

Education (General Provisions) and Other Legislation Amendment Bill 2024

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Submitted by: Queensland Teachers' Union (QTU) members at James Nash State H
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Committee Secretary
Education, Employment, Training and Skills Committee
Parliament House
George Street
Brisbane Qld 4000

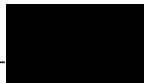
24 March 2024

Dear Sir/Madam,


RE: Education (General Provisions) and Other Legislation Amendment Bill 2024

Thankyou for considering the following submission, which is made by me on behalf of the Queensland Teachers' Union (QTU) members at James Nash State High School.

Yours sincerely,

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Jean Pink
QTU rep, James Nash SHS


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Submission:

We thank the Minister for Education and Minister for Youth Justice for introducing this Bill and recognise the considerable amount of work and thought that has gone into preparing this with the intent of providing a contemporary, fair and responsive framework for education in Queensland.

While we support many parts of the Bill, we are concerned that some amendments suggested in the Bill may increase the challenges that we face daily with student behaviour, occupational violence and an unsustainable workload, or may require resourcing that is unavailable. We feel that this may have a negative impact on the good order and management of Queensland schools. We have documented our concerns in the table below.

We have also noted with thanks some amendments that we believe are likely to have a positive impact on the good order and management of Queensland schools.

While we have attempted to understand this extensive Bill in its entirety, the time frame that was available in which to make submissions has meant that our discussion and analysis has been more limited than we would have liked. Unfortunately, the two and a half weeks from the presentation of the Bill to the closing of submissions falls at the busiest time of the school term for QTU members at our workplace.

Reference in the Bill	Comment
Clause 18 (2)	We support the inclusivity and well being aspect of this insertion, however note that the original section 7(b) did not preclude any of these.
Clause 21 Insertion of new s 142A 142A (1)	We highlight that this is an interesting addition given that we would expect the State to provide funding in the case of an event adversely affecting another State instructional institution's ability to provide education. We also question if this is appropriate if the funds were originally raised for a different stated purpose.
Clause 33 (1)	We support this. The use of distance education is a good interim measure while a decision is being made about a refusal to enrol. However, it is possible that some students may also present a risk to online school communities in distance education. Has this also been considered?
Clause 47 (1) Amendment of s 126 (Restriction on who may be a member of executive committee) and Clause 48	While we support this insertion, we question with whom the responsibility for checking the compliance with this lies. Will the State be required to run criminal background checks on all P&C executive members?

Clause 51 (1) and (2)	We strongly support these insertions. They will allow a much smoother transition and continued education for students in this situation and will reduce unnecessary workload for school staff.
Clause 52 Replacement of ss 158 and 159	<p>We support the intent behind these insertions to provide timely and fair decisions. However, we highlight the following concerns with respect to this:</p> <ul style="list-style-type: none"> • If the principal has identified significant concern about the impact on the school community of enrolling a student but the chief executive decides that this is not an unacceptable risk, thereby making the enrolment mandatory, it is highly likely that intensive support measures will be required to include that student within the school safely. Suitable funding and staffing would need to be made available to facilitate this, and therefore timelines for enrolment may need to be very different for different students in this scenario. • The enrolment process usually involves the student agreeing to meet the school expectations. If enrolment can be mandated by the chief executive without further right of reply by the principal, it may mean that a student will enrol at a school without indicating intention to meet the school expectations, or even after explicitly identifying that they do not intend to meet the school expectations. This may detract from the good order and management of the school.
Clause 68 Amendment of s217 (Standard conditions)	<p>We do not support this clause. Although we support the intent to ensure that all children, including those who are home schooled, are provided a high quality education, we feel that it might be too restrictive to make it align with the Australian Curriculum. Some home education occurs due to philosophical and/or religious concerns with the implementation of the Australian Curriculum. We believe that parents should have the flexibility of choosing alternative high quality and well resourced education programs for their children. We also request that clarity be provided on the required content for the written report required in 217 1(ba). We are concerned that this may become an excessive requirement if large quantities of evidence are requested by the chief executive.</p>

