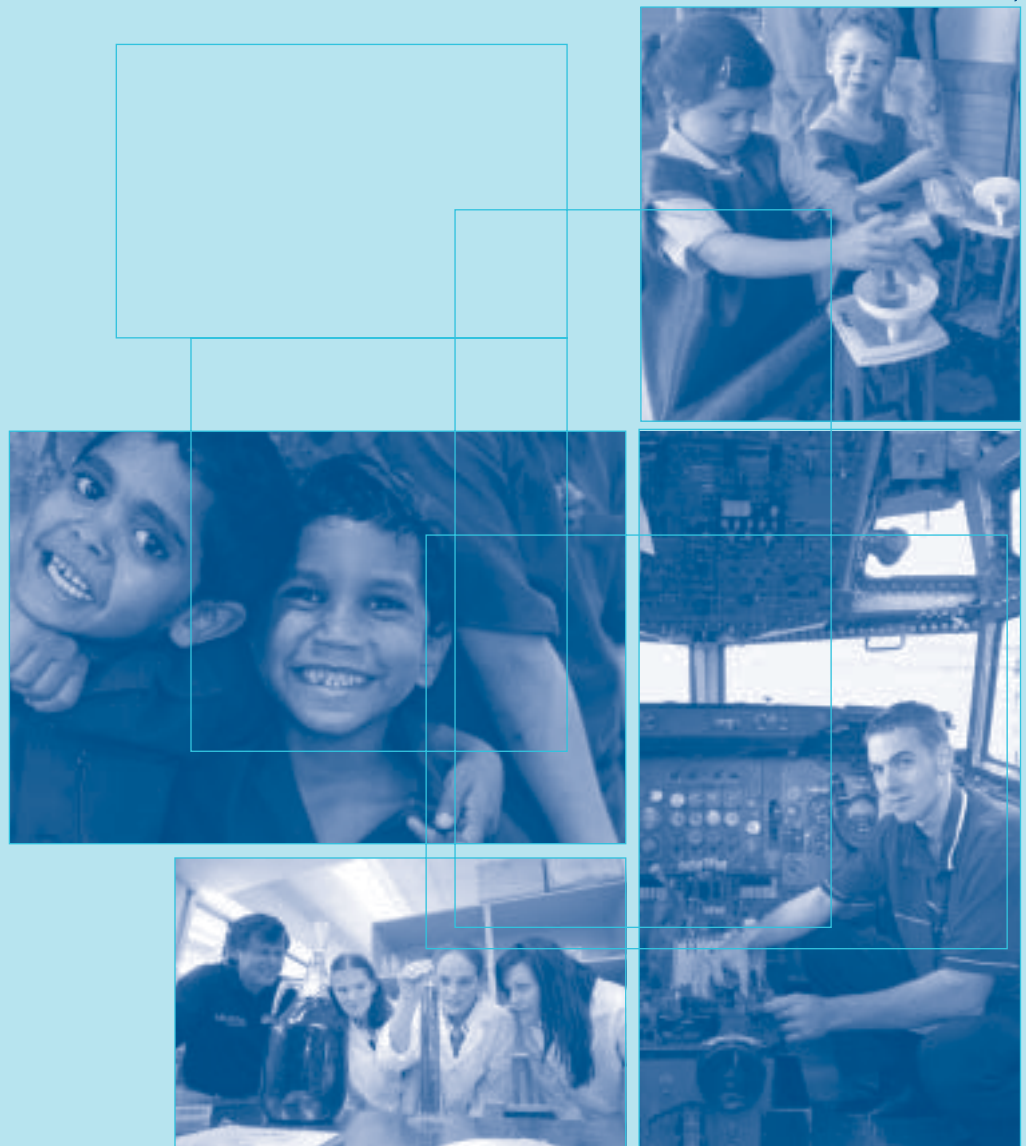


Education Laws for the Future

Consultation Paper
October 2004



Minister's message

All children have the right to an education, and the Queensland Government is committed to giving all our young Queenslanders a quality education. As the Smart State we need to look to the future of schooling so that we can develop a framework that supports the strategic direction of education in Queensland.

The Government has already shown its commitment to a forward-looking education framework through its Education and Training Reforms for the Future (ETRF) package. This landmark package of proposed education and training developments includes reform areas such as preparing children for school through the new full-time, non-compulsory, preparatory year of school from 2007, improving the middle phase of learning through smaller class sizes and improved curriculum, preparing students in the senior phase for work and further study, and improving information and communication technologies in schools.

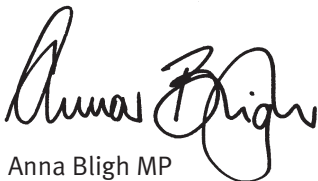
As part of these reforms, the *Youth Participation in Education and Training Act 2003* (the YPET Act) was passed by Parliament in 2003. This historic Act represents the first major shift in the delivery of education in Queensland in more than 40 years. It provides the legislative framework for senior school that will ensure Queensland's young people are either 'learning or earning'.

This consultation paper marks the start of another exciting phase of extensive educational reforms through the review of the *Education (General Provisions) Act 1989*. This Act is the legislative foundation for education in Queensland. It sets out fundamental requirements for all schooling such as the compulsory school age and specific requirements for state schools including their establishment and management of school communities.

This paper is an important step in the development of new legislation for education in Queensland. It focuses on the main issues that have arisen during the operation of the *Education (General Provisions) Act 1989*, and addresses a number of significant challenges facing education in Queensland today.

The aim of the legislation review is to ensure that children and young people are actively engaged in education in a safe and supportive schooling environment. If we are to achieve this, it is essential that all stakeholders – students, parents, teachers, principals, academics, employers and the broader community – are involved in this process.

I am pleased to release this consultation paper about how we can together forge the foundation of Queensland's educational reforms and contribute to the ongoing development of the Smart State. Your responses to the issues raised in this paper are a significant part of this process and I welcome your feedback and appreciate your views.



Anna Bligh MP
Minister for Education and
Minister for the Arts

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Introduction

The *Education (General Provisions) Act 1989* (the Act) has underpinned education in Queensland for the past 15 years, along with its accompanying regulation, the *Education (General Provisions) Regulation 2000*.

The Act sets the broad educational framework by establishing the compulsory obligation of parents to ensure their child enrolls and attends school. The Act also covers the powers of the Minister for Education and those involved in the management of education systems and schools, as well as a number of other provisions pertaining to both the state and non-state schooling sectors.

Since its introduction in 1989, the Act has been amended many times, most recently through the Education and Training Reforms for the Future (ETRF) and the Student Protection and Safety in Schools amendments. However, the legislation is becoming dated and needs a comprehensive review to ensure that it reflects contemporary society and educational practice and is responsive to issues affecting all schooling sectors in Queensland.

The *Youth Participation in Education and Training Act 2003* (the YPET Act), which was passed by Parliament in 2003, provides the integral ETRF legislative framework. Some sections of this Act have already commenced with the remaining sections due to start in 2006.

It is intended that the YPET Act will form part of the new Education Act, creating one piece of legislation to govern future education in Queensland from early 2006.

About the review

All legislation needs to be periodically reviewed to reflect contemporary community needs and expectations. The Department of Education and the Arts (the department) acknowledges that consultation and community engagement are vital in the development of effective laws and will ensure that consultation occurs on the proposed policy positions, as well as on a draft of the new legislation. It is proposed to progress the new legislation through Parliament in mid-2005.

This consultation paper is only the first stage of an extensive consultation process, and there will be further opportunities to provide feedback during the review. Updates on the progress of the review, as well as an overview of relevant provisions of the current legislation are available at: www.education.qld.gov.au/review/

About the consultation paper

This consultation paper explores the main issues that have arisen during the operation of the Act, and poses options and important questions. The paper is set out in two parts:

- Part A – outlines the proposals for all schools, whether they are state schools or non-state schools
- Part B – outlines the proposals that are specific to state schools only.

A feedback form is included in this paper, and can be accessed online at www.education.qld.gov.au/review/

Feedback may be provided online or sent to the postal address on the form before 31 March 2005.

To support this process the department will conduct a number of consultation sessions on the proposed new legislation. These will include meetings with school communities across the state and meetings with peak organisations and government departments in late 2004 and early 2005. Details of the consultation sessions are available at www.education.qld.gov.au/review/

It is crucial that any new legislation for education in Queensland is relevant and widely accepted. Your feedback on the proposals outlined in this paper will help to achieve this key objective.

Part A – all schools

Objects and guiding principles

Most modern legislation contains an opening section that explains the objects of the Act. This objects section usually summarises the broad intent, or essence of the legislation.

In recent years it has also been the practice for new legislation to contain guiding principles. These principles outline the way in which the Act is to be administered and how decisions are to be made. The guiding principles aid in the future interpretation of the Act.

The *Education (General Provisions) Act 1989* predates these practices, and has neither objects nor guiding principles in its opening sections. The inclusion of objects and guiding principles into the new legislation creates an opportunity to embody the Government's strategic direction for education generally, and state schooling specifically.

