

# Education Laws for the Future

Explanatory Document for the Draft Education (General Provisions) Bill 2006  
December 2005





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# Education Laws for the Future

## Draft Education (General Provisions) Bill 2006

### What is it?

The draft Education (General Provisions) Bill 2006 (the Education Bill) brings key legislation relating to schooling under one umbrella.

It is a legislative framework for the education system that is relevant, consistent and can support the demands of modern schooling, now and into the future.

The proposed legislation will ensure Queensland's children and young people are given every opportunity to be engaged in quality learning that will positively influence their future and enable them to reach their full potential. A copy of the draft [Education Bill](http://www.education.qld.gov.au/review/) is available at [www.education.qld.gov.au/review/](http://www.education.qld.gov.au/review/)

### Background and consultation

The process to develop the draft Education Bill began in 2004 with the Queensland Government's review of the *Education (General Provisions) Act 1989* (the Act).

In October 2004, the Government released a consultation paper, [Education Laws for the Future](#), (the consultation paper) which presented 12 key proposals that promoted informed discussion about the broad strategic direction of education in Queensland. The paper was set out in two parts:

- Part A – outlined the proposals for all schools, including state and non-state
- Part B – outlined the proposals that were specific to state schools only.

Consultation on this paper engaged students, parents, teachers, principals, academics, employers and the broader community in considering the challenges for education into the future.

About 1100 people attended community forums throughout Queensland and more than 800 principals and representatives from peak organisations and government departments attended a series of meetings.

A young person's guide was also distributed to about 1000 young people and youth support workers, and 2183 written responses and 24 submissions were received from key stakeholders.

The [Education Laws for the Future: Overview of Consultation](#) provides an overview and analysis of those responses and feedback, which has informed the drafting of the Education Bill.



## Commenting on the draft Education Bill

Consultation and community engagement are vital in the development of effective laws. The [Education Bill](#) is in the draft stages and is yet to receive formal Government endorsement. Your feedback on the draft Bill is an important part of the development of the new legislation.

It is anticipated the Bill will be introduced to the Queensland Parliament by mid next year to take effect from 1 July 2006.

This document is designed to assist the community to understand the intent and effect of the new legislation. This document provides a snapshot only. Please refer to the draft [Education Bill](#) and the [Education Laws for the Future: Overview of Consultation](#) for further detail.

Comments on the draft [Education Bill](#) are invited from the public until **17 March 2006**, and can be forwarded to:

Legislation Review Team  
Strategic Policy and Education Futures Division  
Department of Education and the Arts  
PO Box 15033  
City East  
Brisbane Qld 4002  
Fax: 07 3237 1175  
Email: [StrategicPolicy@qed.qld.gov.au](mailto:StrategicPolicy@qed.qld.gov.au) (electronic responses should be attached as Microsoft Word documents)

## Where to from here?

Once feedback has been considered, the draft Education Bill will be finalised and introduced to Parliament for debate. Once passed by Parliament, the Bill will be assented to and will then be known as an 'Act'.

The new Act will be supported by a Regulation. The approval for the Regulation will follow a separate process through Governor-in-Council. Both the Regulation and the new Act will commence at the same time. The likely commencement date is 1 July 2006.

Although this is an explanatory document for the draft Bill, it also includes information about some of the key sections proposed to be included in a new Regulation that is being developed.

In addition to the Regulation, a range of supporting policies and guidelines will also be developed to support the implementation of the new Act and Regulation.



## Part A – All Schools

This section applies to non-state and state schools. It provides a brief outline of the draft Bill and a synopsis of the consultation feedback.

In addition to the areas addressed in this section, the draft Bill provides the Department with the ability to charge non-state school students accessing distance education programs. Further information about this is located in section 10 – A Fairer System for Education Costs.

### 1 Objects and guiding principles

Most recent legislation contains an opening section that explains the objects and guiding principles of the legislation. The objects summarise the broad intent, or essence of the legislation. The guiding principles aid in future interpretation by outlining the way in which the legislation is to be administered and the principles on which decisions are to be made.

The consultation paper proposed objects that highlighted the responsibilities of the Government and parents in providing an education for all young Queenslanders. These included the provision of a non-compulsory Preparatory Year and education and training options for young people up to 17 years.

The guiding principles included ensuring that all children have access to a high quality education that maximises their potential and educational achievement, and promoting the enthusiasm of young people for lifelong learning.

#### **Feedback**

The majority of respondents supported the proposed objects (85%) and guiding principles (81%). Comments generally requested greater recognition and encouragement about the importance of parent involvement. The draft Bill reflects this feedback and the objects and guiding principles have been condensed and refined to reflect current drafting practices.

#### **Explanation of the draft Bill (sections 6 to 8)**

- The Draft Bill includes objects that state the matters addressed by the Bill, and guiding principles that will assist in achieving the objects of the Bill.





## 2 Attending school – parents' responsibilities

The consultation paper outlined a number of proposals in relation to parents' responsibilities in helping to ensure that their child receives a high-quality education, including compulsory obligations, penalties and exemptions. The consultation paper did not cover the Preparatory Year, given this had already been endorsed as Government policy.

