in receipt of a special education staffing allowance calculated under clause 28, 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 FTEs of the school's special education staffing allowance to the number of FTEs, if any, of the school's special education management allowance calculated under clause 29; and
  - (b) multiply the resulting sum by 1.2; and
  - (c) if the resulting product is not a whole number,—
    - (i) decrease it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increase it to the nearest higher whole number, if it ends in 0.5 or greater.
- (3) For a high school that has an activity centre allowance under clause 40 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 41, 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 25, 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.

**17 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 14 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,—
    - (i) decreasing it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increasing it to the nearest higher whole number, if it ends in 0.5 or greater.
- (2) For a restricted composite school, the number of salary units referred to in clause 14 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,—
    - (i) decreasing it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increasing it to the nearest higher whole number, if it ends in 0.5 or greater.

- (3) For an area school or a restricted composite school that is in receipt of a special education staffing allowance calculated under clause 28, 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 29; and
  - (b) multiply the resulting sum by 1.33; and
  - (c) if the resulting product is not a whole number,—
    - (i) decrease it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increase it to the nearest higher whole number, if it ends in 0.5 or greater.
- (4) For an area school that has a principal grading roll, calculated in accordance with clause 25, 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.
- (5) For a school to which both subclauses (3) and (4) apply, the modifications provided for in those subclauses are cumulative.

**17A Employment of specified resource teachers to whom leadership payments have been allocated**

- (1) This clause applies to a board that employs 1 or more specified resource teachers.
- (2) A board must not employ specified resource teachers to whom leadership payments have been allocated (whether permanently or otherwise) if the total of those leadership payments would exceed the number of leadership payments calculated for the school under subclause (3).
- (3) The number of leadership payments referred to in subclause (2) is calculated for a school by—

- (a) multiplying the number of resource teachers: learning and behaviour allocated to the school for the 2013 school year by the Secretary by 0.6; and
  - (b) adding 6 to the resulting product; and
  - (c) if the resulting sum is not a whole number,—
    - (i) decreasing it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increasing it to the nearest higher whole number, if it ends in 0.5 or greater.
- (4) In this clause,—
- leadership payment**, for a specified resource teacher and a board, means an entitlement—
- (a) to a salary element that is additional to the salary that is otherwise payable to the specified resource teacher; and
  - (b) that is allocated (whether permanently or otherwise) to the specified resource teacher by the board
- specified resource teachers** means regular teachers who are—
- (a) resource teachers: learning and behaviour; or
  - (b) resource teacher managers: learning and behaviour.

Clause 17A: inserted, on 31 December 2012, by clause 4 of the Education (2013 School Staffing) Amendment Order (No 2) 2012 (SR 2012/417).

**18 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.

**19 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 those 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 51); 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, rounding it up to the next whole number.

**20 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 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) subtracting 1 from the school's formula-generated staffing allowance; and
  - (b) multiplying the resulting difference by 0.6945; and
  - (c) adding 5 to the resulting product; and
  - (d) if the resulting sum is not a whole number,—
    - (i) decreasing it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increasing it to the nearest higher whole number, if it ends in 0.5 or greater; and
  - (e) 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 to the number obtained under paragraph (d).

Clause 20(2)(b): amended, on 7 September 2012, by clause 8 of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**21 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) or, if applicable, subclauses (2) and (3).

- (2) The number referred to in subclause (1) is calculated by—
  - (a) adding in FTTEs—
    - (i) the sum that is the item in clause 49(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 49(2)(c) or (d) applies to the school; and
    - (iii) the additional guidance allowance calculated in accordance with clause 52; and
  - (b) multiplying the resulting sum by 0.6; and
  - (c) if the resulting product is not a whole number,—
    - (i) decreasing it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increasing it to the nearest higher whole number, if it ends in 0.5 or greater.
- (3) For an area school that has a secondary roll greater than 59, the number resulting from the calculation in subclause (2) is added to the number calculated by—
  - (a) multiplying the school's secondary roll by 0.011; and
  - (b) adding 2 to the resulting product; and
  - (c) if the resulting sum is not a whole number,—
    - (i) decreasing it to the nearest lower whole number, if it ends in less than 0.5; or
    - (ii) increasing it to the nearest higher whole number, if it ends in 0.5 or greater.

