

Cabinet Paper material

Proactive release

Minister & portfolio Hon Jan Tinetti, Minister of Education
Name of package Education (2024 School Staffing) Order 2023
Date considered 28 August 2023
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Author: Office of the Minister of Education

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Material redacted

Some deletions have been made from the documents as the information withheld does not fall within scope of the Minister's portfolio responsibilities, and is not relevant to the proactive release of this material.

Cabinet Legislation Committee

Education (2024 School Staffing) Order 2023

Proposal

- 1 I propose that the Cabinet Legislation Committee authorise the submission of the Education (2024 School Staffing) Order 2023 to the Executive Council.

Background

- 2 Section 582 of the Education and Training Act 2020 requires that an Order in Council be made every year to prescribe the limits on the number of regular teachers who may be employed at state and state-integrated schools during the following year. The Education (School Staffing) Order (**the Order**) limits the financial liability of the Crown, which arises out of its obligations to pay teachers' salaries.
- 3 The Order must be made in advance of the school year in which it applies.
- 4 Each annual Order follows the previous year's Order and contains any relevant updates or policy changes approved by Cabinet.

Updates for the 2024 School Staffing Order

- 5 The first substantive change is required following the settlement of the Primary Teacher's Collective Agreement (PTCA). This has resulted in an increase to classroom release time (CRT), phased over several stages. During 2024, there will be two increases. From the start of term 1, 2024 CRT will increase from 10 to 15 hours per term, and from the start of term 3, 2024 it will increase from 15 to 20 hours. A further increase, from 20 hours to 25 hours per term, will take effect from 2025.
- 6 The second substantive change resulting from the settlement of the PTCA offers increased flexibility for how schools in Communities of Learning | Kāhui Ako can allocate their within school teacher roles.
- 7 The third substantive change is the removal of the Community of Learning | Kāhui Ako inquiry time allowance from all schools to find savings to address a Community of Learning | Kāhui Ako budget overspend.
- 8 Other updates that have been made are minor drafting changes and corrections to ensure the Order correctly sets out the staffing provided to schools.

Collective Agreements and Bargaining

- 9 The Order needs to be in force prior to the Ministry advising schools of their 2024 indicative staffing entitlements in September 2023. Therefore, all further school staffing changes that result from the ratification of the Secondary Teacher's Collective Agreement (STCA) and the Area School Teacher's

Collective Agreement (ASTCA) will be incorporated through an amendment to the principal Order.

Timing and 28-day rule

- 10 A waiver of the 28-day rule is being sought. It is proposed the Order come into force on 7 September 2023. The Order needs to come into force by this date as it is in the interests of all schools affected by the Order to know about their staffing entitlements for the 2024 school year in September 2023 for planning purposes.

Consultation

- 11 In June, an opportunity to review and comment on the draft Education (2024 School Staffing) Order 2023 was provided to Education Review Office, New Zealand Area School Association, New Zealand Association for Intermediate and Middle Schooling, New Zealand Catholic Education Office, New Zealand Post Primary Teachers' Association, New Zealand Principals' Federation, New Zealand School Trustees Association, New Zealand Secondary Principals' Council, Primary Principals' Collective Bargaining Unit, Secondary Principals' Association of New Zealand, Teaching Council of Aotearoa New Zealand, and Treasury.
- 12 The New Zealand Educational Institute Te Riu Roa responded to the Ministry's invitation and provided general feedback on the draft Order.
- 13 No adverse comments were received from any of the recipients.

Financial implications

- 14 No additional funding is being sought or is necessary to implement the changes to the Order as they have already been approved by Cabinet.

Human rights

- 15 The Order is consistent with the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Legislative implications

- 16 This is an annual introduction of the Education (2024 School Staffing) Order 2023, to set the limits on staffing levels for 2024.
- 17 I understand this process is seeking enforcement of the Order during the pre-election period. This is an annual process that is regular business as usual and does not have any additional financial implications, other than those already agreed by Cabinet.

Regulatory impact analysis

- 18 The Treasury's Regulatory Impact Analysis team has determined that the Education (2024 School Staffing) Order 2023 is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.

Climate Implications of Policy Assessment

- 19 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

Publicity

- 20 Education sector unions and other relevant education bodies will be advised of the enactments of the Education (2024 School Staffing) Order 2023 through its notification in the New Zealand Gazette.
- 21 School boards will receive notice of their 2024 provisional staffing or guaranteed minimum formula staffing in September 2023 based on the provisions of the Order and expect this as a matter of annual routine.

Recommendations

- 22 The Minister of Education recommends that the Cabinet Legislation Committee:
 - 22.1 **note** that the Education (School Staffing) Order is made annually to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries by prescribing the limits on the number of teachers that may be employed by state and state-integrated school boards in the year the Order applies;
 - 22.2 **note** that the substantive changes to the 2024 Order include changes to classroom release time, increased flexibility for how schools in Communities of Learning | Kāhui Ako can allocate their within school teacher roles, and removal of Community of Learning inquiry time for all schools;
 - 22.3 **note** other minor drafting changes and corrections have been made to ensure that the Order correctly sets out the staffing entitlements for schools;
 - 22.4 **note** amendments will be made to the Order as a result of the ratification of the Secondary and Area School Teacher Collective Agreements;
 - 22.5 **note** a waiver of the 28-day rule is being sought to allow the Education (2024 School Staffing) Order 2023 to come into force on 7 September 2023; and
 - 22.6 **authorise** the submission to the Executive Council of the Education (2024 School Staffing) Order 2023.

Hon Jan Tinetti
Minister of Education

Education (2024 School Staffing) Order 2023

Order in Council

At Wellington this day of 2023

Present:
in Council

This order is made under section 582 of the Education and Training Act 2020 on the advice and with the consent of the Executive Council.

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Order

1 Title

This order is the Education (2024 School Staffing) Order 2023.

2 Commencement

This order comes into force on 7 September 2023.

3 Application

This order applies only to State schools, and only to the 2024 school year.