Importantly, the objects and guiding principles show how the new legislation will be underpinned by an inclusive approach to education, helping all students to achieve their full potential. Further information about the Government's commitment to inclusive education can be found at: www.education.qld.gov.au/curriculum/advocacy/access/equity/students/inclusion/

It is proposed to:

- develop objects and guiding principles that are consistent with the matters dealt with in the legislation, and its intent. These would include:

Objects

All schools

The main objects of the new Act would:

- state the responsibilities of parents and the Government in relation to the education of young Queenslanders
- provide an appropriate program of education for young people between the ages of five and 17 years, including provision of a full-time, non-compulsory preparatory year of school
- ensure young people continue to participate in one or more education and training options for a further two years up to the age of 17 years, or until they achieve a Senior Certificate or Certificate III vocational qualification
- provide for the participation and learning achievements of young people to be recorded
- empower schools to maintain safe learning environments
- facilitate the exchange of consistent information between schools
- provide for the registration of students participating in home schooling
- enable the payment of allowances and grants to facilitate educational outcomes for young people.

State schools

In addition to these main objects, the Act would:

- provide for the establishment and management of state education institutions
- provide that education in state schools is free, that schools may seek voluntary contributions and that the state may charge for the provision of specialised programs and additional services in certain limited and specified situations
- provide for the establishment and operation of parent organisations for state education institutions
- enable state education facilities and property to be used for purposes other than state education in certain limited situations.

Proposed guiding principles

The overarching guiding principle is that high-quality education in all Queensland schools should provide for a democratic society. This is achieved by:

- ensuring that all children have access to a high-quality education that develops every young person's potential and maximises educational achievement
- promoting the enthusiasm of young people for lifelong learning
- providing education programs to suit the learning needs of individual students, including those who may be educationally disadvantaged on the basis of culture, linguistic background, gender, disability, location or socioeconomic status
- facilitating improved social, educational and employment outcomes for young people including, in particular, those who are at risk of disengaging from education and training
- recognising the social, religious, spiritual, physical, intellectual and emotional needs of all students
- promoting respect for, and tolerance of, others
- encouraging parents to take part in the education of their children, and recognising their right to choose a suitable educational environment
- treating parents with openness and fairness, and having regard to the principles of natural justice in managing relationships with students and their parents
- supporting quality improvement and providing regular and clear information to parents and students on individual progress and regular school performance information to the community
- promoting inclusive practices and preparing children and young people to be active and reflective Australian citizens in order to build civic and social cohesion
- offering educational opportunities that ensure students with disabilities have access to, participate in, and gain positive educational outcomes from schooling
- providing learning environments that are culturally appropriate to reflect the diversity of contemporary Australian society and the cultural diversity of Aboriginal and Torres Strait Islander peoples in Queensland
- encouraging innovation, diversity and opportunity within and among schools
- fostering community commitment to young people by involving members of the community and community organisations in education programs
- providing opportunities for Queensland schools to engage with international education systems, educators, students and partnerships.

Have your say

Please use the feedback form on page 29, or use the online feedback form at: www.education.qld.gov.au/review/

Q1. Do you agree with the proposed objects?

Q2. Do you agree with the proposed guiding principles?

Attending school – parents' responsibilities

Children must currently be enrolled and attend school between the ages of six and 15 years. This is known as the 'compulsory school age'. Important changes made as a result of the YPET Act mean that from 2006 Queensland children will be required to stay at school until they turn 16, or until they complete Year 10, whichever comes first. They will then have to participate in education, training or work for a further two years, or until they gain a Senior Certificate or Certificate III vocational qualification, or turn 17 years. This is known as the 'compulsory participation phase'.

To better prepare children for school the Government has announced that from 2007 a non-compulsory, universally available, full-time preparatory year will be introduced, followed by an increase in the compulsory school starting age by six months in 2008. Children will be required to be six years by 30 June in the year they enrol in Year 1. Currently, children can start Year 1 if they turn six anytime during that calendar year. More information about the preparatory year is available at: www.education.qld.gov.au/etrf/prep.html

Compulsory schooling and participation

Parents who do not send their child to school currently face a maximum fine of \$375 for a first offence and \$750 for further offences. These penalties generally have not changed since the legislation started in 1989 and should better reflect the growing importance of education to future employment opportunities. Increasing the penalties will also help to bring these fines into line with other Australian jurisdictions.

Before prosecuting a parent reasonable steps must be taken to ensure that the parent is aware that their child is not attending school or meeting the compulsory education requirements. These steps include notifying parents, making a reasonable effort to meet with them, and sending them a warning notice if they will not meet with departmental staff. This is an important stage because it gives parents and the school the chance to discuss and resolve any concerns which may result in the student returning to school and the prosecution being discontinued.

It is proposed to:

- retain the requirements that reasonable steps are taken to alert parents before prosecuting them for failing to ensure their children attend school or participate in eligible options
- increase the maximum fine from \$375 to \$750 for a first offence, and \$750 to \$1500 for further offences.

Exemptions

Parents can currently seek an exemption (also known as a 'dispensation') from the department where their child is prevented from attending school for a number of reasons, including employment or ill-health.

Employment

Queensland employment law does not prevent the employment of children of a particular age, except in specified circumstances where the employment is considered unsuitable for children (such as adult entertainment and prostitution).

The education legislation requires parents of children who are under 15 years of age to ensure that their children are not employed between the hours of 8am and 4pm on a school day. Parents, however, are able to obtain an exemption to enable their child to be employed during these times. Parents who do not meet this requirement face a maximum fine of \$375 for a first offence and \$750 for a second or further offence.

This strict timeframe of 8am to 4pm no longer reflects the way education is delivered or the modern reality of young people's lives. Experiences gained from employment can provide students with valuable skills, and this is recognised during the compulsory participation phase, which gives students the flexibility to undertake a range of learning and other training or work options as part of their education. Many schools have implemented flexible timetables to enable students to undertake work placements and industry experiences.

The legislation also needs to clearly outline when an exemption is required for apprenticeships or traineeships. Currently parents are required to apply for an exemption if their child is of compulsory school age and seeks to undertake an apprenticeship or traineeship. An exemption is also currently required for a student who is undertaking a school-based apprenticeship or traineeship, where the student is enrolled at the school and the principal authorises the student's educational program.

If a student is undertaking a school-based apprenticeship or traineeship it is proposed that no exemption should be required. However, if the apprenticeship or traineeship is not school-based, and is undertaken by a student of compulsory school age, then an exemption would be required.

The Commission for Children and Young People and Child Guardian is currently conducting a statewide Review of Child Labour and the results of this review will be taken into account when drafting the new education legislation. A copy of the discussion paper is available at: www.childcomm.qld.gov.au/about/whatsnew

Other reasons

Parents can currently seek an exemption if their child is prevented from attending school because they are temporarily or permanently unwell, or suffering from an infectious or contagious disease.

The other categories of exemptions in the current Act are quite limited and do not reflect the wide range of circumstances where families may wish or need to withdraw their child from school for a short period of time such as a family bereavement.

It is proposed to:

- allow students an exemption to participate in a wider range of appropriate employment options
- remove the current requirement for an exemption for school-based apprenticeships and traineeships
- hold parents responsible for ensuring their children are not employed when they should be at school
- increase the maximum fine for parents who breach these requirements from \$375 to \$750 for a first offence, and from \$750 to \$1500 for a second or further offence
- expand the current categories of exemptions to include family reasons such as bereavement.

Have your say

Q3. Should the penalties for parents who do not send their child to school be increased to reflect the importance of education?

Q4. Do you agree with the increase in the penalties for non-attendance at school to \$750 for a first offence and up to \$1500 for further offences?

Q5. Do you agree with the proposed new reasons why a student would receive an exemption from compulsory schooling requirements, such as family and apprenticeships or traineeships that are not school-based and undertaken by a student of compulsory school age?

Schooling children at home

The Queensland Government supports parents' right to choose an educational environment that suits their child. Some parents choose to school their children at home for a variety of reasons. Findings of a Home Schooling Review were released for public discussion in October 2003. A copy of these findings is available at: www.education.qld.gov.au/publication/production/reports. The review recommended that home schooling should be recognised as a third education option, along with state and non-state schooling, and in return parents would need to meet certain requirements. This approach is designed to balance the parents' right to educate their child and the state's obligation to ensure that all children are appropriately educated. Currently, parents who wish to school their children at home must seek a dispensation from the department. They are required to follow guidelines that outline the requirements of the educational program and teaching requirements. For the new legislation it is proposed that parents would be registered to school their child at home. Registered parents would be given access to assistance and support to implement their choice effectively.

The proposed model focuses more on student outcomes and strengthens accountability for the quality of home schooling. Parents registered for home schooling would be required to submit a report on student outcomes each year to maintain registration and enable the department to ensure that the student's educational needs were being met. This report would be appropriate to the student's age and stage of development. The Director-General would also be given the power to deny registration, request parents to justify why they should continue to be registered, and place conditions on registration.