Clause 21(3): amended, on 7 September 2012, by clause 9(1) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 21(3)(a): amended, on 7 September 2012, by clause 9(2) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 21(3)(b): amended, on 7 September 2012, by clause 9(3) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

### *Principals*

## **22 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.

**23 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.

**24 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.

**25 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 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 2013, the following weightings apply:
  - (a) 1 special education extension student is the equivalent of 3 students:
  - (b) 1 special education student with high needs is the equivalent of 3 students:
  - (c) 1 special education student with very high needs is the equivalent of 6 students:
  - (d) 1 student enrolled at Westbridge Residential School or McKenzie Residential School is the equivalent of 6 students:
  - (e) 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 the roll range for 2013, the roll of a school includes the number of any students enrolled in the school's activity centre or its approved teen parent unit, if any.

### **Part 3**

#### **Components of limitations**

##### *Total regular staffing allowance*

#### **26 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 beginning teacher allowance:

- (v) any head of department beginning teacher time allowance:
- (vi) any overseas teacher time allowance:
- (vii) any study support grant time allowance:
- (viii) any resource teacher support allowance:
- (ix) any classroom release time allowance:
- (x) any large area school additional management staffing allowance:
- (xi) any specialist classroom teacher time allowance:
- (xii) any specialist teacher time allowance:
- (xiii) any activity centre allowance:
- (xiv) any teen parent unit allowance:
- (xv) any Te Atakura allowance:
- (xvi) any instrumental and vocal music tuition allowance:
- (xvii) any itinerant music teacher allowance:
- (xviii) any attached unit allowance:
- (xix) 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.

**27 Entitlement staffing**

- (1) A primary, an intermediate, or a special school's entitlement staffing as at any date in 2013 prior to the Secretary giving notice to the board of the March rolls is its formula-generated staffing allowance, ascertained in accordance with clause 48, based on its provisional rolls.
- (2) A primary, an intermediate, or a special school's entitlement staffing as at any date in 2013 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 48, based on its provisional rolls; and
  - (b) its formula-generated staffing allowance, ascertained in accordance with clause 48, based on its March rolls.



- (3) A secondary or an area school's entitlement staffing as at any date in 2013 prior to the Secretary giving notice to the board of the March rolls is its guaranteed minimum formula staffing.
- (4) A secondary or an area school's entitlement staffing as at any date in 2013 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 48, based on its March rolls.

**28 Special education staffing allowance**

- (1) The special education staffing allowance (in FTTEs), if any, of a school other than Kelston Deaf Education Centre, van Asch Deaf Education Centre, or BLENNZ is the number of special education students (excluding special education sensory students) on the school's special education list multiplied by the following FTTEs:
  - (a) 0.1 for each special education extension student;
  - (b) 0.1 for each special education student with high needs;
  - (c) 0.2 for each special education student with very high needs.
- (2) The special education staffing allowance for each of Kelston Deaf Education Centre, van Asch Deaf Education Centre, and BLENNZ is calculated by—
  - (a) adding the number of special education students on its special education list and the number of special education sensory students allocated to each school by the Secretary; and
  - (b) multiplying the resulting sum by the following FTTEs:
    - (i) 0.1 for each special education student with high needs;
    - (ii) 0.2 for each special education student with very high needs.

Clause 28(2)(a): amended, on 7 September 2012, by clause 10 of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**29 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).

**30 Beginning teacher allowance**

(1) In this clause and in clause 31, **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.

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

(1) A high school that employs qualifying beginning teachers who have completed less than 24 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.

- (2) An 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.

**32 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: literacy;
- (b) resource teacher: literacy (Māori);
- (c) resource teacher: Māori;
- (d) resource teacher: vision.