Part 1

Preliminary provisions

4 Purpose

- (1) The purpose of this order is, in accordance with section 582 of the Act, to limit the financial liability of the Crown arising out of its obligation under section 579 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

- (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 and Training Act 2020

adjusted entitlement means the entitlement staffing that is calculated under clause 30 if, for the purposes of clause 56(2)(b), no student who is enrolled in a secondary–tertiary programme is counted on a school’s Māori-medium or non-Māori-medium roll

adjusted formula-generated allowance means the formula-generated staffing allowance that is calculated under clause 55 if, for the purposes of clause 56(2)(b), no student who is enrolled in a secondary–tertiary programme is counted on a school’s Māori-medium or non-Māori-medium roll

adjusted total regular allowance means the total regular staffing allowance that is calculated under clause 29 if, for the purposes of clause 56(2)(b), no student who is enrolled in a secondary–tertiary programme is counted on a school’s Māori-medium or non-Māori-medium roll

area school means a composite school that offers education to students in any of years 1 to 13

beginning teacher, at any time, means a 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 and Low Vision Education Network NZ

community of learning means a group of schools that the Minister has approved as a community of learning for the purpose of this order

community of learning role means the role of Community of Learning Leadership, or the role of Community of Learning Teacher (Across Community), or the role of Community of Learning Teacher (Within School)

entitlement transfer agreement has the meaning set out in clause 53(1)

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 55 by reference to its provisional rolls

high school means a secondary school or a year 7 to 13 school

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

mentor teacher means a permanently appointed regular teacher who provides mentoring and support to an employment-based trainee teacher who is in an employment-based trainee teaching position

middle management allowance, in relation to a high school or an area school, means an allowance allocated by the board to a teacher who undertakes duties in the school that are recognised by the board as middle management activities

other regular teacher means a regular teacher who is not a permanently appointed regular teacher

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

resource teacher means a teacher who provides specialist advice, guidance, and support to students or teachers (or both), whether at the teacher's school or other schools

restricted composite school means a composite or an intermediate school that offers education to students in any of years 7 to 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 who undertakes duties in the school that are recognised by the board as senior management activities

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

year 7 to 13 school means a composite school that offers education to students in any of years 7 to 13.

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

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 62

March special education list means a school's special education list determined by the Secretary as at 1 March 2024

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 63

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 60

provisional special education list means a school's special education list determined by the Secretary as at 1 July 2023

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 9

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

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

8 **Weighted roll**

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

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

9 **Specialist instruction roll**

- (1) In this clause,—

base students are students in year 7 or year 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 in year 7 or year 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 in year 7 and year 8 included in the base school's provisional or March rolls (as appropriate) to the number of visiting students; and
- (b) subtracting from the resulting sum the number of base students.

Proportions of FTTE

10 **Proportions of FTTE**

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

- (a) 10 half-days every full week generates 1 FTTE:

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

Years of schooling

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

- (1) In the situation described 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 the primary, area, or special school, a student in the year level that, in the principal's opinion, is most appropriate for a student of that student's maturity and educational and intellectual achievements.

12 Years of schooling in intermediate schools

- (1) A student to whom clause 11(1) and (2) applies 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 in the year level that, in the principal's opinion, is most appropriate for a student of that student's maturity and educational and intellectual achievements.

13 Years of schooling in high schools

- (1) A student is a year 9 student in the year in which the student first enrolls at a secondary school if the student was a primary student in the year before the year in which the student first enrolls at the secondary school.
- (2) A student is a year 7 student in the year in which the student first enrolls in a year 7 to 13 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 year 7 to 13 school.
- (3) Any other student who enrolls at a high school is, in the year in which the student first enrolls or again enrolls at a high school, a student in the year level that, in the principal's opinion, is most appropriate for a student of that student's maturity and educational and intellectual achievements.

Part 2

Limitations on employment of teachers and principals

Regular teachers

14 Employment of regular teachers

- (1) The board of a school must not employ a permanently appointed regular teacher whose employment generates a number of FTTEs greater than the sum of any of the following that apply to the school:
 - (a) its adjusted entitlement;
 - (b) any activity centre allowance under clause 46;
 - (c) any attached teen parent unit allowance under clause 47.
- (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 adjusted total regular staffing allowance under clause 29 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 55 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 adjusted formula-generated allowance as generated by its March rolls.
- (5) Subclauses (1) and (2) are subject to clauses 74 and 75.

15 Employment involving salary units

A board must not employ regular teachers to whom salary units have been allocated (whether permanently or otherwise) if the total of those salary units

would exceed the number of salary units calculated for the school under whichever of clauses 16, 17, and 18 applies to the school.

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

- (1) The number of salary units referred to in clause 15 is calculated for a primary school, a special school, or an intermediate school that is not a restricted composite school by—
 - (a) subtracting 1 from the school's adjusted formula-generated allowance; and
 - (b) multiplying the resulting number by 1.28; and
 - (c) subtracting 1.70 from the resulting number; and
 - (d) if the resulting number at paragraph (c) is not a whole number,—
 - (i) rounding it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) rounding it up 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 receives a special education staffing allowance calculated under clause 31, the calculation in subclause (1) must be modified by adding the number of salary units generated by the following calculation to the resulting number 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 32, including the number of FTTEs, if any, of those allowances transferred to the school from another school in relation to special education itinerant teachers; and
 - (b) multiply the resulting number by 1.28; and
 - (c) if the resulting number at paragraph (b) is not a whole number,—
 - (i) round it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) round it up to the nearest higher whole number, if it ends in 0.5 or greater.
- (3) For Ko Taku Reo, the calculation in subclause (1)(a) must be modified by adding the number of resource teachers: hearing identified in clause 87 to the school's adjusted formula-generated 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 88 to the school's adjusted formula-generated allowance before subtracting 1.

- (5) For a school that has a principal who has been appointed to be the principal of 2 or more schools, the calculation in subclause (1) must be modified by adding 1 salary unit to the resulting sum in subclause (1)(c).
- (6) For a school to which 2 or more of subclauses (2) to (5) apply, the modifications provided for in those subclauses are cumulative.

17 Number of salary units calculated for high schools

- (1) The number of salary units referred to in clause 15 is calculated for a high school by—
 - (a) subtracting 1 from the school's adjusted formula-generated allowance; and
 - (b) multiplying the resulting number by 1.241; and
 - (c) adding 9 to the resulting number; and
 - (d) if the resulting number at paragraph (c) is not a whole number,—
 - (i) rounding it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) rounding it up to the nearest higher whole number, if it ends in 0.5 or greater.
- (2) For a high school that receives a special education staffing allowance calculated under clause 31, the calculation in subclause (1) must be modified by adding the number of salary units generated by the following calculation to the resulting number 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 32, including the number of FTTEs, if any, of those allowances transferred to the school from another school in relation to special education itinerant teachers; and
 - (b) multiply the resulting number by 1.241; and
 - (c) if the resulting number at paragraph (b) is not a whole number,—
 - (i) round it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) round it up 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 46 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 47, 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 28 but excluding those students who are enrolled in a secondary–tertiary programme, of greater than 1,400, the calculation in subclause (1) must be modified by adding, to the resulting sum in subclause (1)(c),—
 - (a) if the principal grading roll is no greater than 1,600 excluding those students who are enrolled in a secondary–tertiary programme, 9 salary units; or
 - (b) if the principal grading roll is greater than 1,600 excluding those students who are enrolled in a secondary–tertiary programme, 12 salary units.
- (6) For a school that has a principal who has been appointed to be the principal of 2 or more schools, the calculation in subclause (1) must be modified by adding 1 salary unit to the resulting sum in subclause (1)(c).
- (7) For a school to which 2 or more of subclauses (2) to (6) apply, the modifications provided for in those subclauses are cumulative.