### ***Compulsory obligations***

From 2006, all Queensland children will be required to attend 'compulsory schooling' until they either turn 16 or complete Year 10, whichever comes first. They will then be required to participate in the 'compulsory participation phase' through education, training or work for a further two years. This phase will be completed when they turn 17 years, gain a Senior Certificate or a Certificate III vocational qualification.

### ***Penalties and exemptions***

Parents have a responsibility to engage their child in compulsory schooling and the compulsory participation phase. Penalties may be imposed for a failure to meet these obligations. Exemptions from these requirements may be granted and it was proposed to broaden these to take into account a greater range of circumstances. Parents will continue to be responsible for ensuring their children are not employed when they should be at school.

It was proposed to double the penalties for breaches of compulsory obligations from a maximum of \$375 to \$750 for a first offence, and from \$750 to \$1500 for any subsequent offence.

### ***Preparatory Year***

To better prepare children for school, from 2007 a non-compulsory, universally available, full-time Preparatory Year will be introduced in schools, followed by an increase in the compulsory school starting age by six months in 2008. Children who turn six years of age by 30 June will be required to enrol in Year 1 at the beginning of that school year, unless they have an exemption.

Currently, minimum age and early entry requirements for Preschool and Year 1 are only legislated for state schools. It is proposed to extend these provisions so that they apply to non-state schools as well in relation to the Preparatory Year and Year 1.

The increase in the school starting age from 2008 will bring Queensland into line with the majority of other states and territories for the school starting age. Under the Commonwealth's *Schools Assistance Act 2004*, Queensland is required to move to a nationally consistent school starting age by 2010.



The draft Bill will position Queensland schools to meet these requirements by applying a consistent starting age and early entry tests to non-state and state schools. Clarity around when children are required to attend and where early entry is appropriate will assist parents to plan and ensure children are in an age-appropriate setting.

### **Feedback**

The feedback on increasing penalties was mixed. The majority of community respondents were not in favour of increasing penalties for truancy, while 55 percent of written responses supported the proposal to double penalties. The general feedback on the proposal was that fines perpetuate social disadvantage and did not address social issues, which is often the cause of non-attendance at school. There was general support for other alternatives to fines, such as community service orders. The proposals for exemptions from compulsory schooling received 93 percent support. The draft Bill reflects feedback about the penalties and exemptions.

### **Explanation of the draft Bill**

#### ***Compulsory obligations (sections 178 to 183)***

- The draft Bill sets out a parent's obligation in relation to their children's education. Parents must ensure their compulsory-aged child is enrolled and attends a year of schooling (other than the Preparatory Year) in a state or non-state school, or is registered for home education. As the Preparatory Year is not compulsory, enrolment in the Preparatory Year will not satisfy the obligation to enrol in school. Parents who wish to delay will need to seek an exemption.

#### ***Penalties (section 178)***

- The maximum fines for breaches of this obligation will be increased for a first offence, from \$375 to \$450, and for any subsequent offence, from \$750 to \$900. Penalties may be commuted to community service orders at the discretion of the Magistrate. Prior to any prosecution parents must receive a notice advising them of the truancy and may be asked to meet with officials to discuss the matter.

#### ***Exemptions (sections 184 to 197)***

- Exemptions from the compulsory schooling obligations will be widened and apply in certain circumstances, for example, where a child cannot attend school due to illness, or where the child is absent for family reasons or due to bereavement.



### ***Employment (section 229)***

- The draft Bill sets out a parent's obligation to ensure that their compulsory aged child is not employed at a time when they are required to attend school for their educational program.
- The new Child Employment Bill 2005 is currently before Parliament, and will complement the provisions of the new education legislation to help ensure that young workers are protected from work conditions that may interfere with their education.

### ***Age of Entry into Year 1 (to be contained in the Regulation)***

- Minimum age and early entry requirements for Year 1 are currently only legislated for state schools. It is proposed to extend these provisions so that they apply to non-state schools. This will help ensure that children and parents in all schooling sectors are afforded similar treatment by the legislation.

#### Minimum age

- It is proposed that for the 2007 school year, the new education Regulation will provide that the principal of a state or non-state school may only enrol a child into Year 1 or above at a primary school if the child will turn six years old by 31 December, in the year they enrol in Year 1. In 2008, this age will increase by six months so that children will be required to be six years old by 30 June, in the year they enrol in Year 1.

#### Early entry

- Currently, for early entry to Year 1 in a state school, the principal's supervisor must be satisfied that the child would be educationally disadvantaged if early entry was not granted. There is no comparable regulation on the non-state schooling sector, and it is proposed to extend these provisions to non-state schools.
- However, the Regulation will still give principals some flexibility in allowing children early entry into Year 1 or above. The Regulation will allow the principal of a non-state or state school to enrol a child who is younger than the age outlined above into Year 1 or above if the principal's supervisor (or, in the case of a non-state school, the principal) is satisfied that the child is academically and developmentally ready to be enrolled in at least Year 1. Policies will be developed to support decision making in regard to academic readiness and overall development.