To facilitate the transition to the new registration process it is proposed that an advisory committee and a home schooling support centre would be established in 2005. These bodies would provide advice on home schooling matters and assist in building relationships with and support for home schooling families to enable the registration process to commence at the start of the 2006 school year.

It is proposed to:

- establish an advisory committee on home schooling
- establish a registration process for home schooling that would involve parents supplying their names, home address where their child is to be educated, the name and date of birth of the child

to be home educated and a short summary of the proposed program or learning philosophy that will guide the child's education

- give families who register to home school access to:
 - a home schooling support centre, which would employ professional staff to support and monitor the programs of families registered for home schooling
 - a range of services, programs and activities in state schools, within a clear policy framework
- confirm registration with parents for each new school year after they have provided a satisfactory report to the department on educational outcomes for the current year. The report should cover:
 - quantitative data such as results in educationally recognised tests or assessments. For example, the Years 3, 5, 7 literacy and numeracy tests if these have been completed
 - qualitative data to demonstrate monitoring of individual performance such as records or diaries of learning undertaken and completed
- give the Director-General the power to:
 - ask parents to show why registration should be confirmed
 - specify conditions on the conduct of the home schooling such as a period of supervision of the home schooling arrangements
 - refuse to confirm registration
- require parents to notify the department if the period of home schooling ceases
- enable parents to externally appeal a decision about registration to the Magistrates Court
- conduct a review within three years of commencement to identify the effectiveness of the new system.

Have your say

Q6. Should confirmation of registration be completed each year?

Q7. Should the new home schooling system focus on educational outcomes (such as results achieved in educationally recognised tests)?

Q8. Do you agree that parents' annual reports to the department should include quantitative and qualitative data as outlined above to demonstrate their child is achieving educational outcomes?

Student records – rights and responsibilities

Schools currently collect a wide range of personal and academic information relating to students enrolled at the school, such as a student's address, telephone number, parental details and contact information, health information, behaviour records, and performance records. This is important information for schools to have because it enables them to provide appropriate educational programs and support services for students and helps to ensure students' safety.

Because an average of 25 per cent of students change address each year, this information is invaluable in developing appropriate education programs and maintaining ongoing support services.

The current legislation is not clear about what records should be kept by schools and what information should be provided to another school when receiving a student. As a result, the information currently transferred between schools is often inconsistent. This has meant schools at times have gained only limited knowledge about a student's educational outcomes, extension or support needs.

Principals and teachers need adequate information to make decisions about students, whether they are existing students or new to the school. Schools take on significant legal responsibilities for all students and have a duty of care to ensure the safety of staff and students. However, schools also need to ensure that any records kept are treated in a confidential manner, to protect the privacy of students.

In addition the department needs to respond to concerns raised in this year's Crime and Misconduct Commission's report *Protecting Children: An Inquiry into Abuse of Children in Foster Care*. The report recommended removing any barriers to information sharing between departments, agencies and

non-government organisations to enhance their ability to protect children. A copy of this report is available at: www.premiers.qld.gov.au/childprotection/cmc_inquiry
The proposed changes outlined below would address these concerns.

Creation of student records

It is proposed to:

- require all schools to create and maintain an ‘official record’ as described in the table on page 11. This record would be restricted to necessary information and would be written in a factual manner. While an official record would not limit the information that schools can collect, it would provide a clear legislative direction for what information must be created and maintained
- inform parents and students of what records will be kept and how they would be able to access them
- require parents and students to sign an acknowledgment of the school’s record-keeping policies as part of the school’s enrolment process, including the provisions that information would be shared with schools on transfer and other educational providers.

Transfer of student records

It is proposed to:

- develop a more comprehensive transfer process for student records which would apply to both state and non-state schools. Parental or student consent would not be required for the official record to be accessed by the receiving school upon transfer
- inform parents and students which records could be transferred to another school.

Confidentiality

It is proposed to:

- develop new confidentiality provisions that would apply to both state and non-state schools to ensure consistency and sharing of all necessary information
- protect and clearly define confidential information including the ‘official record’ and all other information collected about current and previous students
- allow information sharing to occur where it is reasonably necessary for the protection, health, wellbeing or safety of the student, or reasonably necessary to facilitate the young person’s participation in education and training opportunities
- enable confidential information to be given to external parties where it has been authorised by the parent or student. The student would have to be at least 16 years of age with the Director-General (or delegate) able to approve students under 16 years in exceptional circumstances (consent will not be required to release the official record to other education and training providers)
- provide increased protection to people who disclose reasonable and necessary information in good faith. This would ensure that members of professional bodies or associations such as guidance officers, who in the main are psychologists, are indemnified.

Have your say

Q9. Do you agree that all schools should be required to create and maintain an ‘official record’ for each student?

Q10. Should this ‘official record’ include the information that is outlined on page 11?

Q11. Do you agree that all schools should have the same transfer process for the student’s official record?

Q12. Do you agree that the official record should be transferred to the student’s new school, providing that parents would be able to view the record and add comments?

Q13. Should the sharing of student information occur where it is necessary for the protection, health, wellbeing or safety of the student?

Q14. Can you think of any other situations where student information would need to be shared?

Q15. Should a 16-year-old student be able to agree to their confidential information being given to other people, for example, for an educational competition that the student may have entered?

What the 'official record' might look like

A draft proposal of the information that would be transferred between schools without consent

<p>Student details:</p> <ul style="list-style-type: none"> • Student name (given name and family name) • Previous names • Student number • Date of birth • Gender • Address • Parents/caregiver name and contact details • Relationship to student • Aboriginal/Torres Strait Islander origin Yes/No • Disability Yes/No — if yes, please detail • Nationality • Australian citizen/permanent resident Yes/No — if no, the Visa details • Non-English-speaking background • Home language • Relevant family information — are there any legal care and protection matters? Yes/No — please attach official paperwork • Medication currently administered at school? Yes/No — details. <p>Previous schooling information:</p> <ul style="list-style-type: none"> • Name of previous school • Person to contact at previous school for further information • Date of last attendance at previous school • Classification at date of last attendance Year/Level/Semester • Educational entitlement as at date of last attendance semester allocations (completed, remaining, additional): • Attendance information. Any attendance concerns? Yes/No. 	<p>Educational outcomes:</p> <ul style="list-style-type: none"> • Results of Years 2, 3, 5 and 7 tests (contact previous school if further information required) • Copy of student's current report card • Additional extension and/or support needs Yes/No — comment (only if necessary): <ul style="list-style-type: none"> • Individual Education Plan • Education Support Plan • Extension and/or Gifted and Talented Program • Requires/receives English-as-a-Second Language (ESL) program • Other agency involvement • Behavioural information/behaviour support program — has any behaviour occurred in the past 12 months that would pose a threat to the student, other students or staff? Yes/No — please attach official paperwork. (Note: For state schools, this would relate to Student Disciplinary Absences) • Does the student have specific medical requirements (severe)? Yes/No — if yes, brief details: <ul style="list-style-type: none"> • other support provided • program type • other curriculum experiences.
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Government payments and allowances

A variety of payments are currently made to schools, hostels, students or their parents and community organisations. These include allowances for students, grants for community groups, and per capita funding to non-state schools. The Government needs to ensure these payments are managed and distributed effectively. Parents and other applicants also need easy access to straight-forward information about the myriad subsidies, grants, scholarships and allowances that are available.

The wording of the legislation in relation to these payments needs to be updated to take into account current practice. Additionally, the Act does not permit the payment of a textbook and resource allowance to part-time students. Many of these students perform roles as parents and carers, sometimes with limited access to parental support or they are gifted students in terms of their sporting or cultural achievements, and who may attend school part-time. Extension of the textbook and resource allowance to these students would further assist in either limiting their disadvantage, or facilitating their pursuit of excellence.

In all cases the financial provisions need to be worded so they provide flexibility and improve transparency and procedural fairness.

It is proposed to:

- ensure that the legislation supports the range of payments currently being made by the department
- allow the Minister to approve other payments from time to time that are considered appropriate
- develop guidelines that would contain the eligibility criteria and amount of all payments to be approved by the Minister under this authority. The guidelines would be contained in a single user-friendly document for students, parents, schools and others seeking payments from the Minister
- extend the textbook and resource allowance on a pro-rata basis to part-time students and home schooling students
- enable payments to be made to people such as independent students and other persons who are not the students' parents
- enable reasonable conditions to be placed on grant recipients and allow the Minister to authorise the delay or stopping of payment of grants on reasonable grounds (students and parents do not receive grants and would be unaffected by this proposal).

Note: There is no intention to reduce the amount of any payments currently made.

Have your say

Q16. Do you agree that the eligibility criteria and amount of payments should be included in user-friendly guidelines approved by the Minister?

Q17. Do you agree that the textbook and resource allowance should be extended on a pro-rata basis to part-time students, and to home schooling students?