**33 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 12 months' 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 2013 school year, been eligible for the beginning teacher time allowance.

- (2) A high school or an 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.

**34 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 2013 school year, been eligible for the beginning teacher time allowance.
- (2) A school other than a high school or an 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.

**35 Study support grant time allowance for high schools and area schools**

A high school's or an 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.

**36 Classroom release time allowance**

- (1) A primary, an intermediate, or a special school's classroom release time allowance (in FTTEs), if any, 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 76 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) 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.
- (2) An area or a Form 1 to 7 school's classroom release time allowance (in FTTEs), if any, is obtained by—
- (a) adding—
    - (i) the number that is obtained by making the calculation as required by clause 49, adjusted in accordance with clause 50, that is made when calculating the school's curriculum delivery allowance but, for the part of the calculation that adds the items in clause 49(2), including only the items specified in clause 49(2)(a); and
    - (ii) the product (rounded down to 1 decimal place, if not exactly divisible by 0.1) of—
      - (A) the quotient obtained by dividing the sum of the items in clause 8(a) and (b) that

- apply to the school by its weighted roll;  
and
    - (B) the sum of the items, in relation to the school, in clause 51(2)(a) and (b); and
  - (iii) the product (rounded down to 1 decimal place, if not exactly divisible by 0.1) of—
    - (A) the quotient obtained by dividing the school's primary roll by its total roll; and
    - (B) the number in clause 51(3) that applies to the school; and
  - (b) if the resulting sum 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
  - (c) multiplying the resulting number by 0.04.
- (3) A restricted composite school's classroom release time allowance (in FTTEs), if any, is obtained by multiplying by 0.04—
  - (a) its entitlement staffing (in FTTEs), if its entitlement staffing (in FTTEs) is a whole number, or is not a whole number and ends in a value that is 0.80 or more of an FTTE; or
  - (b) the nearest lower whole number to its entitlement staffing (in FTTEs), if its entitlement staffing (in FTTEs) is not a whole number and ends in a value that is less than 0.80 of an FTTE.

**37 Large area school additional management staffing allowance**

An area school with a provisional roll of 750 or greater has a large area school additional management staffing allowance of 2 FTTEs.

**38 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.

**39 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.

**40 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.

**41 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.

**42 Te Atakura allowance for high schools and area schools**

A high school's or an 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.

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

- (1) A high school or an area school for which the Secretary approved an allowance for instrumental, vocal, or instrumental and vocal tuition in 2013 has an instrumental and vocal tuition

allowance (in FTTEs) that 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 2013 has an instrumental and vocal tuition allowance (in FTTEs) that is the product (correct to 2 decimal places) of 0.001 and the school's secondary roll.

**44 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.

**45 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*

**46 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 entitlements to school B, where the entitlements comprise either or both of the following:



- (i) a specified number of FTTEs, salary units, or both, of teacher entitlements;
    - (ii) a specified number of middle management allowances, senior management allowances, or both (**management allowances**); 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 2013,—
    - (a) he or she must deduct from the total regular staffing allowance of school A the number of FTTEs or salary units, or the number of management allowances, 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, or the number of management allowances, specified in the agreement.
  - (2A) A school must not enter into an entitlement transfer agreement relating to tuition in technology or another specialist subject.
  - (3) A school may enter into an entitlement transfer agreement relating to instrumental or vocal music only with 1 of the secondary schools or high schools listed in the first column of Schedule 4.
  - (4) 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 2013 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.
  - (4A) A school must not enter into an entitlement transfer agreement that would transfer middle management allowances to a primary school or a special school.

- (4B) A school must not enter into an entitlement transfer agreement that would transfer senior management allowances to a primary school, a special school, or an area school.
- (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.