### ***Preparatory Year (Schedule 2)***

- The draft Bill incorporates some important provisions in relation to the Preparatory Year, and provides that only non-state schools and state schools are able to provide a Preparatory Year of school in the year prior to Year 1. It would be an offence for a licensed child care service to purport to offer a Preparatory Year, with a maximum fine for services who breach this



section of \$3750 for a first offence, and \$7500 for a second or subsequent offence.

- Minimum age and early entry requirements for Preschool are currently only legislated for state schools. It is proposed to extend these provisions so that they apply to non-state schools as well in relation to the Preparatory Year.

#### Minimum age

- It is proposed that the new education Regulation will provide that the principal of a non-state or state school may only enrol a child into the Preparatory Year provided by the school if the child will reach five years of age by 30 June in the year they enrol. This provision will help to clearly distinguish the Preparatory Year from child care, and will also support a consistent starting age in all schooling sectors.

#### Early entry

- Currently, for early entry into a state Preschool, the principal's supervisor must be satisfied that the child has been previously enrolled in a program in another state or country, and that failure to enrol in the Preschool Year would result in the child being educationally disadvantaged. There is no comparable regulation on the non-state schooling sector, and it is proposed to extend these provisions in relation to the Preparatory Year to non-state schools.
- The new Regulation will allow the principal of a non-state or a state school to enrol a child who is younger than the age outlined above into the Preparatory Year provided by the school if the child:
  - has been enrolled in a formal education program that is equivalent to the Preparatory Year in another state or country; and
  - the principal's supervisor (or, in the case of a non-state school, the principal) is satisfied that the child is developmentally ready to be enrolled in the Preparatory Year. The Department will develop policies to support decision making in regard to 'developmentally ready'.





### 3 Home education

Home education occurs where a child is not enrolled in a state or non-state school, but is receiving an education in their home from one or more of their parents. This is different to a child receiving education through a school of distance education, as in those cases the child is enrolled in a school.

Findings of the [Home Schooling Review](#) (October 2004) recommended that home education should be recognised as a third educational option, along with state and non-state schooling, and in return parents would meet certain requirements. This approach is designed to balance the parent's right to educate their child and the state's obligation to ensure that all children access an appropriate education.

Parents would be required to register for home education. They would then be able to access a support centre, which would provide advice and additional resources, including a textbook and resource allowance for senior students. An advisory committee would be established to provide advice on home education matters and assist in building relationships with, and providing support for, home-schooling families.

#### **Feedback**

The majority of respondents (>80%) were supportive of the proposals for home education. The draft Bill reflects feedback received by establishing a system that is based on a minimal level of paperwork and processes, recognising different approaches to learning, combined with increased support through a support centre and access to the textbook and resources allowance for senior students.

#### **Explanation of the draft Bill (sections 204 to 227)**

- The draft Bill establishes a registration system for home education. Registration will be a third way (along with enrolment in non-state and state schools) in which parents may meet their obligations to ensure their child receives an education.
- Parents will be able to use a program of their choosing, as long as the child receives a high-quality education.
- Registration will be conditional on parents reporting annually on the student's progress during each year of registration.
- Registration may be cancelled if parents fail to meet the requirements or the child is not receiving a high-quality education.
- Parents affected by a decision to cancel registration may appeal to the Magistrates Court.



## 4 Student records

Schools currently record a wide range of personal and academic information that relates to students. This enables schools to provide educational programs, support services and to ensure student safety.

### **Transfer of student records**

The current Regulation addresses the transfer of student information between state schools and from a state school to a non-state school.

About 25 percent of Queensland students change address each year. The transfer of their records would provide the enrolling school with valuable information to maintain ongoing support services.

It was proposed in the consultation paper that all non-state and state schools would have a consistent approach to transferring student records. Non-state and state schools would be required to create and maintain an 'official record', which can be transferred between schools without parental consent.

### **Feedback**

There was strong support from the community and principals for the proposals around the official record and transfer process (>90%). Some concern was expressed in relation to the lack of parental consent and the potential administrative burden on schools.

The draft Bill reflects consultation feedback received about the creation and maintenance of an 'official record' for every child being onerous for schools. Instead of requiring all schools to create and maintain an official record for each student, the trigger for the creation of record will be the request of a parent at the end of enrolment or of a principal when a student transfers to their school. The 'official record' will therefore be instead known as a 'transfer note' to reflect changes based on feedback.

Whilst the draft Bill does not require parental consent for the transfer of information, there are obligations to ensure parents are advised that the information is being transferred and enabling them to request a copy of the transfer note.

The information in the 'transfer note' has been refined to reflect feedback. It includes factual information that will assist schools to provide educational continuity and enable principals to exercise their duty of care for the student enrolling and the broader student community.