Q18. Should allowances be paid directly to students who are not living with their parents?

Q19. Should community organisations that receive Government funding be subject to reasonable conditions in relation to that funding?

Part B – state schools only

New enrolment procedures

The successful education of a child relies on a cooperative partnership between parents, students and schools, with each needing a clear understanding of what is expected of them. Research shows that children do better at schools when parents play an active role in their education. However there is no formal enrolment process in the current legislation that reflects the significance of the partnership being forged at enrolment or clarifies the responsibilities of the parties.

It is important to ensure that parents and students know how to enrol in a state school, what might be expected of them once they are enrolled, and what they can expect from a school. It is equally important for parents and students to understand the circumstances in which a state school might refuse their enrolment.

Society has changed and schools are increasingly faced with challenging situations that can pose risks to their community. Schools must strive for a balance between the right to access education and ensuring that schools are safe. For example, from 2005 the current Act will require mature-age applicants to consent to a criminal history check. People who are unable to attend state schools due to their criminal history can enrol in a school of distance education.

The Act currently does not include a power to refuse enrolment. While departmental policy enables schools to introduce enrolment management plans to cap student numbers and avoid overcrowding, this is not recognised in the Act. Given the significant population growth in some areas of the state and the need to ensure schools do not overload facilities and resources, it is proposed to give this policy legislative backing. Subject to the other powers to refuse enrolment, schools would be required to accept enrolments from those living in the school's catchment area.

Formal enrolment process

It is proposed to:

- introduce a formal school enrolment process that would take the form of a partnership agreement that would set out the rights and responsibilities of parents, students and schools. This agreement would include:
 - the school's values, educational philosophy, behaviour management and dress code policies
 - information on the school's record-keeping practices, including information on transferring a student's 'official record' between schools (see page 11)
 - complaints and appeals processes
- inform parents/students of what records will be kept and how they will be able to access them
- ask parents to commit in writing to ensure that:
 - their child upholds the values of respect for, and tolerance of, others
 - their child attends and participates at schools and advises the school when the student will be absent and why
 - their child abides by the school's behaviour management and dress code policies
 - the school is informed of any changes that may affect the student's education
- retain the current requirement for parents to provide a birth certificate for proof of age and identity of the child when the child is enrolled, or at a later date
- include students in making certain commitments under the partnership agreement
- require parents to give informed consent for their child's use of the Internet or extranet
- require parents to notify the school in cases where they have decided to send their child to another school or to home-school their child, so that their enrolment at the original school can be cancelled.

An example of a partnership agreement is on page 15.

Power to refuse enrolment

It is proposed to:

- include the power to refuse enrolment on the following grounds:
 - when a school is at capacity (the school, however, must accept the enrolment of those living in the catchment area). If supported by the department, the school can be made subject to an enrolment management plan. The plan would restrict entry to students within a defined catchment area and to siblings of current students. The principal would have the ability to enrol a child if he or she believed the child would be educationally disadvantaged otherwise. Notification would be made in the *Government Gazette* when a school reaches its ‘catchment limit’. There would be no internal or external appeal rights
 - where a student’s enrolment posed a significant and unacceptable risk to a particular state school community. The decision-maker would be the Deputy Director-General, with an internal appeal avenue to the Director-General
 - where a student’s enrolment posed a significant and unacceptable risk to a number of or all state schools. The decision-maker would be the Director-General, with the right of external appeal to the Magistrates Court. This provision would be used in limited circumstances. The department may attempt to organise an educational program that continues a student’s education
- provide a statement of reasons to the parents in cases when an enrolment is refused informing them of their appeal rights.

Have your say

Q20. Should there be a formal enrolment process for state schools?

Q21. Should a parent/student be asked to sign a ‘partnership agreement’ that sets out the obligations of the school, parent and student as part of the formal enrolment process?

Q22. Do you agree with the proposed content of the partnership agreement (see page 15)?

Q23. Do you agree with the proposed reasons for refusing enrolment?

Sample primary school partnership agreement

This agreement sets out the obligations for students, parents or carers and the school. All partners in the process are required to sign the agreement in the sections that relate to their specific obligations.

Agreement for students:

I will do my best to:

- respect and show tolerance towards other students and staff
- work hard and listen carefully to instructions from the teacher and principal
- attend school and arrive on time ready to start
- keep to the school rules and behave well
- be polite and helpful to other students and all adults
- do the homework I have been given and bring this back to school
- bring all the equipment I need every day
- take good care of the school environment.

Signature:

Student:

Agreement for parents or carers:

To help my child at school, I will do my best to:

- make sure that my child upholds the values of respect for, and tolerance of, others
- make sure that my child arrives at school on time and is collected on time
- make sure that my child attends regularly and informs the school of the reason of any absence
- support my child in abiding by the school's behaviour management policy
- support my child with homework
- attend open evenings for parents
- ensure that my child follows the school's dress code policy
- let the school know if there are any problems that may affect my child's ability to learn.

Signature:

Parent/carer:

Agreement for the school:

To assist the achievement of educational outcomes for students, we will:

- encourage students to do their best at all times
- expect the best from students in behaviour and their studies
- offer a broad and balanced curriculum which meets the needs of students
- ensure that each student is taught at an appropriate and challenging level
- inform parents and carers regularly about how their children are progressing
- inform students, parents and carers about what the teachers aim to teach the students each term
- take reasonable steps to ensure the safety, happiness and self-confidence of all students
- be open and welcoming at all reasonable times and offer opportunities for parents and carers to become involved in the daily life of the school
- clearly articulate the school's expectations regarding behaviour management and the school's dress code policy
- ensure that the parent is aware of the school's record-keeping policy including the creation of an official record and the transfer of this information to the receiving school
- set, mark and monitor homework regularly in keeping with the school's homework policy
- contact parents and carers as soon as is possible if the school is concerned about the child's school work or behaviour
- contact parents and carers if there is a persistent problem concerning the child's attendance or punctuality
- deal with complaints in an open, fair and transparent manner
- consult parents on any major issues affecting students
- treat students and parents with respect and tolerance.

Signature:

Teacher:

Signature:

Principal:

(Note: This is based on an example of a home school agreement from the Rosetta Primary School, London, United Kingdom).

Creating safe and supportive schools

The current legislation has provisions for the development of behaviour management plans for state schools, and how disruptive behaviour can be managed by way of suspension, exclusion or cancellation. Depending on the severity of the sanction, there are differing levels of decision-making, appeals and access to alternative education.

The key to the proposed legislative changes will be to achieve a balance between supporting and sanctioning students so that they remain engaged in learning, and ensuring the good order of schools. The new legislation needs to provide a foundation for creating supportive as well as safe school environments. An effective system requires the involvement of parents, needs to ensure that a student continues to receive an education throughout any absence, and needs to be able to provide alternative social services where appropriate.

Management of student behaviour

Under the current legislation, a state school student can be:

- suspended (from the school, for one to five days, six to 20 days, or suspended pending a recommendation for exclusion)
- excluded (from a school, schools within a district, or all state schools)

or

- if they are aged 15 years or older, have their enrolment at the school cancelled.

The current sanctions of suspensions, exclusions and cancellations would be maintained in the new legislation, with some minor changes as outlined below and summarised in the table provided on pp. 19–21.

Grounds for suspension and exclusion

There are currently three grounds for suspension decisions made by principals that are the same for exclusion decisions made by principals' supervisors. These grounds include disobedience, misconduct and other conduct that is prejudicial to the good order and management of the state educational institution or state educational institutions. When making a decision to exclude, a principal's supervisor is also required to consider whether the student's disobedience or other conduct is so serious that suspension of the student is inadequate to deal with the behaviour.

This additional requirement creates confusion at the local level. The creation of separate grounds for suspension and exclusion would provide a clearer guide for the development of behaviour management plans and determining appropriate disciplinary responses.

The grounds for exclusion by a principal's supervisor are different from those grounds used by the Director-General when excluding a student. Improved consistency would be achieved if the same grounds were used for all exclusion decisions.

It is proposed to:

- align the grounds for exclusion decisions by a principal's supervisor to the grounds for exclusion decisions by the Director-General (see table on pp. 19–21).

Grounds for cancellation of enrolment

Currently the enrolment of a post-compulsory-aged student may be cancelled by a principal on the grounds that the student is not engaging in the school's education program or is consistently behaving in a disruptive or inappropriate way. Given the serious effect of cancellation, it is proposed to increase the procedural requirements of schools prior to a principal being able to cancel an enrolment and to clarify the grounds for cancellation.

It is proposed to:

- set out the steps that a principal must follow before being able to cancel a post-compulsory-aged student's enrolment, including:
 - discussing, with a student, noncompliance with the participation requirements and the consequences of continued noncompliance
 - sending a letter to parents if noncompliance continues advising parents and requesting a meeting

- taking all reasonable steps to conduct a meeting
- issuing a show cause notice to the student and a copy to parents thereby providing an opportunity to justify why the cancellation should not occur
- advising the student and parent of how to access other appropriate education and training options
- clarify that refusal to participate in the program of instruction is a ground for cancellation, given the grounds for exclusion already address disruptive behaviour.