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

- (1) For an area school, the number of salary units referred to in clause 15 is calculated by—
 - (a) subtracting 1 from the school’s adjusted formula-generated allowance; and
 - (b) multiplying the resulting number by 1.33; and
 - (c) adding 2.6 to the resulting number; and
 - (d) if the resulting number at paragraph (c) is not a whole number,—
 - (i) rounding it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) rounding it up 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 15 is calculated by—
 - (a) adding the school’s adjusted formula-generated allowance for its secondary roll to the school’s formula-generated staffing allowance for its primary roll; and
 - (b) subtracting 1 from the resulting number; and

- (c) multiplying the resulting number by 1.33; and
 - (d) adding 2.6 to the resulting number; and
 - (e) if the resulting number at paragraph (d) is not a whole number,—
 - (i) rounding it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) rounding it up 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 receives a special education staffing allowance calculated under clause 31, subclause (1) or (2) (as the case requires) must be modified by adding the number of salary units generated by the following calculation to the resulting number 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 32, including the number of FTTEs, if any, of those allowances transferred to the school from another school in relation to special education itinerant teachers; and
 - (b) multiply the resulting sum by 1.33; and
 - (c) if the resulting product is not a whole number,—
 - (i) round it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) round it up 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 28 but excluding those students who are enrolled in a secondary–tertiary programme, of greater than 1,400, the calculation in subclause (1) must be modified by adding, to the resulting sum in subclause (1)(c),—
- (a) if the principal grading roll is no greater than 1,600 excluding those students who are enrolled in a secondary–tertiary programme, 9 salary units; or
 - (b) if the principal grading roll is greater than 1,600 excluding those students who are enrolled in a secondary–tertiary programme, 12 salary units.
- (5) For a school that has a principal who has been appointed to be the principal of 2 or more schools, the calculation in subclause (1) must be modified by adding 1 salary unit to the resulting sum in subclause (1)(c).
- (6) For a school to which 2 or more of subclauses (3) to (5) apply, the modifications provided for in those subclauses are cumulative.

19 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 by 0.6 the number of resource teachers: learning and behaviour allocated to the school for the 2024 school year by the Secretary; and
 - (b) adding 6 to the resulting product; and
 - (c) if the resulting sum is not a whole number,—
 - (i) rounding it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) rounding it up 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 to a salary element that is—

- (a) additional to the salary that is otherwise payable to the specified resource teacher; and
- (b) 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.

20 Employment of teachers in community of learning roles

- (1) This clause applies to a school that is a member of a community of learning.
- (2) The board of a school to which this clause applies must not employ a teacher who has a community of learning role if the number of teachers working in the relevant community of learning in that role will exceed any of the limits provided for or calculated under this clause.
- (3) Unless the Secretary otherwise agrees, a community of learning may have only 1 person in the role of Community of Learning Leadership for that community and the role must be filled by a principal who is employed by a school in that community.

- (4) A community of learning may not have more than the number of teachers in the role of Community of Learning Teacher (Across Community) for that community calculated by—
- (a) adding the total entitlement staffing (determined under clause 30(1) or (3)) for each school that is a member of the community; and
 - (b) dividing the sum by the total entitlement staffing (determined under clause 30(1) or (3)) for all State schools and State integrated schools; and
 - (c) multiplying the resulting quotient by 1,000; and
 - (d) if the resulting product is not a whole number, rounding it down to the nearest whole number; and
 - (e) if the result of the calculations and rounding is 0, rounding it up to 1.
- (5) However, a community of learning may have more than the number of teachers that is allowed under subclause (4) in the role of Community of Learning Teacher (Across Community) for that community (an **increased number**) if—
- (a) the increased number does not exceed 2 more than the number calculated under subclause (4); and
 - (b) the schools in the community of learning agree to the increased number.
- (6) A community of learning may not have more than the number of teachers in the role of Community of Learning Teacher (Within School) for that community calculated by—
- (a) adding the total entitlement staffing (determined under clause 30(1) or (3)) for each school that is a member of the community; and
 - (b) dividing the sum by the total entitlement staffing (determined under clause 30(1) or (3)) for all State schools and State integrated schools; and
 - (c) multiplying the resulting quotient by 5,000; and
 - (d) if the resulting product is not a whole number, rounding it down to the nearest whole number.
- (7) However, if a community of learning has an increased number of teachers in the role of Community of Learning Teacher (Across Community) under subclause (5), the number of teachers in the role of Community of Learning Teacher (Within School) for that community must be reduced by 3.3 for each extra teacher in the role of Community of Learning Teacher (Across Community).

21 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.

22 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 by—
 - (a) subtracting 1 from the school's management time allowance (as determined in accordance with clause 58); 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 nearest whole number.

23 Employment involving middle management allowances at 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 adjusted formula-generated 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) rounding it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) rounding it up 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).

24 Employment involving middle management allowances at 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 of middle management allowances is calculated (in FTTEs) by—
 - (a) adding—

- (i) the sum that would be the item in clause 56(2)(b) (relating to the calculation of the curriculum delivery allowance) if, for the purpose of that clause, no student who is enrolled in a secondary–tertiary programme is counted on a school’s Māori-medium or non-Māori-medium roll; and
 - (ii) the number that is the item obtained by the calculation in whichever of clause 56(2)(c) and (d) applies to the school; and
 - (iii) the additional guidance allowance calculated in accordance with clause 59; and
- (b) multiplying the resulting sum by 0.6; and
- (c) if the resulting product is not a whole number,—
 - (i) rounding it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) rounding it up 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) rounding it down to the nearest lower whole number, if it ends in less than 0.5; or
 - (ii) rounding it up to the nearest higher whole number, if it ends in 0.5 or greater.
- (4) For the purposes of subclause (3), a student who is enrolled in a secondary–tertiary programme must not be counted as being on an area school’s secondary roll.

Principals

25 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 clause 7 of Schedule 22 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 the principal’s predecessor in office.

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

- (1) The board of a primary or an intermediate school that employs a deputy principal or an 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.