### **Explanation of the draft Bill (sections 373 to 376)**

- The draft Bill establishes a comprehensive and consistent student record known as a 'transfer note' for both non-state and state schools. The information that is required to be in the transfer note will be in the Regulation and an outline of this proposal is in the Appendix.
- Non-state schools and state schools will be obliged to:
  - create and forward a 'transfer note' (including the documents referred to in the transfer note, for example, a recent report card) for a student who is transferring to another school in Queensland, if it is requested by the principal of the student's new school;
  - inform parents of the request for the transfer note and provide the parent a copy of the transfer note (and the documents referred to in the transfer note) if requested; and
  - create a 'transfer note' if a parent requests a copy of this record at the time of ceasing enrolment (for example, the parent may be enrolling their student overseas).

### **Confidentiality**

A student's privacy is an important consideration in the management of transfer records. However, it is equally relevant to all other student records. As part of a school's duty of care to all students, they are required to treat student information in a confidential manner. The current Act requires confidential matters concerning any student in state school records to be kept secret, except under specified circumstances (for example, in compliance with a requirement under another Act). The current Act does not define what student matters are confidential.

It was proposed in the consultation paper to develop new confidentiality provisions that would apply to both non-state and state schools to ensure consistency. Confidential information would be clearly defined, with sharing enabled where it is 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. Confidential information would be given to third parties where the parent (or student in certain circumstances) had consented. It was proposed that:

- students 16 years or older would be able to consent; and
- that the chief executive (or delegate) could approve students younger than 16, in exceptional circumstances.

### **Feedback**

There was majority support (94%) that the sharing of student information should occur where it is necessary for the protection, health, wellbeing or safety of the student. The draft Bill reflects this feedback, enabling the release of a student's personal information where it is necessary to avert a serious risk to the life, health or safety to the student or someone else.

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Support was mixed for the proposal of allowing 16-year-olds to consent to the release of their own private information (45%), with many respondents qualifying their support only if the student was living independently from their parents. The feedback on this issue has been addressed with the inclusion of the ability to release the student's information where a parent or student consents. An explicit age has not been included for the student, instead enabling a case-by-case approach to whether the student's consent should be sought.

### **Explanation of the draft Bill (section 415)**

State schools are captured by the specific confidentiality provisions in the draft Bill. Most non-state schools, however, are covered by the Commonwealth privacy regime (National Privacy Principles (NPPs)). Whilst the Consultation Paper proposed to extend the confidentiality provisions to include non-state and state schools, the new Bill recognises that most non-state schools are captured by a regime that provides comprehensive protections, and that this regime is currently operating in non-state schools.

### **State schools**

- The draft Bill establishes a confidentiality regime for state schools that applies to certain people that gain or have access to a student's (including a prospective or former student) personal information.
- The confidentiality regime applies to people who are likely to come into contact with student information because of their responsibilities. The person must not make a record or disclose the personal information about a student other than under certain exceptions (for example, the parent or the student where they are able to consent).
- The penalty for where people fail to abide by the legislation is a maximum of \$3750.

### **Non-state schools**

- It is not proposed to extend the state Act to cover non-state schools in regard to confidentiality, except for those non-state schools that do not fall under the Commonwealth Privacy regime (National Privacy Principles (NPPs)). These non-state schools would be required to abide by the same confidentiality obligations as state schools as outlined above in regard to the information required in the transfer note only.
- Non-state schools captured by the state regime would be afforded the same exceptions about when the transfer note can be shared and also would include the same maximum penalty for where people fail to abide by the legislation (a maximum of \$3750).



## 5 Government payments and allowances

The Government pays a range of allowances, subsidies, scholarships, grants and other payments to students, schools, student hostel operators and community groups. These payments are designed to assist in the provision of education or education-related services for students. A range of additional requirements are set out in the legislation in relation to payments to non-state schools.

The Consultation Paper proposed that the criteria for, and quantum of, these payments be removed from the legislation and be contained in ministerial policy. This would provide clarity about a person's entitlements in an accessible document. The criteria and quantum would not be affected as a result of this change. The requirements for non-state schools would continue to be contained in legislation.

It was also proposed that the payment of textbook and resource allowances be extended to home-educated and part-time students. Extension of this allowance to part-time students could assist in limiting their disadvantage or facilitating their pursuit of excellence, for example, those with elite sporting commitments or parenting obligations.

### Feedback

Greater than 88 percent of respondents supported these proposals. 45 percent of respondents supported paying allowances directly to students not living with their parents. The draft Bill reflects the feedback received.

### Explanation of the draft Bill (sections 357 to 372)

- The draft Bill will provide the Minister with a head of power to make payments. The criteria for, and the quantum of, these payments will be contained in policy. The draft Bill will continue to set out the requirements for non-state schools, including the provision of financial and acquittal information in relation to the payments.
- The proposed expansion of textbook and resource allowance payments to home-educated and part-time students will be included in that policy.
- While it will be the general practice to pay allowances directly to schools or parents, the policy may also enable the payment of an allowance directly to another person, including the students themselves in limited circumstances.





## 6 Information for Parents

The role of parents is crucial to ensuring students achieve their full potential. To fulfil this role parents need regular access to information of their child's educational progress and outcomes. The following proposals were not canvassed in the consultation paper as they are the result of separate processes.