Avenues for appeal

There are currently some decisions regarding suspensions and exclusions that can be appealed internally under the legislation but there are no external rights of review for significant decisions, such as exclusion from all schools.

It is proposed to:

- make decisions that exclude students from all schools externally appealable to the Magistrates Court, thereby ensuring the protection of natural justice
- include internal review powers for other decisions in relation to suspensions, exclusions and cancellations.

Keeping parents informed

To strengthen the safeguards for students who have been disciplined it is proposed to increase the requirements of schools to meet with parents whose children are undergoing student management sanctions. Efforts would need to be made to ensure parents are aware their child is on suspension or facing exclusion, that they understand the seriousness of the measures being taken, and can work with the school to negotiate a program that continues a student's education. This partnership approach is crucial in trying to reduce repeated incidents and increase engagement in learning.

It is proposed to:

- require a principal or deputy-principal to attempt to meet with parents whose children are undergoing student management sanctions. Written notice and contact would be required for one to five days suspensions. However, an attempt must be made to meet with the parent for suspensions of six days or more (single incident or accumulative).

Access to programs that continue a student's education

The imposition of suspensions and exclusions has very serious consequences and it is important that there are safeguards to ensure students do not disengage from learning. The Act currently requires an alternative education program to be organised only for students who are on suspensions of six to 20 days.

It is proposed to:

- provide an appropriate educational program that enables the continuation of a student's education and ensures the student is not academically penalised when subject to any suspension, suspension pending exclusion, or exclusion:
 - in the case of a student who is excluded from all schools during their compulsory participation phase, the department would only be required to notify appropriate options
 - the type of program would depend on a range of factors such as the length and reason for the suspension or exclusion, and the student's individual needs and circumstances. For example, a student who is under suspension for one to five days (which is currently one of the most common types) would receive relevant work to be completed at home or under separate, supervised conditions at the school, while a student who is suspended for 20 days may be required to attend another school or be placed in a structured program provided through alternative education facilities.

Conditional enrolment

Currently there are limited legislative tools that assist principals in managing challenging behaviour. Additional tools such as conditions on existing or new enrolments would give principals more options to deal with behaviour management issues instead of using exclusion as the only option in more serious cases.

It is proposed to:

- allow principals to attach reasonable conditions to enrolment to assist in managing student behaviour. For example, a student might be re-enrolled following a period subject to attending counselling sessions with a guidance officer. This approach would also give some young people other opportunities to stay at school and remain engaged in learning.

Behaviour management plans

As detailed in the ‘new enrolment procedures’ on page 13, it is proposed to introduce a formal enrolment process for state schools that would ensure parents and students are made aware of the school’s behaviour management plans at enrolment. They would be asked to sign a partnership agreement, giving their commitment to adhere to the school’s expected standards of behaviour.

The Act currently requires all schools to develop behaviour management plans in consultation with their school communities. Departmental policies outline what the plans should include. Further clarity and increased guidance about behaviour management plans is required in the legislation to ensure that each plan reflects the values of the local community within the context of the wider democratic multicultural society.

It is proposed to:

- ensure that the principal puts a process in place for developing a behaviour management plan for the school. In developing the plan the principal must ensure that it aligns with departmental policies related to the management of student behaviour and consult with students, parents and staff of the school. The plan must be reviewed at regular intervals and approved by the Director-General or a delegated officer
- ensure the legislation clearly states what behaviour management plans need to include such as:
 - how a safe and supportive school environment will be maintained
 - the approach that will be used in regard to student management
 - the natural justice procedures that will be followed in relation to student management
 - how challenging and unsafe behaviours will be responded to
- ensure that the plan must also provide that:
 - sanctions such as exclusion are only to be used as a last resort
 - the student’s individual circumstances are taken into account when deciding an appropriate sanction – for example, previous conduct at the school.

Dress code

Dress code measures are presently addressed only in policy, not in the Act. A school’s dress code assists in terms of safety because it clearly identifies who attends the school and creates equity by clarifying what all students should wear. A balance needs to be achieved between enabling a school to set a dress code that includes sanctions and ensuring that a student’s academic or external career prospects are not affected. For example, appropriate sanctions may include detention or not allowing a student to attend off-site events such as excursions.

It is proposed to:

- enable principals, in consultation with the school community, to set a school dress code policy including appropriate sanctions
- ensure that any such sanction would not damage a student’s academic or external career prospects, such as negative mentions in references or school reports
- provide information about the school’s dress code policy in the partnership agreement that would be part of the new formal enrolment process.

Have your say

Q24. Should grounds for exclusion by the principal’s supervisor be the same as the grounds for exclusion by the Director-General?

Q25. Do you agree with the proposed new procedures that a principal would follow before cancelling the enrolment of a student who is of post-compulsory school age?

Q26. Should there be an external appeal mechanism for students who are excluded from all state schools?

Q27. Do you agree that principals should attempt to meet with parents whose children are undergoing student management sanctions?

Q28. Do you agree with the proposed requirements (see 'Access to programs that continue a student's education' on page 17) for a program that ensures the continuation of a student's education?

Q29. Do you agree with principals having the power to attach 'reasonable' conditions (see 'Conditional enrolment' on pp. 17–18) on enrolment?

Q30. Do you agree with the proposed behaviour management plan content and process?

Q31. Should schools have the ability to enforce a dress code on the proviso that this does not damage external career prospects?

Comparative table of current and proposed requirements for detentions, suspensions, exclusions and cancellations

	Grounds	Program that ensures the continuation of the student's education	Contact with parent	Decision maker and appeal rights
Detentions	Current: Disobedience, misconduct, wilful neglect to prepare homework or other breaches of school discipline. New: Same as current.	Current: N/A New: N/A	Current: No New: Contact only if after school hours.	Current: Principal or teacher makes the decision. No appeal rights. New: Same as current.
Suspension One to five days	Current: Disobedience by the student, misconduct of the student, other conduct of the student that is prejudicial to the good order and management of the state educational institution or state educational institutions. New: Same as current.	Current: No requirement New: Yes, requirement for any students suspended but this would be determined at school level.	Current: Written notice to parent, if student is under 18 years. New: Written notice and contact only for one to five days. However, attempt made to meet with the parent if six days or more (single incident or accumulative).	Current: Principal makes the decision. No appeal rights. New: Same as current.
Suspension Six to 20 days	Current: Disobedience by the student, misconduct of the student, other conduct of the student that is prejudicial to the good order and management of the state educational institution or state educational institutions. New: Same as current.	Current: Yes, if a student is suspended for more than five school days, the principal must coordinate arrangements for placing the student in an alternative education program that allows the student to continue with the student's education. New: Yes, requirement for any students suspended.	Current: Written notice to parent, if student is under 18 years. New: Written notice and attempt made to meet with the parent if six days or more (single incident or accumulative).	Current: Principal makes the decision. Appeal to the principal's supervisor. New: Same as current.

	Grounds	Program that ensures the continuation of the student's education	Contact with parent	Decision maker and appeal rights
Suspension pending recommendation exclusion	Current: Disobedience by the student, misconduct of the student, other conduct of the student that is prejudicial to the good order and management of the state educational institution or state educational institutions. The student's disobedience or other conduct is so serious that suspension of the student is inadequate to deal with the behaviour. New: Disobedience by the student, misconduct of the student, other conduct of the student that is prejudicial to the good order and management of the state educational institution or state educational institutions, and the principal is reasonably satisfied that grounds exist to exclude a student from the school.	Current: Legislation unclear. New: Yes	Current: Written notice to parent, if student is under 18 years. New: Written notice and attempt made to meet with parents.	Current: Principal makes the decision to suspend and the principal's supervisor decides recommendation to be excluded. Appeal exclusion to the Director General. New: Same as current.
Exclusion from particular school or schools in a district	Current: Disobedience by the student, misconduct of the student, other conduct of the student that is prejudicial to the good order and management of the state educational institution or state educational institutions. The student's disobedience or other conduct is so serious that suspension of the student is inadequate to deal with the behaviour. New: Student's attendance at the institution or institutions presents an unreasonable risk to the safety of other students or staff, or the student has engaged in gross misbehaviour that adversely affects the education of other students.	Current: No New: Yes, the Executive Director must take a lead role in assisting in securing a program that ensures the continuation of the student's education, e.g. enrolling at another school.	Current: Written notice to parent, if student is under 18 years. New: Written notice and attempt to meet with parents.	Current: Principal's supervisor makes decision. Appeal to the Director General. New: Same as current.