Clause 46(1) **entitlement transfer agreement** paragraph (a): replaced, on 7 September 2012, by clause 11(1) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 46(2)(a): amended, on 7 September 2012, by clause 11(2) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 46(2)(b): amended, on 7 September 2012, by clause 11(3) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 46(2A): inserted, on 7 September 2012, by clause 11(4) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 46(4A): inserted, on 7 September 2012, by clause 11(5) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 46(4B): inserted, on 7 September 2012, by clause 11(5) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

#### **47 Application of clause 46 to special education**

Clause 46 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*

#### **48 Formula-generated staffing allowance**

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

- (a) its curriculum delivery allowance under clause 49; and
- (b) its management time allowance under clause 51; and
- (c) its additional guidance allowance under clause 52 (if any).

#### **49 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) *[Revoked]*
    - (vii) 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 52, **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.
- (3A) For the purposes of subclause (2)(b)(iv) to (viii), a student who is enrolled in a secondary-tertiary programme must not be counted as being on school's Māori-medium or non-Māori-medium roll.
- (4) This clause is subject to clause 50.

Clause 49(2)(a)(iv): amended, on 7 September 2012, by clause 12(1) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(2)(a)(v): amended, on 7 September 2012, by clause 12(2) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(2)(a)(vi): revoked, on 7 September 2012, by clause 12(3) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(2)(a)(vii): amended, on 7 September 2012, by clause 12(4) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(2)(b)(ii): amended, on 7 September 2012, by clause 12(5) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(2)(b)(iv): amended, on 7 September 2012, by clause 12(6) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(2)(b)(vi): amended, on 7 September 2012, by clause 12(7) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(2)(b)(viii): amended, on 7 September 2012, by clause 12(8) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(2)(d): amended, on 7 September 2012, by clause 12(9) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(2)(e): inserted, on 7 September 2012, by clause 12(10) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 49(3A): inserted, on 7 September 2012, by clause 12(11) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**50 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 49(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 49(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.

**51 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.

**52 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 49(3).

**Part 4**  
**Rolls**

*Rolls estimated and notified soon after  
commencement of order*

**53 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 2012; and
  - (b) the school's likely roll and Māori-medium roll (in the board's opinion) as at 1 March 2013.

- (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 2013.

**54 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 2013.
- (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 2013.
- (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 2013 and the number of year 2 to year 15 students as at 1 March 2013; 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 2013 and the number of year 2 to year 15 Māori-medium students as at 1 March 2013.
- (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 board under clause 53; and
  - (b) all written evidence and argument the board supplied with the notice.

*Ascertaining, notifying, and confirming March  
and October rolls from March 2013 onwards*

**55 Board must ascertain and notify March rolls**

As soon as practicable after 1 March 2013, 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 2013.

**56 Secretary must confirm March rolls if notice received from board**

- (1) This clause applies where the Secretary receives a notice under clause 55 from a board before 11 March 2013.
- (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 2013 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 2013; 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.

**57 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 55 from a board before 11 March 2013.
- (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 2013.
- (3) The Secretary must give the board at any time prior to 15 April 2013 written notice that—
  - (a) states that he or she did not receive a notice under clause 55 from the board before 11 March 2013; and
  - (b) specifies his or her best estimate of the school's roll and Māori-medium roll as at 1 March 2013; 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.

**58 Secretary must estimate primary school rolls as at 10 October 2013**

- (1) As soon as practicable after 10 March 2013, 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 2013.
- (2) The Secretary's estimate of the school's 10 October 2013 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 2013 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 55 from a primary school's board before 11 March 2013, he or she must not estimate the school's roll or Māori-medium roll as at 10 October 2013 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*

**59 Certain international students not counted**

An international 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 2012) 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.

Clause 59 heading: amended, on 7 September 2012, by clause 13(1) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 59: amended, on 7 September 2012, by clause 13(2) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**60 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 an 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 59 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 9*

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

- (1) A special school listed in any of Schedules 7 to 9 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 28:
  - (b) any special education management allowance calculated under clause 29:
  - (c) any beginning teacher allowance calculated under clause 30:
  - (d) any overseas teacher time allowance calculated under clause 34:
  - (e) any classroom release time allowance calculated under clause 36:
  - (f) any attached unit allowance as shown in Schedule 6 opposite the school's 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 46 and 47, Parts 3 and 4 do not apply to a special school that is listed in any of Schedules 7 to 9.