### Schools reporting

In 2004, the Government undertook consultation on a range of proposals designed to improve their reporting of student and school outcomes. There was strong public support for the initiatives to provide regular student reports and opportunities for parent meetings and to provide greater information to parents and the community regarding school outcomes.

### Explanation of draft Bill (sections 411 to 414)

The new Bill provides that all non-state and state schools must:

- publish an annual report each year, setting out a range of student outcomes data and school information. The Regulation will detail the information to be included in the annual report and it will include school demographic information, curriculum offerings, student outcomes for reading, writing and numeracy in primary schools and retention rates in secondary schools;
- provide parents with written reports on their child's performance at school at least twice each year; and
- provide parents with at least two opportunities each year to meet with their child's teachers to discuss the child's performance at school.

### Parent/Guardian Access to Student Accounts (section 262)

The *Youth Participation in Education and Training Act 2003* (the YPET Act), which was passed by Parliament in 2003, provides the legislative framework for senior school that will ensure Queensland's young people are either 'learning or earning'. Some sections of this Act have already commenced with the remaining sections due to start in 2006.

The YPET Act has been incorporated into the draft Bill to create one piece of legislation to govern future education in Queensland from 2006. However, further sections have been developed in relation to parent/guardian access to student accounts.

Students accounts relate to 'accounts' that every Year 10 student opens with the Queensland Studies Authority (QSA), to 'bank' all related studies, training

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and work experience that can count towards their Senior Certificate.

- The account contains information about the student including: their name and any previous names, address, date of birth and details of the last eligible (learning) option in which, according to the student's account, the student was participating.
- Currently, there is no legislative provision enabling parents to access this information. However, the YPET Act outlines that there should be a partnership between parents and young people. In particular, the YPET Act aims to encourage and help parents to play a role in their child's Senior Phase of Learning. Parents are also required to ensure their child is participating full-time in an eligible option.

#### **Explanation of draft Bill (sections 254, 258 and 262)**

- The new Bill provides that if the details of the name and address of a young person's parent are recorded in the student account for the person, the QSA must give the parent access to that student's account information.





## Part B – State Schools Only

A brief outline of the draft Bill is included in this section. This section also provides a synopsis of the community consultation that related specifically to Queensland state schools and their future direction.

### 7 New enrolment procedures

The relationship and cooperation between parents, students and schools is a significant factor in student success. This relationship starts with enrolment, and it was proposed to formalise the enrolment process in state schools. This would ensure there is clarity in relation to who is, and is not, entitled to enrol at a state school. Generally, all students will be guaranteed access to their local state school. Some state schools will be allowed to specialise in areas of strength and to attract students to those programs. It was proposed that the new Bill would spell out the grounds on which an enrolment may be refused and the rights of review for those decisions.

Each party must have a clear understanding of what is expected of them in this relationship. It was therefore proposed that parents and the school enter into an agreement at the time of enrolment (a 'partnership agreement') setting out their respective rights and obligations.

Parents would continue to be required to provide a birth certificate for proof of age and identity of the child when the child is enrolled. Parents will be requested to give informed consent for their child's use of the Internet, intranet or extranet.

#### **Feedback**

The proposed reforms in relation to enrolment were overwhelmingly supported (>85%), though the term 'partnership agreement' was not supported. The draft Bill instead uses the term 'enrolment agreement' to reflect that the agreement relates specifically to a student's enrolment at school.

#### **Explanation of the draft Bill (sections 156 to 177)**

- For the purposes of enrolment in a state school, the draft Bill provides that a student may only be enrolled at one state school at a time, and may not simultaneously be enrolled in a state school and non-state or registered for home education.
- State schools may be permitted to establish an 'enrolment management plan' that will allow them to limit enrolments to students from their local area. Students from within that area are entitled to be enrolled. Students from outside that area may have to meet eligibility criteria in order to be enrolled.



- Schools may also have enrolment criteria to allow for specialised programs, which include educational programs not usually offered at state schools, for example, the International Baccalaureate.
- The chief executive may refuse the enrolment of a student in a school, a number of schools, or all schools, who poses an unacceptable risk to the safety of the school community. However, this will only be used in limited circumstances, and appeals against the decisions to refuse enrolment from a number of schools will be included. Decisions to refuse enrolment from all schools will be appealable to the Magistrates Court.
- A person's eligibility to enrol at a special school, in relation to their disability and the school's suitability to cater for that disability, is determined by the district office. The district office's decision is reviewable by the chief executive. Once eligibility is determined, the decision to enrol a person in a special school will be made by the school's principal based on the same factors applying for other state schools.
- Parents, and where appropriate students, will be asked to sign or acknowledge an 'enrolment agreement', which sets out the respective rights and obligations of parents, students and the school.
- Each state school will develop its own enrolment agreement within guidelines set by the Department.
- The guidelines will require the enrolment agreements to address school policies, including the school's dress code; behaviour support plan for students; complaints process; and record-keeping policy.
- The requirements for provision of a birth certificate will be included in the new Regulation, and consent for access to the Internet, intranet or extranet will be dealt with through policy.