	Grounds	Program that ensures the continuation of the student's education	Contact with parent	Decision maker and appeal rights
Exclusion from a school or all schools (by Director-General)	Current: Student's attendance at the institution or institutions presents an unreasonable risk to the safety of other students or staff, or the student has persistently engaged in gross misbehaviour that adversely affects the education of other students. New: Student's attendance at the institution or institutions presents an unreasonable risk to the safety of other students or staff, or the student has engaged in gross misbehaviour that adversely affects the education of other students.	Current: No New: Attempt to secure a program in compulsory attendance phase and the exclusion is periodically reviewed. If a student is excluded from all state schools in the compulsory participation phase, they will be notified of their options but the department would not be compelled to provide an educational program.	Current: Written notice to parent, if student is under 18 years. New: Written notice and attempt made to meet with parents.	Current: Director-General makes decision. Internal appeal to the Director-General and periodic review of decision by Director-General. New: Director-General makes decision, internal appeal to the Director-General and periodic review of decision by Director-General and external appeal to Magistrates Court if excluded from all state schools.
Cancellation (only for above compulsory school age students)	Current: Student's persistently disruptive behaviour is adversely affecting the education of other students at the institution, or the student's behaviour amounts to a refusal to participate in the program of instruction provided at the institution. New: Student's behaviour amounts to a refusal to participate in the program of instruction provided at the institution.	Current: No New: No program but principal must advise the student of how to access other appropriate education and training options.	Current: Written notice to parent, if student is under 18 years. New: Written notice and attempt made to meet with parents and discretion to convene multi-disciplinary panel.	Current: Principal makes decision appealable to principal's supervisor. New: Same as current.

Homework

Homework generally refers to work set by teachers for their students to undertake outside of school hours. Under the current *Education (General Provisions) Act Regulation 2000* in state schools:

- teachers may set homework for students
- school principals may decide what amounts are reasonable
- wilful neglect to prepare homework is a breach of school discipline and may result in student detention.

State schools currently operate within the parameters of the regulation to determine how they approach homework in their local school. Some schools have developed their own policy to communicate this to students and parents.

Effect on families

Contemporary legislation needs to take account of the choices available to families and students and reflect a balance that ensures students' educational futures are enhanced.

The work patterns of today's parents have resulted in more young students attending outside school hours care and less opportunity for parents to be involved with their children's homework. Older students are participating more in part-time work, which also reduces the time they have available to complete homework each night.

What research tells us

A recent review of research and national and international best practice on homework investigated key issues including the effect on student achievement, the effect on parents and families, suggested time allocations, practices to improve the effectiveness of homework in schools, and existing guidelines to assist schools in developing homework policies. A copy of the review is available at: www.education.qld.gov.au/review/

The outcomes of the review indicate consistent findings in the following areas:

- time is a precious resource in contemporary families and time spent on homework means that it is not available for leisure and other family activities
- a positive outcome for homework is based on teacher preparation and planning, setting tasks appropriate to the ability and motivation of students and the support available from parents
- some homework is better than too much or none at all
- homework time should recognise the student's age and development and may need to reflect different expectations across early, middle and senior phases of learning
- homework needs to link directly to classroom activities so that homework is part of the learning process across home and school – for example, interactive homework approaches where the student might complete an activity with the parent and then write a report
- guidelines to support schools in developing homework policies are available in other national and international education systems. Examples from Victoria and the United Kingdom are set out on page 23
- support materials or tips for teachers, parents and students are available in other education systems.

It is proposed to:

- enable the Director-General to develop guidelines about homework for state schools. The guidelines will be based on a partnership approach involving schools, parents, teachers and students and include:
 - purpose of homework
 - homework approaches that are appropriate for each phase of learning
 - setting tasks appropriate to the ability of students
 - recommended time allocation
 - responsibilities of schools, parents, teachers and students
 - support material such as tips for parents, students and teachers to support homework practices
 - evaluation and monitoring of homework policies.
- give representative school bodies (see the 'parents and citizens bodies' part of this paper on page 27) a key role in assisting the school to develop practical and effective approaches to homework.

Have your say

Q32. Would guidelines for homework be helpful to schools, teachers, parents and students?

Q33. Are there elements that should be included in the guidelines that are not covered in previous sections?

Q34. Should representative school bodies be involved in developing homework policies at their school?

Q35. Should wilfully neglecting to do homework remain as a breach of school discipline that may result in detention?

<p><i>Homework: Guidelines for Primary and Secondary Schools (1998)</i> released by the Department of Education and Skills, United Kingdom, recommends the following:</p> <ul style="list-style-type: none"> • years 1 and 2 – 1 hr per week • years 3 and 4 – 1.5 hrs a week • years 5 and 6 – 30 mins a day • years 7 and 8 – between 45 and 90 mins a day • Year 9 – 1 to 2 hrs a day • Years 10 and 11 – 1 to 2 hrs a day • Years 12 and 13 – dependent on individual programs and school policy. 	<p>The Department of Education, Employment and Training, Victoria's <i>Homework Habits: Homework Guidelines (April 2001)</i> recommends:</p> <ul style="list-style-type: none"> • early years (prep to Year 4) – not to exceed 30 minutes a day and not on weekends or vacation • middle years (Years 5–9) – range from 30 to 45 minutes a day in year 5 to 45 to 90 minutes a day in year 9 • later years (Years 10–12) – 1 to 3 hours a day with up to six hours on the weekends during school terms.
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A fair system for education costs

Through state schools, the Government provides students with a general program of free instruction which includes teaching, administration and facilities. This approach will continue to be enshrined in any future legislation.

Provision of support services

The Government is committed to an inclusive approach to education that enables all students to achieve their full potential. Currently the department provides a range of support services to support children with special needs, such as children with disabilities, children who live in isolated or remote areas, and children who are disadvantaged by their socioeconomic background. These services will continue to be provided by the Government, including the ability for the Minister to provide educational programs and services for children with a disability who are below compulsory age. Further information about the Government's commitment to inclusive education can be found at: www.education.qld.gov.au/curriculum/advocacy/access/equity/students/inclusion/

Voluntary contributions

Traditionally, parents have contributed to the cost of education by providing voluntary contributions for services such as curriculum-related excursions, consumables and stationery. This practice varies throughout the state. Most state schools seek a voluntary contribution from parents for consumables that can be directly attributed to the use by a particular individual student.

Specialist programs

In recent years the system of voluntary contributions from parents has been extended and is also being used to cover costs associated with specialist programs. Queensland state schools are increasingly being recognised for their programs of excellence. Many state schools provide a range of education services and options that go far beyond the general education program of free instruction that is available to all state school students. These include the schools of excellence in dance and flying where parents are currently paying a significant contribution to these specialist programs.

Overseas students

It is a well-accepted practice in Queensland and all other states to charge overseas students the full cost of education at state schools. It is proposed to retain the Minister's power to charge fees for overseas students, and to enable the Minister to waive and reduce these fees for certain categories of visa holders – for example, where a visa has been issued on humanitarian grounds.

Additional services to non-state schools

Increasingly state schools are being used to provide education to students who are not enrolled in a state school, but who are seeking to access specific programs or courses only available at that school. For example, some students who are enrolled in a non-state school, and who receive some or their entire general education program from that non-state school, also take subjects offered by a state school or a School of Distance Education (SDE). These subjects are usually either not offered by the non-state school, and they may complement the instruction the student receives from that non-state school, or may be in addition to the general education program that the student is undertaking at that school.

The subjects are generally provided to the student either free of charge or for a notional contribution that does not reflect the actual cost to the state school or SDE for providing the service. In these cases the non-state school still receives Government funding for the student as if they were receiving their full general education program at that non-state school. In view of this, contributions for non-state school students accessing state school or SDE programs need to be determined based on the direct cost of delivering the service. Non-state school systems will need to decide how to meet these costs – for example, by subsidising students accessing these state services.

Importantly, this will not affect the many local arrangements currently in place where state and non-state schools share or have reciprocal use of facilities and services. These local, mutually agreed arrangements will continue, and will not be subject to charging as reflected in this proposal.

Accessing distance education by choice

State SDEs now meet the needs of a broad range of clients. These include students with medical conditions, students whose parents choose to have them undertake their study at home, and students attending mainstream schools who are seeking to extend their subject choice. In September 2003, distance or geographically isolated students represented only 27 per cent of total enrolments across all SDEs, although the percentage in the regional schools was much higher.

The cost of providing a general education program to a student by way of an SDE is significantly higher than the cost of providing the program to a student in a state school. The higher cost of service provision reflects the costs associated with the production of distance learning materials and enhanced services such as scheduled lessons by telephone. A significant cost factor is the provision of the teaching component for the distance education program.

Students who have severely limited options for accessing educational service providers other than an SDE (such as geographically isolated students or those with a serious medical condition) will still have access to a full general education program free of charge. However those families who choose to use the services of an SDE in cases where a state school is available will be provided with a base level service, and will attract a charge for any additional services. Base level service will include course material, assessment and reporting back on returned work, and library and resource centre services.

Comparative charging regimes

Other states such as South Australia and Western Australia have developed charging regimes for their state education system. They do not include instruction provided by staff or the use of school facilities. In addition to charging for certain services, schools may also seek voluntary contributions from parents and the community.