27 Employment of associate principals at high schools

- (1) A board may employ an associate principal for a school only if the school is a high school.
- (2) A board of a high school that 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 1,400 or less; but
 - (b) may employ 1 associate principal if the school's roll is more than 1,400.
- (4) For the purposes of subclause (3), a student who is enrolled in a secondary-tertiary programme must not be counted when calculating the school's roll.

28 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 (3) lies.
- (2) However, the grade for a principal employed at a special school listed in any of Schedules 6 to 8 is the grade specified in the appropriate column of the applicable schedule.
- (3) The principal grading roll for a school is the greater of the following, after any applicable weighting in accordance with subclause (4) or adjustment in accordance with subclause (5):
 - (a) the sum of the school's provisional rolls, as adjusted, and its provisional special education list; and
 - (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.
- (4) In determining the principal grading roll for 2024, 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.
- (5) In this clause, a reference to a roll **as adjusted** is a reference to that roll minus its list, if any.
- (6) In determining the roll range for 2024, the roll of a school includes the number of students enrolled in the school's activity centre or its approved teen parent unit, if any.
- (7) The principal's grade for a principal appointed to be the principal of 2 or more schools is based on the combined roll range of each of the schools.

Part 3

Components of limitations

Total regular staffing allowance

29 Total regular staffing allowance

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

- (a) adding 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 first-time principal release allowance:
 - (v) any beginning teacher allowance:
 - (vi) any mentor teacher allowance:
 - (vii) any head of department beginning teacher time allowance:
 - (viii) any overseas teacher time allowance:
 - (ix) any study support grant time allowance:
 - (x) any support time allowance:
 - (xi) any retrained teacher time allowance:
 - (xii) any classroom release time allowance:
 - (xiii) any large area school additional management staffing allowance:
 - (xiv) any specialist classroom teacher time allowance:
 - (xv) any specialist teacher time allowance:
 - (xvi) any activity centre allowance:
 - (xvii) any teen parent unit allowance:

- (xviii) any Te Atakura allowance:
 - (xix) any instrumental and vocal music tuition allowance:
 - (xx) any itinerant music teacher allowance:
 - (xxi) any attached unit allowance:
 - (xxii) any community of learning release time allowance:
 - (xxiii) any community of learning inquiry time allowance:
 - (xxiv) 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.

30 Entitlement staffing

- (1) A primary, an intermediate, or a special school's entitlement staffing as at any date in 2024 before the Secretary gives notice to the board of the March rolls is its formula-generated staffing allowance, ascertained in accordance with clause 55, based on its provisional rolls.
- (2) A primary, an intermediate, or a special school's entitlement staffing as at any date in 2024 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 55, based on its provisional rolls; and
 - (b) its formula-generated staffing allowance, ascertained in accordance with clause 55, based on its March rolls.
- (3) A secondary or an area school's entitlement staffing as at any date in 2024 before the Secretary gives 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 2024 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 55, based on its March rolls.

31 Special education staffing allowance

- (1) The special education staffing allowance (in FTTEs), if any, of a school other than Ko Taku Reo 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 Ko Taku Reo 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 extension student;
 - (ii) 0.1 for each special education student with high needs;
 - (iii) 0.2 for each special education student with very high needs.

32 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).

33 First-time principal release allowance

- (1) In this clause,—

qualifying principal means a principal who—

- (a) has been appointed to that position for the first time; and
- (b) is employed at the grade U1 or U2 specified in the first column of Schedule 1

qualifying release day means a release day taken by a qualifying principal for the purposes of improving their management and professional learning leadership capability.

- (2) A school that employs a qualifying principal has a first-time principal release allowance of 0.14 FTTE for each qualifying release day taken by the qualifying principal during their first 18 months of appointment, up to a maximum of 10 qualifying release days.

34 Beginning teacher allowance

- (1) In this clause, **qualifying beginning teacher** means a beginning teacher who—

- (a) is—
 - (i) employed for 0.5 of an FTTE or more and is in the first 12 months of teaching; or
 - (ii) employed full-time and is in the second 12 months of teaching; and
- (b) has been appointed for at least 10 weeks or 1 term.

- (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.

35 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.
- (3) In this clause, **qualifying beginning teacher** has the meaning given to it in clause 34(1).

36 Mentor teacher allowance

- (1) A board that employs an employment-based trainee teacher in an employment-based trainee teaching position has a mentor teacher allowance, calculated in accordance with subclause (2), if the trainee teacher—
 - (a) is employed for 0.8 or more of an FTTE; and
 - (b) is in the first or second 12 months of teaching.

- (2) The mentor teacher allowance is calculated by adding the number of employment-based trainee teachers and multiplying the resulting sum by—
- (a) 0.2, if the trainee teacher is in the first 12 months of teaching; or
 - (b) 0.1, if the trainee teacher is in the second 12 months of teaching.

37 Support time allowance

- (1) A school has a support time allowance of 0.05 of an FTTE for each of the following that it employs full-time:
- (a) resource teacher: literacy:
 - (b) resource teacher: literacy (Māori):
 - (c) resource teacher: Māori:
 - (d) resource teacher: vision:
 - (e) resource teacher: hearing.
- (2) A school that hosts a teen parent unit or an activity centre has a support time allowance of 0.05 of an FTTE for each teacher it employs full-time at the unit or centre.

38 Retrained teacher time allowance

- (1) In this clause, **qualifying retrained teacher** means a teacher who—
- (a) has completed, or is about to complete, a course of teacher retraining approved by the Secretary; and
 - (b) has less than 12 months' teaching experience after retraining; and
 - (c) has been appointed for at least 10 weeks or 1 term.
- (2) A school that employs a qualifying retrained teacher has a retrained teacher time allowance,—
- (a) in respect of a full-time teacher, of 0.2 of an FTTE for a maximum period of 1 year:
 - (b) in respect of part-time teacher who is 0.5 to 0.9 of an FTTE, of 0.1 of an FTTE for a maximum period of 1 year.
- (3) A retrained teacher time allowance is not payable in respect of a qualifying retrained teacher who is employed less than 0.5 of an FTTE.

39 Overseas teacher time allowance for high schools and area schools

- (1) In this clause, **qualifying overseas-trained teacher** means a teacher—
- (a) who—
 - (i) has qualifications that are recognised for New Zealand teacher registration; and
 - (ii) has been appointed to their first teaching position in a New Zealand State or State integrated school; and

- (iii) has completed less than 12 months' teaching in a New Zealand State or State integrated school; and
 - (iv) has been employed full-time from within the school's total regular staffing allowance; and
 - (v) has been appointed for a minimum of 20 weeks; and
 - (b) in respect of whom the school employing the teacher has not, in the 2024 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.