## 8 Creating safe and supportive state schools

The current legislation allows for disruptive student behaviour to be managed by way of detention, suspension, exclusion or cancellation of enrolment. These sanctions will continue in the new legislation.

The proposed changes are designed to achieve a balance between supporting and disciplining students. The aim is to enable students to remain engaged in learning while also maintaining the good order of state schools.

Some of the key changes proposed in the consultation paper included:

- Allowing principals to attach reasonable conditions to enrolment to assist in managing student behaviour;
- Refining the procedures that a principal must follow prior to cancelling the enrolment of a student above compulsory school age;
- Removing the ability to cancel a student's enrolment if they are persistently disruptive, given that this behaviour will be addressed by suspension or exclusion (the ability for a principal to cancel a student's enrolment for refusing to participate would be retained);
- Making decisions that exclude students from all schools externally appealable to the Magistrates Court;
- Providing that a principal must attempt to contact and/or meet with parents in relation to certain sanctions;
- Increasing requirements and clarity about where an educational program that enables the continuation of a student's education should be provided (for example, that a program is required when a student is suspended for one to five days and when suspended pending a decision about recommendation for exclusion);
- Enabling principals, in consultation with the school community, to set a school dress code policy including appropriate sanctions;
- Providing increased clarity and guidance about behaviour management plans (for example, align with departmental policies, be approved and reviewed).

### Feedback

There was general agreement from both school principals and the public for the proposed amendments in relation to exclusion and cancellation (>86%). An overwhelming majority of respondents (95%) agreed to an increased requirement for principals to meet with parents whose children are undergoing student management sanctions and 84 percent agreed with the requirement to ensure the continuation of a student's education in some form during a suspension or exclusion.

Imposition of conditions on a student's enrolment received overwhelming support (95%). New behaviour management plan processes received majority

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(87%) support, as did the proposals to allow schools to enforce a dress code (89%).

The draft Bill incorporates the feedback received on the range of proposals and reflects the recently announced *Better Behaviour, Better Learning* initiative designed to strengthen school discipline and student learning.

### **Explanation of the draft Bill (sections 273 to 324)**

The draft Bill provides a legislative foundation for creating supportive as well as safe school environments by providing the following increased requirements:

- Principals must ensure that the school's behaviour management plan (to be known as the 'student behaviour support plan'):
  - aligns with departmental policies relating to the management of student behaviour; and
  - is reviewed and approved at least every three years.
- School staff must attempt to meet with parents when their children are undergoing student management sanctions.
- Students to receive a program that enables the continuation of their education during all suspensions, suspension pending recommendation for exclusion and exclusions (all schools).
- Principals must complete additional steps prior to cancelling a post-compulsory student's enrolment and the grounds are limited only to refusal to participate.
- Decisions to exclude students from *all* schools are subject to appeal to the Magistrates Court.
- Principals will be able to impose reasonable behaviour improvement conditions on student enrolments to better manage challenging student behaviours.
- Principals, in consultation with the school community, will set a school dress code policy and impose appropriate sanctions that will not impact on the student's academic or career prospects (refer to sections 351 to 354).





## 9 Homework

A [Homework Literature Review](#) was conducted to identify national and international best practice in relation to homework for students. It covered 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 that help schools develop policy around homework.

State schools currently determine their own approaches to homework.

### Feedback

The majority of respondents (88%) were in favour of the Department providing guidance on acceptable homework practices. Most respondents (75%) supported the elements proposed to be included in the guidelines. Most respondents (77%) indicated support for representative school bodies being involved in developing homework policies and that wilful neglect to do homework should remain as a breach of school discipline.

### Explanation of the draft Bill (section 416)

- The draft Bill permits the chief executive to make guidelines about homework in state schools. The range of matters that may be addressed in those guidelines includes:
  - the purpose of homework;
  - the recommended amount of time a student should be expected to spend on homework;
  - the responsibilities of teachers, parents and students in relation to homework; and
  - the development and implementation of a homework policy by a state school's principal.





## 10 A fair system of education costs

The current legislation provides that the cost of instruction in state schools of children whose parents are domiciled in the state is to be free. The range of programs and services provided in state schools has greatly expanded since the legislation was enacted and numerous circumstances exist where it is appropriate for the state to charge persons for their education in state schools.

The consultation paper proposed to clarify that instruction, administration and facilities in state schools are to be provided free to Australian citizens and permanent residents. It is also proposed that certain persons may be charged: overseas students; students who are enrolled in non-state schools but also accessing state school programs; students who undertake specialised programs (not including special education); and students who access distance education by choice.

Parliament has recently passed an amendment to the current Act, which enables the Department to charge students enrolled in a program of distance education at a state school. The amendment also allows for a Regulation to be developed which sets out the circumstances in which a fee would not be charged. Some of the circumstances under which the fee will not be charged include where a person lives in a remote area or where a person has a medical condition which prevents them from attending school or where a person whose parenting or carer commitments prevent them from attending school.