The Western Australian legislation provides guidance to schools in setting these charges, while the South Australian legislation is more prescriptive and has a standard fee for materials and services for curricular activities. Both jurisdictions, however, clearly state that a student cannot be excluded for non-payment of charges and allow for the Directors-General to waive or reduce charges in cases of economic hardship.

The new legislation provides an opportunity to reflect current practice in legislation by clearly detailing when a voluntary contribution will be sought and when a service will attract a charge. This will provide clarity for parents about how additional costs should be covered.

Provision of a free education and voluntary contributions

It is proposed to:

- provide free instruction, administration and facilities for children of Australian citizens and permanent residents

It is proposed to:

- enable voluntary contributions to continue to be sought from parents within a governance framework
- develop guidelines to set parameters and outline what can be sought, how this is to be done and that guarantee a student cannot be educationally disadvantaged if these payments are not made.

Charging regime

It is proposed to:

- have the ability to charge for specialised programs and additional services in certain and limited circumstances including:
 - students who access specialist learning programs in preference, or in addition to, the general education program – for example International Baccalaureate, international curriculum, approved programs of excellence
 - overseas students who access state schools or distance education
 - non-state school students accessing state school or distance education programs
 - students accessing distance education by choice instead of the local state school
- enable all state schools to charge overseas students
- require that schools need approval by the department to charge for these specialised programs and additional services
- give the Director-General the ability to waive, reduce or refund compulsory charges in prescribed circumstances such as economic hardship.

Have your say

Q36. Do you agree that the cost of instruction, administration and facilities (for children of Australian citizens and permanent residents) should continue to be provided for free?

Q37. Do you agree that there should be guidelines for voluntary contributions by parents to schools?

Q38. Do you agree with state schools having the capacity to charge for specialist programs and specific additional services (this does not include the support services currently provided to students with disabilities)?

Q39. Are there any other programs and services that state schools should have the capacity to charge for that were not listed above?

Q40. Do you agree that all state schools should be able to charge overseas students?

Q41. Do you agree that schools require approval to charge for these specialised programs and additional services?

Q42. Do you agree that there should be the ability to waive these charges?

Religious education

State schools provide secular education but recognise that for many families religious education is important in helping students to develop their own beliefs, values and attitudes and ultimately reach their full potential. The Government recognises that families hold these beliefs and allows religious education to be conducted at state schools. Queensland students in Years 1 to 12 at state primary, secondary and special schools have long had access to religious education at the request of parents. The legislation also allows for a program of selected bible lessons to be offered by primary and special schools.

Currently the Act limits the instruction to only that which is identified as 'religious'. However, in today's society there is an increase in spiritual and philosophical beliefs that do not meet this definition and therefore cannot be provided in schools. Extending the nature of the groups that can provide programs at state schools will reflect the true nature and makeup of our diverse school communities, and will not discriminate against individual parents' choices for their children.

Chaplaincy services can also be offered to students who wish to gain access to other forms of support in relation to spiritual, ethical and religious matters. These services must be developed through a principal-approved, local chaplaincy committee in consultation with school administrators, teachers, parents and local religious groups.

Religious education at state schools is not compulsory and principals allocate students to religious programs provided at the school according to parents' wishes. Parents may withdraw their child

from all religious instruction by writing to the principal and the principal then makes suitable arrangements for students who are withdrawn from religious education.

It is proposed to:

- continue with state schools facilitating religious education during school hours, for up to 40 hours per school year
- allow state schools to expand the program provided to include spiritual and philosophical programs if there is demand from parents
- require the approval of the Director-General of organisations offering religious education, chaplaincy services, spiritual and philosophical programs, during school hours. The organisations would need to demonstrate they:
 - are incorporated
 - are able to provide a quality program
 - have procedures in place to monitor staff and any programs provided, and protect student welfare – for example, blue card
 - have public liability insurance (at least \$10 million)
 - would not pose a threat to the good order and management of the school
- provide that chaplaincy student records remain the property of the department, and ensure protection for the chaplain where there is need to disclose confidential student information to protect a student
- enable the reading of religious or spiritual texts to be undertaken as part of the religious education, spiritual or philosophical program. The legislation would not prevent these texts being studied as part of a subject in the school's curriculum – for example, history or study of religion subjects
- provide an alternative education program for students not participating in religious education, spiritual or philosophical programs. This would be organised by the principal of the school in partnership with parents.

Have your say

Q43. Should spiritual and philosophical programs be available during school hours, in addition to the current arrangements for religious education?

Q44. Do you agree that religious education, spiritual and philosophical programs should be continued for up to 40 hours per year?

Q45. Are the proposed criteria (outlined above) the Director-General must consider when deciding whether or not to approve organisations to provide religious education, chaplaincy services, spiritual and philosophical programs in state schools adequate?

Schools as community assets

Schools are created through significant public investment. Historically, they have provided an invaluable resource to the whole community by enabling access to resources and programs and participation in a wide range of both educational and recreational events.

State school premises, facilities and resources are presently used for purposes and activities other than the provision of state education including community and recreational activities.

The Government is keen to identify opportunities that will allow schools to continue to develop as substantial community assets, drawing on local partnerships that benefit students as well as the wider community. This approach is clearly supported by strategic education policy identified in *Queensland State Education – 2010* and the *Education and Training Reforms for the Future: A White Paper*.

It is proposed to:

- continue to permit state school premises, facilities and resources to be used for purposes and activities other than the provision of state education
- enable the Director-General to authorise use of departmental property, including schools and intangible property, and be permitted to delegate this power to principals

- develop guiding principles for the legislation, which formalise the Government’s commitment to the use of state educational institutions for purposes and activities other than the provision of state education and establish broad parameters within which that use may take place. These guiding principles would allow that use, subject to conditions that:
 - the use does not detract from the ethos of state education
 - the use of these state educational institutions does not interfere in any way with the primary function of educating students
 - the use is of benefit to the state educational institution, its community or education in Queensland
 - the use, wherever possible, fosters partnerships between the state educational institution and its community
 - assets are used as efficiently and effectively as possible, and are used in compliance with all relevant laws and accountability requirements
 - depending on the nature of the purposes and activities, the school may charge users.

Have your say

Q46. Do you agree with the guiding principles outlined above?

Parents and citizens bodies

Parental involvement is invaluable to the ongoing success of their children’s education as well as to the direction and operation of schools.

Currently all state schools are able to form parents and citizens (P&C) associations. These statutory authorities are involved in a variety of school activities from policy to financial planning as well as tuckshops, fundraising activities, school functions and out-of-school-hours care. Their statutory body status gives P&Cs crucial access to Queensland Government insurance coverage.

The legislation currently does not allow SDEs, outdoor and environmental education centres and centres for continuing secondary education to form P&C associations. There may be merit in formalising representative school bodies for these institutions given the importance of parent and community involvement.

As well as the state’s 1300 P&Cs, there are 329 school councils which are also statutory authorities. The role of school councils is to involve students, parents and the community in a school’s strategic planning. Unlike P&Cs, school councils have no capacity to control funds, enter into contracts or acquire or dispose of property.

A new representative school body

Because many P&Cs have broadened their role to take on similar functions to school councils, and many schools have both P&Cs and school councils, it is proposed to combine these functions into one new representative school body, a P&C council.

Feedback is sought about whether all state schools should have P&C councils which have the combined functions of P&C associations and school councils, or whether they should be given a choice of establishing P&C councils or retaining P&C associations.

It is proposed to:

- establish a single representative school body for each state school
- seek feedback about whether all state schools should have P&C councils which have the combined functions of P&C associations and school councils, or whether they should be given a choice of establishing P&C councils or retaining P&C associations.
- consider formalising P&C arrangements for SDEs, outdoor and environmental education centres and centres for continuing secondary education

Financial accountability

There has also been a lack of clarity about the financial reporting obligations of P&C associations. Operated by volunteers, these associations often handle significant amounts of money. To achieve

a balance that reflects this but also maintains adequate levels of accountability, it is proposed to clarify and strengthen the transparency of reporting.

It is also proposed to specify a single financial year for all representative school bodies instead of the current provision for P&C associations to choose from one of three different financial years. A 1 January to 31 December financial year is proposed, in line with the current practice of 82 per cent of P&Cs.

It is proposed to:

- develop specific financial accountability requirements for representative school bodies that require the audited financial statements from the previous calendar year of each body to be provided to the department in May of each year
- develop one report on the operations of all representative school bodies based on the audited financial statements submitted by each representative school body. This report would be included in a separate section of the department's annual report to Parliament
- specify 1 January to 31 December as the financial year for all representative school bodies.

Membership

It is important to ensure that community members feel empowered to contribute to representative school bodies. Current school council requirements ensure that the ratio of elected parent and staff members is equal to ensure a balance between school and external community input. It is proposed that a similar model be applied to the representative school body created under the new legislation.