40 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—
 - (i) has qualifications that are recognised for New Zealand teacher registration; and
 - (ii) has been appointed to their first teaching position in a New Zealand State or State integrated school; and
 - (iii) has completed less than 10 weeks' teaching in a New Zealand State or State integrated school; and
 - (iv) has been employed full-time from within the school's total regular staffing allowance; and
 - (v) has been appointed for at least 10 weeks or 1 term; and
 - (b) in respect of whom the school employing the teacher has not, in the 2024 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.

41 Study support grant time allowance for schools

A 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.

42 Classroom release time allowance

- (1) A primary, an intermediate, or a special school's classroom release time allowance (in FTTEs), if any, is calculated by—
- (a) adding 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 84 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 whole number; and
 - (d) multiplying the resulting number by—
 - (i) 0.06, if the calculation relates to a time before 22 July 2024; and
 - (ii) 0.08, if the calculation relates to a time on or after 22 July 2024.
- (2) An area, a year 7 to 13, or a restricted composite school's classroom release time allowance (in FTTEs), if any, is calculated by—
- (a) adding—
 - (i) the number that is obtained by making the calculation required by clause 56, adjusted in accordance with clause 57, that is made to determine the school's curriculum delivery allowance but, for the part of the calculation that adds the items in clause 56(2), including only the items specified in clause 56(2)(a) and (e); 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), (b), and (g) that apply to the school by its weighted roll; and
 - (B) the sum of the items, in relation to the school, in clause 58(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 58(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 whole number; and
- (c) multiplying the resulting number by—
 - (i) 0.06, if the calculation relates to a restricted composite school and to a time before 22 July 2024; and
 - (ii) 0.08, if the calculation relates to a restricted composite school and to a time on or after 22 July 2024; and
 - (iii) 0.04, in all other cases.
- (3) For the purposes of subclause (2), a student who is enrolled in a secondary–tertiary programme must not be counted as being on an area or year 7 to 13 school’s weighted roll or total roll.

43 Large area school additional management staffing allowance

- (1) An area school with a provisional or confirmed roll of 750 or more has a large area school additional management staffing allowance of 2 FTTEs.
- (2) For the purposes of this clause, a student who is enrolled in a secondary–tertiary programme must not be counted as being on an area school’s provisional or confirmed roll.

44 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 more than 1,200 students, the high school’s specialist classroom teacher time allowance, if any, is 0.32 of an FTTE.
- (3) For the purposes of this clause, a student who is enrolled in a secondary–tertiary programme must not be counted as being on a high school’s provisional roll.

45 Specialist teacher time allowance for area schools

- (1) For an area school with a roll of fewer 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.
- (3) For the purposes of this clause, a student who is enrolled in a secondary–tertiary programme must not be counted as being on an area school’s roll.

46 Activity centre allowance for high schools

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

47 Teen parent unit allowance for schools

A 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.

48 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.

49 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 2024 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 2024 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.
- (3) For the purposes of this clause, a student who is enrolled in a secondary–tertiary programme must not be counted as being on a school's secondary roll.

50 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.

51 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 4 opposite its name and the name of its attached unit in the first and second columns of that schedule respectively.

52 Community of learning release time allowance

- (1) A school's community of learning release time allowance is 0.4 of an FTTE for each teacher employed by the school in the role of Community of Learning Leadership or Community of Learning Teacher (Across Community).
- (2) A school's community of learning release time allowance is 0.08 of an FTTE for each teacher employed by the school in the role of Community of Learning Teacher (Within School).
- (3) If a role referred to in subclause (1) or (2) is shared by 2 or more teachers, the community of learning release time allowance is to be allocated between them in proportion to their share of the role.

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

53 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 or salary units, or both, of teacher entitlements;
 - (ii) a specified number of middle management allowances or 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 2024,—
 - (a) the Secretary 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) the Secretary 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.
- (3) A school must not enter into an entitlement transfer agreement relating to tuition in technology or another specialist subject.
- (4) A school may enter into an entitlement transfer agreement relating to instrumental or vocal music with only 1 of the secondary schools or high schools listed in the first column of Schedule 5.
- (5) A school listed in the first column of Schedule 5 must not, under entitlement transfer agreements entered into with 1 or more other schools for the 2024 school year, receive a total number of FTTEs of teacher entitlements relating to tuition in instrumental or vocal music that exceeds the number of FTTEs specified in the second column of that schedule opposite the name of the school.
- (6) A school must not enter into an entitlement transfer agreement that would transfer middle management allowances to a primary school or a special school.
- (7) 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.
- (8) 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.

54 Application of clause 53 to special education

Clause 53 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

55 Formula-generated staffing allowance

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

- (a) its curriculum delivery allowance under clause 56; and
- (b) its management time allowance under clause 58; and
- (c) its additional guidance allowance under clause 59 (if any).

56 Curriculum delivery allowance

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

- (i) the number of any students in year 1 on its Māori-medium roll divided by 15; and
 - (ii) the number of any students in year 1 on its non-Māori-medium roll divided by 15; and
 - (iii) the number of any students in years 2 and 3 on its Māori-medium roll divided by 18; and
 - (iv) the number of any students in years 2 and 3 on its non-Māori-medium roll divided by 23; and
 - (v) the number of any students in years 4 to 8 on its Māori-medium roll divided by 18; and
 - (vi) the number of any students in years 4 to 8 on its non-Māori-medium roll divided by 29:
- (b) the sum of—
- (i) the number of any students in years 9 and 10 on its Māori-medium roll divided by 20; and
 - (ii) the number of any students in years 9 and 10 on its non-Māori-medium roll divided by 23.5; and
 - (iii) the number of any students in year 11 on its Māori-medium roll divided by 20; and
 - (iv) the number of any students in year 11 on its non-Māori-medium roll divided by 23; and
 - (v) the number of any students in year 12 on its Māori-medium roll divided by 18; and
 - (vi) the number of any students in year 12 on its non-Māori-medium roll divided by 18; and
 - (vii) the number of any students in year 13 or above on its Māori-medium roll divided by 17; and
 - (viii) the number of any students in 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, **number of levels of full-time secondary students** means the number of years from years 9 to 13 at which the number of students enrolled in that year is greater than 0, where the roll for year 13 is taken as the sum of the rolls for years 13 to 15.
- (4) For the purposes of subclause (2)(b), a student who is enrolled in a secondary–tertiary programme must not be counted as being on a school’s Māori-medium or non-Māori-medium roll.
- (5) This clause is subject to clause 57.

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

- (1) For a school with a primary roll of 176 or more, if the sum referred to in clause 56(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 56(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 obtained is 25 or smaller.