*Entitlement staffing, principal's grade, and  
salary units of schools listed in Schedules 7 to 9*

**62 Special schools for Child, Youth and Family students**

The entitlement staffing, principal's grade, and salary units of a special school for Child, Youth and Family students specified in the first column of Schedule 7 are as specified opposite its name in the appropriate column of that schedule.

**63 Special residential schools**

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

**64 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 9 are as specified opposite its name in the appropriate column of that schedule.

## **Part 6 Exemptions**

**65 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.

**66 Schools subject to interventions**

If the Minister or the Secretary has applied any of the interventions described in Part 7A of the Act to a school, the Secretary may exempt the board or any commissioner of the school from any or all of the limitations imposed by this order, and may impose conditions on any exemption, if the Secretary is satisfied that the exemption and any conditions are necessary in the circumstances.

Clause 66: replaced, on 7 September 2012, by clause 14 of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**67 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.

**68 Overriding of clause 13(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 13(1) and (2).

**69 Overriding of clause 13(1) and (2) based on employment over all 2013 school year**

- (1) A board may employ more permanently appointed regular teachers than is permitted under clause 13(1), and may employ more other regular teachers than is permitted under clause 13(2), if,—
  - (a) at some other time during the 2013 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 13(1) or (2); and
  - (c) the net effect during the 2013 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 13(1) and (2).

**70 Suspension of clause 69 if 10% limit exceeded**

- (1) The Secretary may notify a board, in writing, that clause 69 does not apply to it if the circumstances in subclause (2) exist.
- (2) The circumstances are that, contrary to clause 69, 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 69 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 13(1) or (2) during that period.

**71 Exemption for surplus to carry over until 31 December 2013**

- (1) If the circumstances in subclause (2) exist, a board is exempted until 31 December 2013 from the limitations imposed by clause 13 in respect of any surplus as if the exemption were an exemption calculated under clause 69.
- (2) The circumstances are that the board employed fewer regular teachers at the school during the 2012 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 (2012 School Staffing) Order 2011.
- (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 2012 school year from the number it was entitled to employ at the school under clause 14 of the Education (2012 School Staffing) Order 2011.

Clause 71 heading: amended, on 1 April 2013, by clause 4(1) of the Education (2013 School Staffing) Amendment Order 2013 (SR 2013/38).

Clause 71(1): amended, on 1 April 2013, by clause 4(2) of the Education (2013 School Staffing) Amendment Order 2013 (SR 2013/38).

**72 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.

**73 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 FTTE for each teacher absent on a long-term training course.

**74 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 633:
  - (b) in respect of resource teacher managers: learning and behaviour, 40:
  - (c) in respect of resource teachers: literacy (which includes resource teachers: literacy (Māori)), 121:

- (d) in respect of resource teachers: Māori, 53.

**75 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 2013 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.

**76 Reading recovery in primary and area schools**

- (1) The Secretary may exempt the board of a primary school or an 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 271.

Clause 76(2): amended, on 31 December 2012, by clause 5 of the Education (2013 School Staffing) Amendment Order (No 2) 2012 (SR 2012/417).

**77 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.

**78 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 2012 level or some lower level) in order to maintain a specified programme of instruction, the continued provision of which would otherwise be at risk.

**79 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.

**80 Deaf and hearing-impaired students**

- (1) The Secretary may exempt the boards of Kelston Deaf Education Centre and van Asch Deaf Education Centre from the limitations imposed by this order if the students at those schools have particular educational needs that can and should be met by the employment of not more than 107.5 resource teachers: hearing.
- (2) From the number of resource teachers: hearing identified in subclause (1), the Secretary must determine the number of those teachers to be allocated to each of Kelston Deaf Education Centre and van Asch Deaf Education Centre.

