

**Reprint
as at 13 September 2014**



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

(SR 2012/205)

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

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 6th day of August 2012

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 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.

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Order

- 1 Title**
This order is the Education (2013 School Staffing) Amendment Order 2012.
- 2 Commencement**
This order comes into force on 7 September 2012.
- 3 Principal Order**
This order amends the Education (2013 School Staffing) Order 2012 (the **principal order**).
- 4 Clause 7 amended (Interpretation: rolls)**
In clause 7(1), insert in its appropriate alphabetical order:

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

5 Clause 8 amended (Weighted roll)

After clause 8(f), insert:

“(g) the product of 0.5 and the number of any year 7 and year 8 students then on its specialist instruction roll.”

6 New clause 8A inserted (Specialist instruction roll)

After clause 8, insert:

“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.”

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

(1) Replace clause 15(3) with:

“(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.”

- (2) In clause 15(4), replace “determined by the Secretary under” with “identified in”.

8 Clause 20 amended (Employment involving middle management allowances in high schools)

In clause 20(2)(b), replace “0.5875” with “0.6945”.

9 Clause 21 amended (Employment involving middle management allowances in area schools)

- (1) In clause 21(3), replace “56” with “59”.
(2) In clause 21(3)(a), replace “0.0061” with “0.011”.
(3) In clause 21(3)(b), replace “1” with “2”.

10 Clause 28 amended (Special education staffing allowance)

In clause 28(2)(a), after “and the number of special education”, insert “sensory”.

11 Clause 46 amended (Transfer of staffing entitlements)

- (1) In clause 46(1), definition of **entitlement transfer agreement**, replace paragraph (a) with:

“(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”.

- (2) In clause 46(2)(a), after “salary units”, insert “, or the number of management allowances,”.
(3) In clause 46(2)(b), after “salary units”, insert “, or the number of management allowances,”.
(4) After clause 46(2), insert:
“(2A) A school must not enter into an entitlement transfer agreement relating to tuition in technology or another specialist subject.”
(5) After clause 46(4), insert:

“(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.”

12 Clause 49 amended (Curriculum delivery allowance)

- (1) In clause 49(2)(a)(iv), replace “27.5” with “23”.
- (2) In clause 49(2)(a)(v), replace “6” with “8”.
- (3) Revoke clause 49(2)(a)(vi).
- (4) In clause 49(2)(a)(vii), replace “27.5” with “29”.
- (5) In clause 49(2)(b)(ii), replace “27.5” with “23.5”.
- (6) In clause 49(2)(b)(iv), replace “17.3” with “23”.
- (7) In clause 49(2)(b)(vi), replace “17.3” with “18”.
- (8) In clause 49(2)(b)(viii), replace “17.3” with “17”.
- (9) In clause 49(2)(d), replace “secondary roll.” with “secondary roll:”.
- (10) After clause 49(2)(d), insert:

“(e) the quotient obtained by dividing its specialist instruction roll (if any) by 120.”
- (11) After clause 49(3), insert:

“(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.”

13 Clause 59 amended (Certain students not counted)

- (1) In the heading to clause 59, after “**Certain**”, insert “**international**”.
- (2) In clause 59, replace “A foreign” with “An international”.

14 Clause 66 replaced (School with commissioner)

Replace clause 66 with:

“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.”

15 Clause 80 amended (Deaf and hearing-impaired students)

- (1) In clause 80, replace “relating to staffing entitlements and salary units imposed by this order to the extent specified in Schedule 10” with “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) In clause 80, insert as subclause (2):
“(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.”

16 Schedules 5 and 10 revoked

Revoke Schedules 5 and 10.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

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

This order, which comes into force on 7 September 2012, amends the Education (2013 School Staffing) Order 2012 (the **principal order**). It reverses some policies adopted in the principal order, inserts some new policies, and makes some other minor changes that do not alter the effect of the principal order.

This order restores the position as it was under the Education (2012 School Staffing) Order 2011 in relation to—

- specialist instruction rolls (amendments to clauses 7, 8, 46, 49, and the insertion of a *new clause 8A*); and
- staffing ratios (amendments to clause 49).

The new policies implemented by this order are as follows:

- new ratios are adopted to reflect an increased allocation of middle management allowances available to secondary schools and high schools (amendments to clauses 20 and 21):
- entitlement transfer agreements between schools may now (subject to some restrictions) provide for the transfer of both middle management allowances and senior management allowances (amendments to clause 46):
- changes are to be made to the way that students enrolled in secondary-tertiary programmes are funded. As a consequence, such students will not be counted towards the curriculum staffing calculation of schools, but will still count towards the base curriculum and added guidance components of staffing calculations (amendments to clause 49):
- the Secretary will be able to exempt a school board or a commissioner from the limitations imposed by this order if the school is subject to any intervention under Part 7A of the Education Act 1989, and not just if a commissioner has been appointed (*new clause 66*).

The minor changes made by this order are—

- to provisions relating to the Kelston and van Asch Deaf Education Centres (clauses 15 and 80, with the consequential revocation of Schedules 5 and 10); and
- correction of a wrong cross-reference in clause 21(3); and
- to wording in clauses 28 and 59.

Reprints notes

1 General

This is a reprint of the Education (2013 School Staffing) Amendment 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