58 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, in relation to a school, are—
 - (a) the product of 0.0003 and its weighted roll;
 - (b) the product of 0.017 and the square root of its weighted roll;
 - (c) 0.1, if the sum of paragraphs (2)(a) and (b) is less than 0.1.
- (3) The number is—
 - (a) 0.2, if the school’s roll is less than 28; 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 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.
- (5) For the purposes of subclause (2), a student who is enrolled in a secondary–tertiary programme must not be counted as being on a school's weighted roll.

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

If roll is less than 201

- (1) The additional guidance allowance (in FTEs) of a high school, an area school, a restricted composite school, or a special school is, if its secondary roll is less than 201, 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.

If roll is 201 or more but less than 451

- (2) The additional guidance allowance (in FTEs) of a high school, an area school, a restricted composite school, or a special school is, if its secondary roll is 201 or more but less than 451, 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.

If roll is 451 or more

- (3) The additional guidance allowance (in FTEs) of a high school, an area school, a restricted composite school, or a special school is, if its secondary roll is 451 or more, the number, correct to 1 decimal place, that is obtained by—
 - (a) multiplying the number of levels of full-time secondary students (to a maximum of 5) by 0.45; and
 - (b) adding 0.4 to the resulting product.
- (4) In this clause, **number of levels of full-time secondary students** has the meaning given to it in clause 56(3).

Part 4

Rolls

Rolls estimated and notified

60 Secretary must estimate and notify provisional rolls

- (1) Before 30 September 2023, 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 2024.
- (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 2024.
- (4) The Secretary must estimate the roll and Māori-medium roll of every area school by adding the Secretary's estimate of the number of year 1 students or year 1 Māori-medium students as at 10 October 2024 and the number of year 2 to year 15 students or year 2 to year 15 Māori-medium students as at 1 March 2024.
- (5) A board may request a review of the roll notified by the Secretary.
- (6) If a review is requested by the board, the Secretary must review the estimate of the roll and either—
 - (a) confirm it as the provisional roll; or
 - (b) amend it and confirm the amended roll as the provisional roll.

Ascertaining, notifying, and confirming March rolls and October rolls from March 2024 onwards

61 Board must ascertain and notify March rolls

As soon as practicable after 1 March 2024, the board of every school must give the Secretary, in the form and manner determined by the Secretary, written notice of the school's roll and Māori-medium roll as at 1 March 2024.

62 Secretary must confirm March rolls

- (1) If the Secretary is satisfied that the rolls notified by the board are accurate, the Secretary must give the board written notice that,—
 - (a) for any school other than an area school, the numbers notified will have effect as the school's confirmed rolls; or
 - (b) for an area school, the numbers notified, with the addition of eleventwelfths of the number of year 1 students and year 1 Māori-medium students (rounded up to the nearest whole number if it is not already a whole number), will have effect as the school's confirmed rolls.

- (2) If the Secretary is satisfied that the numbers notified are not accurate, or if the Secretary did not receive the board's notice, the Secretary must give the board written notice of the Secretary's estimate of the school's roll and Māori-medium roll as at 1 March 2024 and state that,—
- (a) for any school other than an area school, the estimate will have effect as the school's confirmed rolls; or
 - (b) for an area school, the estimate, with the addition of eleven-twelfths of the number of year 1 students and year 1 Māori-medium students (rounded up to the nearest whole number if it is not already a whole number), will have effect as the school's confirmed rolls.

63 Secretary must estimate October rolls

- (1) As soon as practicable after 10 March 2024, the Secretary must give the board of every primary school written notice of the school's roll and Māori-medium roll estimated for that school as at 10 October 2024.
- (2) The Secretary's estimate of the school's 10 October 2024 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 nearest whole number if it is not already a whole number).
- (3) The Secretary's estimate of the school's 10 October 2024 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 nearest whole number if it is not already a whole number).
- (4) Before giving notice under subclause (1), the Secretary must consider the notice provided by the board under clause 61.

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

64 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 the student—

- (a) is of a kind or description exempted (under a notice under section 522 of the Act) from paying all of the amount required to be paid by section 521 of the Act; or
- (b) has been or is to be paid, by the Ministry of Foreign Affairs and Trade, all of the amount required to be paid by section 521 of the Act.

65 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.

- (2) If the resulting product for a year level is not a whole number, it must be rounded up to the nearest higher whole number.
- (3) Clause 64 overrides subclause (1).

66 Secondary students enrolled in combined secondary–tertiary courses

- (1) Every secondary student enrolled in a combined secondary–tertiary course must be treated as a fraction of a full-time student calculated in accordance with the following formula:

$$a = b \div (b + c)$$

where—

- a is the fraction of a full-time student calculation result
 - b is the average number of hours of secondary schooling tuition the student receives or is to receive in a week
 - c is the average number of tertiary learning hours the student receives or is to receive in a week.
- (2) For the purposes of this clause, **combined secondary–tertiary course** means a course of combined secondary and tertiary education for a secondary student that the Secretary has, by notice in writing to the school where the student is enrolled, approved as a course to which this clause applies.

Part 5

Provisions relating to specified schools or types of school

Application of Parts 3 and 4 to schools listed in Schedules 6 to 8

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

- (1) A special school listed in any of Schedules 6 to 8 has 1 or more of the following allowances and entitlements that apply to the school:
 - (a) any special education staffing allowance calculated under clause 31:
 - (b) any special education management allowance calculated under clause 32:
 - (c) any beginning teacher allowance calculated under clause 34:
 - (d) any overseas teacher time allowance calculated under clause 40:
 - (e) any classroom release time allowance calculated under clause 42:
 - (f) any attached unit allowance under clause 51:
 - (g) any entitlements arising from an entitlement transfer agreement under clause 53.

- (2) Except as provided in subclause (1) and in clauses 53 and 54, Parts 3 and 4 do not apply to a special school that is listed in any of Schedules 6 to 8.

Entitlement staffing, principal's grade, and salary units of schools listed in Schedules 6 to 8

68 Special schools for Oranga Tamariki—Ministry for Children

The entitlement staffing, principal's grade, and salary units of a special school for Oranga Tamariki—Ministry for Children students are specified in the second, third, and fourth columns, respectively, of Schedule 6, opposite the school's name in the first column of that schedule.

69 Special residential schools

The entitlement staffing, principal's grade, and salary units of a special residential school are specified in the second, third, and fourth columns, respectively, of Schedule 7, opposite the school's name in the first column of that schedule.

