

Education (General Provisions) Act 2006

INFORMATION FOR NON-STATE SCHOOLS

Queensland now has a single, key piece of legislation for schooling after Parliament passed the new *Education (General Provisions) Act 2006* on 8 August 2006. The Act retains many of the provisions of the previous *Education (General Provisions) Act 1989* and incorporates the *Youth Participation in Education and Training Act 2003* ("YPET").

An overview of the new Act

The new Act provides the legislative basis for a range of recent significant government reform initiatives, including the universal availability of the Preparatory Year from 2007, an increase in the compulsory school age in 2008, changes to schools reporting requirements and the exchange of consistent student information across all schools.

Provisions in the previous Act that have effectively remained unchanged include those relating to flexible arrangements in schools, directions about conduct and movement of external persons on school premises, reporting obligations around student protection and religious instruction in State schools.

Schools' reporting process

However the Act also provides a legislative basis for the new provisions for school reporting that were announced in 2005. It requires schools to provide at least two student report cards each year; to provide parents with the opportunity to meet with their child's teachers at least twice a year; and to publish an annual report in accordance with Ministerial policy.

Transport assistance

The Act provides a new basis for assessing the transport assistance available to students with a disability, with eligibility for assistance being based on a student having a disability that necessitates transport to or from school by a means that takes account of their disability.

Distance education

Changes made to distance education will allow a person enrolled at a non-State school to be charged for undertaking a component (for example a subject) of a distance education program through a State school of Distance Education.

Home education

The Act also recognises home education as a legitimate alternative for the education of children. It introduces a new registration system that requires parents to provide details of their child's program and to demonstrate their child's educational progress by way of annual reports. The simultaneous enrolment of a home-educated child in a State or non-State school is not permitted under the Act.

Students living independently

The Act generally requires parents of students or adult students to be dealt with in relation to decisions, notices or required meetings. However, the Act also recognises that a student may be dealt with directly where it is inappropriate to deal with the student's parents. The Act allows for case-by-case decisions in this regard. The Act uses the example of where it may be inappropriate to deal with a student's parents where the student is living independently of their parents.

Some changes in the Act will have significant implications for non-State schools. These include compulsory school attendance, Transfer

Notes and entry into Prep. These are outlined below in some detail:

Compulsory school attendance

In conjunction with the implementation of Prep, the Act provides for the compulsory school age to increase in 2008 to 6 years and 6 months. The Act also confirms that, while enrolment in Prep will not satisfy the compulsory schooling obligations of parents in 2007, it will from 2008 onwards.

Previously a parent did not have to comply with their compulsory schooling obligations if they had been granted a dispensation. Under the new Act, parent may be granted an exemption from those obligations where a child is unable to attend school, or where it would be unreasonable in all the circumstances to require the child to attend school.

The Act also lists a number of specific circumstances in which the compulsory schooling requirement does not apply and an exemption is therefore not required. These include home education; instances where a student is prevented from attending school because of an infectious or contagious disease or condition; periods of illness for up to 10 days where a child is unable to attend school; students who have an application for enrolment pending; and students who are recognised as apprentices or trainees under the *Vocational Education, Training and Employment Act 2000*.

Transfer notes

The Act introduces the concept of Transfer Notes to facilitate a consistent student transfer system for movement between any school, State or non-State, within Queensland. A Transfer Note is a document containing specified information, including personal information, about a student, including the results of assessment and information about behavioural issues.

A Transfer Note can be requested by a parent or student when ceasing enrolment at a school, or by the principal of a school when a student applies to enrol. A principal receiving a request for a Transfer Note from a school must respond to the request within 10 school days of receiving the notice. The Act ensures that principals cannot be held civilly liable for any act done, or omission made, honestly and without negligence, in issuing Transfer Notes.

Entry into Prep

The minimum age for enrolment in the Preparatory Year will be included in the supporting *Education (General Provisions) Regulation 2006*. A child must be 5 years or older on or before 30 June in the year it is proposed they attend Prep. The Regulation will also specify the requirements for early entry into Prep, namely that the child in question had started an education equivalent to Prep in another State or country and the principal is satisfied the child is developmentally ready to be enrolled.

Delayed entry into Prep is tied to the compulsory schooling requirement. In 2007, parents of a child who turns 6 while they are enrolled in Prep will need to apply to the Director-General of Education (or her delegate) for an exemption. However, from 2008 onwards, when enrolment in Prep will satisfy the compulsory schooling obligations, this requirement will no longer apply.

Implementation issues

Further information relating to the new legislation is available on a dedicated web available at www.education.qld.gov.au/review.

In addition to links to the Act and Regulation, this site also includes links to relevant Department of Education, Training and the Arts policies and other relevant documents, answers to Frequently Asked Questions and contact information.