It is proposed to:

- limit the number of staff (teaching and non-teaching) that may be on the executive committee of a school body to less than one-third of the total membership of the committee
- enable a school body to approach the Director-General for relaxation of this limit in certain circumstances, such as smaller schools in rural or remote areas
- enable student participation in the formation, monitoring and evaluation of school strategic planning documents.

Have your say

Q47. Do you agree that there should be only one representative school body at each school?

Q48. Do you think that all state schools should have a P&C council which will combine the functions of P&C associations and school councils?

Q49. Alternatively, do you think that state schools should be able to choose between a P&C council or a P&C association?

Q50. Do you agree that SDEs, outdoor and environmental education centres and centres for continuing secondary education should have formal representative school bodies?

Q51. Do you agree that a representative school body should have to provide their financial statements for inclusion in the department's annual report to Parliament?

Q52. Do you agree that the number of school staff (teaching and non-teaching) on the executive committee of a representative school body should be limited?

Q53. Do you agree that student participation on the representative school body should be included in relation to school strategic planning development?

Feedback form

The consultation paper focuses on the main issues and concerns that have arisen during the operation of the *Education (General Provisions) Act 1989*. It addresses a number of significant issues facing stakeholders in education in Queensland today. In each area the broad policy context for the issue is addressed and important questions are posed. The consultation paper is designed to ensure that everyone who is interested has an opportunity to express their views on the significant changes and directions being proposed by the Government. The paper is intended to promote discussion and to help focus feedback that will assist in drafting user-friendly legislation. Your responses are welcomed as an important part of this process.

The following feedback form may also be accessed online at: www.education.qld.gov.au/review/

Please forward feedback by 31 March 2005.

You can obtain further copies of this paper or obtain further information by:

- telephoning (07) 3237 1700
- visiting www.education.qld.gov.au/review/
- writing to:
Legislation Review Team
Strategic Policy and Education Futures Division
Department of Education and the Arts
PO Box 33
Albert Street BC
Brisbane Qld 4002
- participating in the consultations – for dates and venues visit www.education.qld.gov.au/review/
- emailing StrategicPolicy@qed.qld.gov.au

Confidential

About you:

To assist us in collating this information, please advise:

Are you a: (tick as many as apply)

- parent student teacher employer school principal other school staff
 other (please specify)? _____

If you are representing an organisation, please state:

- the name of the organisation: _____
- your title of office: _____

Questions

Part A – all schools

Objects and guiding principles

Q1. Do you agree with the proposed objects? Yes/No. If no, please specify.

Q2. Do you agree with the proposed guiding principles? Yes/No. If no, please specify.

Attending school – parents' responsibilities

Q3. Should the penalties for parents who do not send their child to school be increased to reflect the importance of education? Yes/No

Q4. Do you agree with the increase in the penalties for non-attendance at school to \$750 for a first offence and up to \$1500 for further offences? Yes/No

Q5. Do you agree with the proposed new reasons why a student would receive an exemption from compulsory schooling requirements, such as family and apprenticeships or traineeships that are not school-based and undertaken by a student of compulsory school age? Yes/No. If no, please specify.

Schooling children at home

Q6. Should confirmation of registration be completed each year? Please specify.

Q7. Should the new home schooling system focus on educational outcomes (such as results achieved in educationally recognised tests)? Yes/No

Q8. Do you agree that parents' annual reports to the department should include quantitative and qualitative data as outlined on page 9 to demonstrate their child is achieving educational outcomes? Yes/No. If no, please specify.

Student records – rights and responsibilities

Q9. Do you agree that all schools should be required to create and maintain an 'official record' for each student? Yes/No

Q10. Should this 'official record' include the information that is outlined on page 11? If no, please comment.

Q11. Do you agree that all schools should have the same transfer process for the student's official record? Yes/No

Q12. Do you agree that the official record should be transferred to the student's new school, providing that parents would be able to view the record and add comments? Yes/No

Q13. Should the sharing of student information occur where it is necessary for the protection, health, wellbeing or safety of the student? Yes/No

Q14. Can you think of any other situations where student information would need to be shared? Yes/No. If yes, please specify.

Q15. Should a 16-year-old student be able to agree to their confidential information being given to other people, for example, for an educational competition that the student may have entered? Please specify.

Government payments and allowances

Q16. Do you agree that the eligibility criteria and amount of payments should be included in user-friendly guidelines approved by the Minister? Yes/No

Q17. Do you agree that the textbook and resource allowance should be extended on a pro-rata basis to part-time students, and to home schooling students? Yes/No

Q18. Should allowances be paid directly to students who are not living with their parents? Yes/No

Q19. Should community organisations that receive Government funding be subject to reasonable conditions in relation to that funding? Yes/No

Part B – state schools only

New enrolment procedures

Q20. Should there be a formal enrolment process for state schools? Yes/No. If no, please specify.

Q21. Should a parent/student be asked to sign a 'partnership agreement' that sets out the obligations of the school, parent and student as part of the formal enrolment process? Yes/No. If no, please specify.

Q22. Do you agree with the proposed content of the partnership agreement (see page 15)? If no, please specify.

Q23. Do you agree with the proposed reasons for refusing enrolment? Yes/No. If no, please specify.

Creating safe and supportive schools

Q24. Should grounds for exclusion by the principal's supervisor be the same as the grounds for exclusion by the Director-General? Yes/No

Q25. Do you agree with the proposed new procedures that a principal would follow before cancelling the enrolment of a student who is of post-compulsory school age? Yes/No

Q26. Should there be an external appeal mechanism for students who are excluded from all state schools? Yes/No

Q27. Do you agree that principals should attempt to meet with parents whose children are undergoing student management sanctions? Yes/No

Q28. Do you agree with the proposed requirements (see 'Access to programs that continue a students' education' on page 17) for a program that ensures the continuation of a student's education? Yes/No

Q29. Do you agree with principals having the power to attach 'reasonable' conditions (see 'Conditional enrolment' on pp. 17–18) on enrolment? Yes/No

Q30. Do you agree with the proposed behaviour management plan content and process? Yes/No. If no, please specify.

Q31. Should schools have the ability to enforce a dress code on the proviso that this does not damage external career prospects? Yes/No

Homework

Q32. Would guidelines for homework be helpful to schools, teachers, parents and students? Yes/No. If no, please specify.

Q33. Are there elements that should be included in the guidelines that are not covered in previous sections? Yes/No. If yes, please specify.

Q34. Should representative school bodies be involved in developing homework policies at their school? Yes/No

Q35. Should wilfully neglecting to do homework remain as a breach of school discipline that may result in detention? Yes/No

A fair system for education costs

Q36. Do you agree that the cost of instruction, administration and facilities (for children of Australian citizens and permanent residents) should continue to be provided for free? Yes/No.

Q37. Do you agree that there should be guidelines for voluntary contributions by parents to schools? Yes/No

Q38. Do you agree with state schools having the capacity to charge for specialist programs and specific additional services (this does not include the support services currently provided to students with disabilities)? Yes/No. If no, please specify.

Q39. Are there any other programs and services that state schools should have the capacity to charge for that were not listed on page 25? Yes/No. If yes, please specify.

Q40. Do you agree that all state schools should be able to charge overseas students? Yes/No

Q41. Do you agree that schools require approval to charge for these specialised programs and additional services? Yes/No

Q42. Do you agree that there should be the ability to waive these charges? Yes/No

Religious education

Q43. Should spiritual and philosophical programs be available during school hours, in addition to the current arrangements for religious education? Yes/No

Q44. Do you agree that religious education, spiritual and philosophical programs should be continued for up to 40 hours per year? Yes/No

Q45. Are the proposed criteria (see page 26) the Director-General must consider when deciding whether or not to approve organisations to provide religious education, chaplaincy services, spiritual and philosophical programs in state schools adequate? Yes/No. If no, please specify.

Schools as community assets

Q46. Do you agree with the guiding principles outlined on pp. 26–27? Yes/No. If no, please comment.

Parents and citizens bodies

Q47. Do you agree that there should be only one representative school body at each school? Yes/No

Q48. Do you think that all state schools should have a P&C council which will combine the functions of P&C associations and school councils? Yes/ No

Q49. Alternatively, do you think that state schools should be able to choose between a P&C council or a P&C association? Yes/No

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Q51. Do you agree that a representative school body should have to provide their financial statements for inclusion in the department's annual report to Parliament? Yes/No

Q52. Do you agree that the number of school staff (teaching and non-teaching) on the executive committee of a representative school body should be limited? Yes/No

Q53. Do you agree that student participation on the representative school body should be included in relation to school strategic planning development? Yes/No

Thank you for taking the time to provide your feedback. Please return this form and any attachments by 31 March 2005 to:

Legislation Review Team

Strategic Policy and Education Futures Division

Department of Education and the Arts

PO Box 33

Albert Street BC

Brisbane Qld 4002

Fax: 07 3237 1175

Email: StrategicPolicy@qed.qld.gov.au (electronic responses should be attached as Microsoft Word documents)

It would assist collation of responses if any attachments identify which questions the comments relate to.