70 Regional health schools

The entitlement staffing, principal's grade, and salary units of a regional health school are specified in the second, third, and fourth columns, respectively, of Schedule 8, opposite the school's name in the first column of that schedule.

**Part 6
Exemptions**

71 Special reason for exemption

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.

72 Schools subject to interventions

If the Minister or the Secretary has applied any of the interventions described in section 171 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.

73 Board-funded teachers

The Secretary may exempt a board, in respect of a school that it administers, from the limitations imposed by this order if the Minister has given consent to the board under section 580 of the Act.

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

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

75 Overriding of clause 14(1) and (2) based on employment during 2024 school year

- (1) A board may employ more permanently appointed regular teachers than is permitted under clause 14(1), and may employ more other regular teachers than is permitted under clause 14(2), if,—
 - (a) at some other time during the 2024 school year, the board has employed, or will employ, fewer regular teachers than the prescribed number; and
 - (b) the employment of those teachers does not, at any time, cause the number of regular teachers employed by the board at the school to exceed by more than 10% the number of FTTEs that the board is entitled to employ at the school under clause 14(1) or (2); and
 - (c) the net effect during the 2024 school year of employing the additional teachers does not result in the school's board employing regular teachers representing a greater number of FTTEs than it is entitled to employ over that school year.
- (2) This clause overrides clause 14(1) and (2).

76 Suspension of clause 75 if 10% limit exceeded

- (1) The Secretary may notify a board, in writing, that clause 75 does not apply to it if the circumstances in subclause (2) exist.
- (2) The circumstances are that, contrary to clause 75, 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) If a board receives a notice under subclause (1), clause 75 does not apply for the period specified in subclause (4).
- (4) The period during which the notice applies is from the date on which it is received by the board until the date on which the number of regular teachers employed by the board at the school during the year up to that date equals the number of FTTEs that the board was entitled to employ at the school under clause 14(1) or (2) during that period.

77 Exemption for surplus to carry over until 31 March 2024

- (1) If the circumstances in subclause (2) exist, a board is exempted until 31 March 2024 from the limitations imposed by clause 14 in respect of any surplus as if the exemption were an exemption calculated under clause 75.
- (2) The circumstances are that the board employed fewer regular teachers at the school during the 2023 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 (2023 School Staffing) Order 2022.
- (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 2023 school year from the number it was entitled to employ at the school under clause 14 of the Education (2023 School Staffing) Order 2022.

78 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.

79 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 who is absent on a long-term training course.

80 Resource teachers

- (1) The Secretary may exempt a board, in respect of a school it administers, from the limitations imposed by this order in 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 or at other schools have particular educational needs that can and should be met by the employment of 1 or more resource teacher managers: learning and behaviour:
 - (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: literacy or resource teachers: literacy (Māori):
 - (d) 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, 41:
 - (c) in respect of resource teachers: literacy (which includes resource teachers: literacy (Māori)), 121:
 - (d) in respect of resource teachers: Māori, 53.

81 Learning support co-ordinators

- (1) The Secretary may exempt a board, in respect of a school it administers, from the limitations imposed by this order if 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 learning support co-ordinators.
- (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 State schools) is 623.

82 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 2024 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.

83 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 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.

84 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.

85 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 2023 level or some lower level) in order to maintain a specified programme of instruction that might otherwise be discontinued.

86 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.

87 Deaf and hearing-impaired students

The Secretary may exempt the board of Ko Taku Reo from the limitations imposed by this order if the students at that school have particular educational needs that can and should be met by the employment of not more than 127.5 resource teachers: hearing.

88 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 67.1 resource teachers: vision.

Part 7

Revocation

89 Revocation

The Education (2022 School Staffing) Order 2021 (LI 2021/207) is revoked.

Proactively Released

Schedule 1
Grades for principals’ positions

cl 28

Principal’s grade	Roll range
U1 or U2	1–100
U3	101–150
U4	151–300
U5	301–500
U6	501–675
U7	676–850
U8	851–1 025
U9	1,026–1,200
U10	1,201–1,400
U11	1,401–1,600
U12	1,601–1,800
U13	1,801–2,000
U14	2,001–2,200
U15	2,201–2,400
U16	2,401 and above

Schedule 2
Activity centre allowance

School	Staffing (FTEs)	cl 46
		Salary units
Bayfield High School	2.0	2
Gisborne Girls' High School	2.0	2
Hastings Boys' High School	2.0	2
Hutt Valley High School	2.0	2
James Hargest College	2.0	2
Mana College	2.0	2
Napier Boys' High School	2.0	2
Palmerston North Boys' High School	2.0	2
Papakura High School	2.0	2
Rotorua Boys' High School	2.0	2
Spotswood College	2.0	2
Wellington High School	2.0	2
Western Springs College	2.0	2

Schedule 3
Teen parent unit allowance

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

Schedule 4
Units attached to special schools

School	Attached unit	Entitlement staffing in FTTEs	Salary units
Central Regional Health School	Epuni Education Programme	5.6	4
Central Regional Health School	Te Au rere a te Tonga	12.4	13
Kingslea School	Te Maioha o Parekarangi Rotorua Youth Justice Residence	8.9	8

Schedule 5 Instrumental and vocal music tuition

School	Staffing (FTTEs)	cl 53(4), (5)
Auckland Grammar School	4.0	
Freyberg High School	2.0	
Geraldine High School	5.0	
Hagley College	14.0	
James Hargest College	5.0	
Macleans College	2.0	
Mt Albert Grammar School	2.0	
Otahuhu College	1.0	
Pakuranga College	1.0	
Queen's High School	7.0	
Rangitoto College	2.0	
Saint Peter's College (Auckland)	1.0	
Tauranga Boys' College	4.0	
Waikato Diocesan School for Girls	12.0	
Whakatane High School	2.0	

Schedule 6
Entitlement staffing, etc, of special schools for Oranga Tamariki—
Ministry for Children students

School	Entitlement staffing in FTTEs	Principal’s grade	Salary units	cl 68
Kingslea School	32.9	U9	38	

Proactively Released

Schedule 7
Entitlement staffing, etc, of special residential schools

School	Entitlement staffing in FTEs	Principal's grade	cl 69
			Salary units
Halswell Residential College	7.9	U4	7
Salisbury School	5.0	U4	4
Westbridge Residential School	7.9	U4	7

Schedule 8

Entitlement staffing, etc, of regional health schools

School	Entitlement staffing in FTTEs	Principal's grade	Salary units
Central Regional Health School	33.7	U6	40
Northern Health School	155.3	U11	196
Southern Regional Health School	34.8	U5	42

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 2023, sets limits on the numbers of teachers who may be employed at payrolled schools during the 2024 school year.