### Feedback

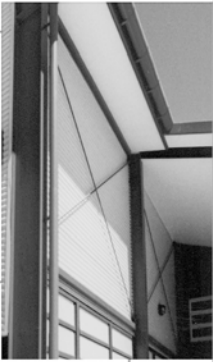
An overwhelming majority (93%) agreed that the cost of instruction, administration and facilities for children of Australian citizens and permanent residents should continue to be provided for free and that guidelines are needed for voluntary contributions by state school parents (91%).

Most respondents (77%) supported the proposal for state schools to have the capacity to charge for specialist programs, but that the schools require approval to charge (88%).

The majority of respondents (88%) agreed that all state schools should be able to charge for overseas students with most (88%) agreeing that the ability to waive these charges in exceptional circumstances should be available.

### Explanation of the draft Bill (sections 50 to 53 and 424)

- The draft Bill states that instruction, administration and facilities in state schools are free to Australian citizens and permanent residents enrolled in a state school. This means that other persons accessing state school programs and services may be charged.



- State schools may charge for specialised programs if a Regulation details the school, the program and the charge for that program. Specialised programs are defined as those educational programs not usually offered by a state school.
- The draft Bill provides that the Department has the ability to charge non-state school students accessing distance education programs. However, the legislation will not affect the 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 under the new Bill.
- The draft Bill provides that a state school's principal may ask the parents of a student of the school to make a voluntary financial contribution towards the cost of providing a particular educational service to the student. The student must not be educationally disadvantaged where a parent does not make the contribution. The Department will develop guidelines for state schools on voluntary financial contributions to strengthen governance arrangements.





## 11 Religious instruction

State schools provide secular education but recognise that religious instruction can provide the opportunity to help students develop their own beliefs, values and attitudes.

Religious instruction is an optional or elective program at state schools, not compulsory. Nevertheless, if parents wish their child to have access to instruction in relation to a particular religion and the school offers it, then the choice is open to them.

In today's society there is an increase in beliefs that are beyond the definition in the current Act. The consultation paper proposed to extend the nature of the groups that can provide programs at state schools to reflect our diverse school communities. These programs would be subject to prescribed criteria and would only be provided on the basis of parental demand.

To reflect the secular nature of state education, the consultation paper proposed to enable the reading of the Bible and other spiritual texts as part religious instruction (that is, instead of during class time).

### Feedback

The majority of respondents (88%) opposed the proposal to make spiritual and philosophical programs available during school hours, in addition to the current arrangements for religious instruction. Primarily, these views were from Christian church groups who expressed the belief that Queensland is a Christian society and that Christian values, to the exclusion of others, should continue to be taught in state schools.

An overwhelming majority of respondents (94%) agreed that up to 40 hours per year should continue to be allocated for religious instruction in state schools.

Most respondents (76%) opposed the criteria to approve organisations that might provide religious education, chaplaincy services, spiritual and philosophical programs in state schools. This opposition was based on concerns expressed about the ability of current religious instruction providers to meet the proposed incorporation and public liability (at least \$10 million) requirements and that the criteria was inadequate, not providing enough safeguard in regard to the content of the program.

Whilst there was opposition to expanding the types of programs that could be provided, the draft Bill provides an inclusive approach to religious instruction, reflecting the diversity of our school communities. It provides the opportunity for parents to have their preferred instruction for their child where an appropriate program is available. It should be noted that a more inclusive approach would not affect students participating in existing religious instruction. Consultation feedback on what the approval criteria should be was also taken into account when drafting the Bill.

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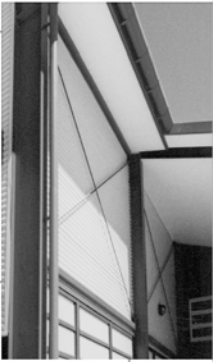
## Explanation of the draft Bill (sections 73 to 77)

The draft Bill:

- continues to enable state schools to facilitate religious instruction during school hours, for up to 40 hours per school year;
- enables state schools to expand the program provided to include instruction in other beliefs (except for political beliefs), if there is demand from parents;
- ensures the school seeks parents' consent for their child's participation in the program;
- requires all providers to gain approval for their program (existing providers will have 12 months from commencement to meet the new requirements).  
The approval criteria will be in the Regulation and will require for example:
  - a written program that is authorised by the relevant entity and does not pose a threat to the good order and management of the school. This is proposed to include that the program or the implementation of the program must not contravene laws, international treaties, agreements, departmental policies or be contrary to public interest.
  - written processes about:
    - (a) the appropriate conduct of members, staff and volunteers (that is, staff meet the Working with Children card requirements); and
    - (b) monitoring of the program and its implementation.(Departmental policy will provide that parents will be referred to the providers to get copies of the program provided).
- continues to provide alternative programs for students not participating in religious instruction;
- removes Bible lessons from the draft Bill and enables the reading of the Bible and other spiritual texts through religious instruction. (N.B. Teachers would still be able to undertake the study of the Bible and other related texts as part of the curriculum).