Clause 80(1): amended, on 7 September 2012, by clause 15(1) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Clause 80(2): inserted, on 7 September 2012, by clause 15(2) of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**81 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**

**82 Revocation**

The Education (2011 School Staffing) Order 2010 (SR 2010/309) is revoked.

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## **Schedule 1 Grades for principals' positions**

cl 25

<b>Principal's grade</b>	<b>Roll range</b>
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

<b>Principal's grade</b>	<b>Roll range</b>
U15	2 201–2 400
U16	2 401 and above

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**Schedule 2**  
**Activity centre allowance**

cl 40

<b>School</b>	<b>Staffing (FTTEs)</b>	<b>Salary units</b>
Aotea College	2.0	2
Bayfield High School	2.0	2
Gisborne Girls' 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
Taita College	2.0	2
Western Springs College	2.0	2

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**Schedule 3**  
**Teen parent unit allowance**

cl 41

<b>Approved maximum roll</b>	<b>Staffing (FTTEs)</b>	<b>Salary units</b>
20	2.0	2
25	2.5	2
30	3.0	3
35	3.5	3

<b>Approved maximum roll</b>	<b>Staffing (FTEs)</b>	<b>Salary units</b>
40	4.0	4
45	4.5	4
50	5.0	5

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**Schedule 4** cl 46(3), (4)  
**Instrumental and vocal music tuition**

<b>School</b>	<b>Staffing (FTEs)</b>
Auckland Grammar School	4.0
Freyberg 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

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

cl 15(3)

*[Revoked]*

Schedule 5: revoked, on 7 September 2012, by clause 16 of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

**Schedule 6**  
**Units attached to special schools**

cl 45

<b>School</b>	<b>Attached unit</b>	<b>Entitle- ment staffing in FTTEs</b>	<b>Salary units</b>
Central Regional Health School	Lower North Youth Justice Residence	8.9	8
Kingslea School	Te Maioha o Parekarangi Rotorua Youth Justice Residence	8.9	8

**Schedule 7**  
**Entitlement staffing, etc, of special schools  
for Child, Youth and Family students**

cl 62

<b>School</b>	<b>Entitlement staffing in FTTEs</b>	<b>Prin- cipal's grade</b>	<b>Salary units</b>
Kingslea	16.8	U6	19

**Schedule 8**

cl 63

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

<b>School</b>	<b>Entitlement staffing in FTTEs</b>	<b>Prin- cipal's grade</b>	<b>Salary units</b>
Halswell Residential College	10.3	U4	10
McKenzie Residential School	5.8	U4	5
Salisbury School	9.7	U4	9
Westbridge Residential School	5.0	U4	4

**Schedule 9**

cl 64

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

<b>School</b>	<b>Entitlement staffing in FTTEs</b>	<b>Prin- cipal's grade</b>	<b>Salary units</b>
Central Regional Health School	16.6	U5	18
Northern Regional Health School	36.5	U6	44
Southern Regional Health School	15.6	U4	17

**Schedule 10**

cl 80

**Provision for regional staffing structure at schools for hearing-impaired students***[Revoked]*

Schedule 10: revoked, on 7 September 2012, by clause 16 of the Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205).

Reprinted as at  
13 September 2014 **Education (2013 School Staffing) Order 2012**

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Rebecca Kitteridge,  
Clerk of the Executive Council.

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Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 24 May 2012.

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**Reprints notes****1     *General***

This is a reprint of the Education (2013 School Staffing) Order 2012 that incorporates all the amendments to that order as at the date of the last amendment to it.

**2     *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

**3     *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

**4     *Amendments incorporated in this reprint***

Education (2015 School Staffing) Order 2014 (LI 2014/246): clause 85  
Education (2013 School Staffing) Amendment Order 2013 (SR 2013/38)  
Education (2013 School Staffing) Amendment Order (No 2) 2012 (SR 2012/417)  
Education (2013 School Staffing) Amendment Order 2012 (SR 2012/205)

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