The main changes from the Education (2023 School Staffing) Order 2022 are as follows:

- clause 26 is changed to reflect that collective agreements relating to positions at primary and intermediate schools refer to assistant principals (rather than associate principals):
- clause 41, which determined the study support grant time allowance available to a high school or an area school, is changed so that it covers all schools (rather than just high schools or area schools):
- clause 42 is changed to increase the classroom release time allowance (in FTTEs) available to certain schools:
- clause 52 is changed to provide that if a community of learning role is shared by 2 or more teachers, the community of learning release time allowance is allocated between them in proportion to their share of the role:
- Schedule 8, which relates to entitlement staffing of regional health schools, is changed to adjust the entitlement staffing in FTTEs, principal's grade, and salary units for certain regional health schools.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

This order is administered by the Ministry of Education.



Cabinet

Minute of Decision

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Report of the Cabinet Legislation Committee: Period Ended 25 August 2023

On 28 August 2023, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 25 August 2023:

Out of Scope



LEG-23-MIN-0156

Education (2024 School Staffing) Order 2023
Portfolio: Education

CONFIRMED


Out of Scope



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Out of Scope



Rachel Hayward
Secretary of the Cabinet

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Cabinet Legislation Committee

Summary

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Education (2024 School Staffing) Order 2023

Portfolio	Education
Purpose	This paper seeks authorisation for submission to the Executive Council of the Education (2024 School Staffing) Order 2023 (the Order).
Previous Decisions	None.
Proposal	<p>Section 582 of the Education and Training Act 2020 requires that a School Staffing Order be made every year to prescribe the limits on the number of regular teachers who may be employed at state and state-integrated schools during the following year. The School Staffing Order limits the financial liability of the Crown, which arises out of its obligations to pay teachers' salaries. It prescribes the limits on the number of teachers that may be employed by schools for the following year.</p> <p>Each annual Order follows the previous year's Order and incorporates any new policy changes which have been approved by Cabinet. For 2024, there have been 3 substantive policy changes that are set out in paragraphs 5 – 7. Other updates that have been made are minor drafting changes and corrections to ensure the Order correctly sets out the staffing provided to schools.</p> <p>The Education (2022 School Staffing) Order 2021 gives effect to the requirement for 2024.</p>
Impact Analysis	Exempt.
Compliance	Parliamentary Counsel certified the Order on 14 August 2023 as being in order for submission to Cabinet.
Timing Matters	<p>A waiver of the 28-day rule is sought:</p> <ul style="list-style-type: none"> so that the Order can come into force on 7 September 2023; on the grounds that it is in the interests of all schools affected by the Order to know about their staffing entitlements for the 2024 school year in September 2023 for planning purposes.

Communications Education sector unions and other relevant education bodies will be advised of the enactments of the Education (2024 School Staffing) Order 2023 through its notification in the New Zealand Gazette.

School boards will receive notice of their 2024 provisional staffing or guaranteed minimum formula staffing in September 2023.

Consultation Paper prepared by MoE (Education). ERO and Treasury (Finance) were consulted. New Zealand Area School Association, New Zealand Association for Intermediate and Middle Schooling, New Zealand Catholic Education Office, New Zealand Post Primary Teachers' Association, New Zealand Principals' Federation, New Zealand School Trustees Association, New Zealand Secondary Principals' Council, Primary Principals' Collective Bargaining Unit, Secondary Principals' Association of New Zealand, Teaching Council of Aotearoa New Zealand, and Te Riu Roa. were also consulted.

Ministerial consultation did not occur.

The Minister of Education recommends that the Committee:

- 1 note that the Education (School Staffing) Order is made annually to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries by prescribing the limits on the number of teachers that may be employed by state and state-integrated school boards in the year the Order applies;
- 2 note that the substantive changes to the 2024 Order include changes to classroom release time, increased flexibility for how schools in Communities of Learning | Kāhui Ako can allocate their within school teacher roles, and removal of Community of Learning inquiry time for all schools;
- 3 note other minor drafting changes and corrections have been made to ensure that Education (2024 School Staffing) Order 2023 (the Order) correctly sets out the staffing entitlements for schools;
- 4 note amendments will be made to the Order as a result of the ratification of the Secondary and Area School Teacher Collective Agreements;
- 5 note a waiver of the 28-day rule is being sought:
 - 5.1 so that the Education (2024 School Staffing) Order 2023 can come into force on 7 September 2023;
 - 5.2 on the grounds that it is in the interests of all schools affected by the Order to know about their staffing entitlements for the 2024 school year in September 2023 for planning purposes;
- 6 agree to waive the 28-day rule;
- 7 authorise the submission to the Executive Council of the Education (2024 School Staffing) Order 2023 [PCO 25618/13.0].

Rebecca Davies
Committee Secretary

Hard-copy distribution:
Cabinet Legislation Committee
Minister of Education

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Cabinet Legislation Committee

Minute of Decision

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Education (2024 School Staffing) Order 2023

Portfolio **Education**

On 24 August 2023, the Cabinet Legislation Committee:

- 1 **noted** that the Education (School Staffing) Order is made annually to limit the financial liability of the Crown arising out of its obligation to pay teachers' salaries by prescribing the limits on the number of teachers that may be employed by state and state-integrated school boards in the year the Order applies;
- 2 **noted** that the substantive changes to the 2024 Order include changes to classroom release time, increased flexibility for how schools in Communities of Learning | Kāhui Ako can allocate their within school teacher roles, and removal of Community of Learning inquiry time for all schools;
- 3 **noted** other minor drafting changes and corrections have been made to ensure that Education (2024 School Staffing) Order 2023 (the Order) correctly sets out the staffing entitlements for schools;
- 4 **noted** amendments will be made to the Order as a result of the ratification of the Secondary and Area School Teacher Collective Agreements;
- 5 **noted** a waiver of the 28-day rule is being sought:
 - 5.1 so that the Education (2024 School Staffing) Order 2023 can come into force on 7 September 2023;
 - 5.2 on the grounds that it is in the interests of all schools affected by the Order to know about their staffing entitlements for the 2024 school year in September 2023 for planning purposes;
- 6 **agreed** to waive the 28-day rule;
- 7 **authorised** the submission to the Executive Council of the Education (2024 School Staffing) Order 2023 [PCO 25618/13.0].

Rebecca Davies
Committee Secretary

Attendance: (see over)

Present:

Hon Kelvin Davis
Hon Grant Robertson (Chair)
Hon Damien O'Connor
Hon Andrew Little
Hon David Parker
Hon Barbara Edmonds
Hon Rachel Brooking
Hon Jo Luxton

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

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