Approval criteria in the Regulation will not relate to chaplaincy services. Protocols will be developed to reflect the different service that chaplains provide in state schools. Chaplains and approved religious instruction providers will be covered under the new confidentiality provisions. These provisions will provide protection in circumstances where confidential information may need to be disclosed, for example, to avert a serious risk to a student.





## 12 Schools as community assets

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

The consultation paper proposed to develop guiding principles that related to the continued use of state schools as substantial community assets, drawing on local partnerships that benefit students as well as the wider community.

### Feedback

There was overwhelming majority support (95%) for the guiding principles, with respondents re-affirming that schools are community hubs and that this should be openly encouraged to enable meaningful partnerships with the wider community.

### Explanation of the draft Bill (section 49)

- There is no general requirement for provisions to be included in the draft Bill to enable schools to be used as community assets, because other legislation, including the Queensland Constitution, provides for this use to occur. Only one provision is required to allow these uses to occur in relation to land specifically designated as for education purposes only.
- Given that there will be no general provisions in the legislation, guiding principles will be contained in departmental policy in relation to how use is determined and prioritised. Policy will also set out when any charges may be levied for this use.





## 13 School representative bodies

Parental involvement, through parents and citizens' (P&C) associations or school councils, is invaluable to the ongoing success of schools. The proposals sought to build on past successes while streamlining the governing arrangements.

The consultation paper proposal suggested that schools have only one representative body to undertake these functions, with schools choosing between a P&C council or a P&C association. The proposal also suggested that schools of distance education, outdoor and environmental education centres and centres for continuing secondary education be permitted to form P&C associations.

It was also proposed to make amendments to standardise P&C financial years, and to limit the number of school staff (who aren't parents of students at the school) permitted to be executive committee members.

### Feedback

A significant number of attendees at consultation forums advocated for the retention of the current arrangements allowing schools to have both bodies. Opinion was split on whether one representative body was appropriate for all schools, with 50 to 61 percent of respondents supporting the proposal. A higher proportion of respondents (70%) agreed that state schools should be able to choose between a P&C council or a P&C association.

A significant majority (84%) agreed that schools of distance education, outdoor and environmental education centres and centres for continuing secondary education should also have a formal representative school body.

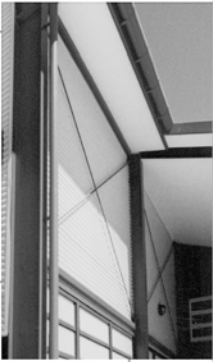
There was majority agreement for the proposals to standardise P&C financial years (71%) and for a limit to be placed on the number of staff permitted to be executive committee members (71%).

Given this feedback, further consideration will be given to the structure of school representative bodies in state schools, but not as part of this legislative review. However, the draft Bill reflects the feedback received about the other proposals.

### Explanation of the draft Bill (sections 119 to 155)

- The draft Bill replicates the current provisions of the Act, modernising the language where necessary.
- Staff, where the staff member is not a parent of a child at the school, will be prevented from holding more than one-third of the total membership of the executive committee of the P&C association. The chief executive will be permitted to relax this limit, for example, in circumstances where there are

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not sufficient members other than staff members.

- P&C association financial years will be standardised to 1 January – 31 December each year. Transitional provisions will provide P&C associations the time to adjust to these new measures.
- Member protections from liability have been modernised to provide automatic indemnity (in certain circumstances), rather than relying on the Minister to provide such indemnity.





## Appendix – Transfer Note

The details of the information required in the **Transfer Note** will be in the Regulation. It is proposed that the information will include:

### Student details:

- Student name (given name and family name) – legal name
- Preferred name
- Student number/s
- Date of birth
- Sex – Male/Female
- Australian citizen/permanent resident? Yes/No. If no, the Visa details.
- Are there any legal, care and protection matters? Yes/No. If yes, provide brief details.
- Does the student have specific medical requirements? Yes/No. If yes, provide brief details.

### Previous school information:

- Name of previous school
- Previous school address
- Principal will be contact – insert their phone number but not name
- Date of last attendance at previous school
- Year level and number of semesters completed
- Educational entitlement:
  - state schools only – as at date of last attendance semester allocations (completed, remaining, additional [if applicable])
  - non-state schools – as at date of last attendance – number of semesters completed at school
- Number of days absent without valid excuse in the last four weeks prior to leaving school.

### Educational outcomes:

- Year 2, 3, 5 and 7 test outcomes
- Most recent report card
- Personalised plans including:
  - Individual Education Plan
  - Education Support Plan
  - Individual Behaviour Support Plan
  - Senior Education Training Plan
- Serious behaviour issues in the past 12 months

‘Serious behaviour issues’ would include the following:

- Physical Misconduct involving Adults not involving an object
- Physical Misconduct involving Adults involving an object
- Physical Misconduct involving Students not involving an object
- Physical Misconduct involving Students involving an object
- Substances Misconduct involving illicit substance

### Other Memo fields

- Comments, for example, additional extension and/or support needs.

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