<p>Clause 79 Replacement of ss 285 and 286</p>	<p>We strongly object to this clause for the following reasons:</p> <ul style="list-style-type: none"> • We believe that the number of suspensions that fall under this category in each state education region in Qld is likely to be quite large. If all these were to be appealed by parents, it would require a significant increase in resourcing to address the appeals. • There appears to be no protection against vexatious appeals. • We are confused as to the outcome if an appeal against a short suspension is upheld. Given that the appeals process will take longer than the suspension, the outcome will not be to overturn the suspension and have the student at school for more days. Will it simply be to remove the suspension from the student's record? Would this be a reasonable use of public funding to resource this process for that outcome, particularly since the student already has at least one other suspension on their record for that school year? Principals and their managers are professionals who are qualified to undertake the rigorous decision making process around suspensions. We suggest that these resources might better be invested in helping with preventative measures to address the student behaviours that lead to suspensions. • We believe that this increased encouragement to appeal suspensions undermines the integrity and authority of our school principals and therefore is likely to have a significant negative impact on the good order and management of our schools. • We also note that the school staff and other students who have been affected by the behaviour of the suspended student have no voice in this system.
<p>Clauses 78, 79, 80, 81 and other sections referring to time periods prescribed by regulation</p>	<p>We do not support the use of time periods prescribed by regulations. The original wording, "as soon as practicable" is more reasonable. Perhaps the intent could be achieved by giving suggested appropriate time frames, or requiring that policies be made that give suggested time frames.</p> <p>If prescribing time frames in regulations, they must be sufficient to allow for all possibilities, which by nature makes them longer than needed in some situations and therefore less desirable than 'as soon as practicable'.</p> <p>Some situations that affect the time required to give parents/students notification of actions are described below.</p> <ul style="list-style-type: none"> • Service by post is impracticable and potentially inappropriate in certain regions of Queensland where post is not delivered daily, where families may be transients or between addresses or in regions where post is not delivered directly to dwellings. • Electronic notification is not possible for families that have no internet access, have failed to provide a current email address or mobile number, or have blocked the school number on their phones. • Timeframes can be affected by unforeseen events (such as natural disasters, or times when the principal is absent or sick, or when there are multiple suspensions on the same day). • Timeframes are also impacted by the size of the suspension – the paperwork for a short suspension is less than that for a long suspension or exclusion.

Clause 83	We support this insertion. It is more logical in many schooling situations for the person directly dealing with the student behaviour to inform the student of the suspension. We question whether there may be other parts of the suspension process that could also be delegated, thereby reducing the workload of principals.
Clause 94 Insertion of new ch12, pt 3, div 8A	<p>We cautiously support the need to design policy around the development of student support plans for students who are Aboriginal or Torres Strait Islander students, prep students or students with a disability and the flexibility provided within this insertion (Division 8A) for this policy to be designed appropriately. We note, however, minor concerns with the insertion as follows:</p> <ul style="list-style-type: none"> • 322 Additional matters for policy about student support plans (1) (a) (ii) line 19: reference to ‘parent’ – does this need to be defined prior to use, rather than at the start of div 9? • The likelihood that this will result in increased workload for the principal, as there appears to be no provision for delegation to another staff member of the role of writing a student support plan. We suggest that, in many school settings, the development of support plans would be more appropriately delegated to the staff member who is most directly involved with managing the behaviour and well being of that student. In larger schools, this may be a head of department or deputy principal, in consultation with the classroom teacher/s and the principal. • There will be a resourcing cost for the process of writing, implementing and reviewing student support plans. We question whether this resourcing would be better applied to supporting success prior to suspension. <p>We again note the lack of voice for staff and students affected by that student’s behaviour.</p>
Clause 105	<p>We strongly support the requirement that transfer notes be available including when students are transferring between state and non-state schools. This information is very important to ensure the effective continued education of students who are moving school, and also allows the new school to put in place support measures that might be required to assist with the transition. We support the timeframe of 10 days for the principal to prepare a transfer note at the request of the student or parent who is cancelling the enrolment.</p> <p>We question the timeframe of 90 days after the first day of enrolment (line 23, page 99) for the principal to request that a transfer note be provided from the previous school. This seems a long time frame that may impact on the continuity of education for the student. We also note the inconsistency in time units, where 90 days refers to calendar days and other time units are expressed in school days. We suggest that this be clarified by using a consistent unit.</p>

<p>Clause 108 Replacement of ch 19, pt 1 (Kindergarten learning program)</p>	<p>We raise concerns with the proposed section 419D (Kindergarten students must be protected from harm and hazards). The scope of the statement 'every reasonable precaution ... to protect...from harm, and a hazard likely to cause injury' is very broad, and fair hearing for the staff relies on a reasonable interpretation of the word 'reasonable' and also an assumption that 'injury' is something more than a superficial cut or bruise. We are concerned that this section could result in undue prosecution of kindergarten staff and/or students being unduly restricted in their activities out of the need to prevent them from being exposed to minor hazards.</p>
<p>Clause 113 Insertion of new s 426A</p>	<p>We support the addition of this section. It is likely to reduce staff workload. However, we note that the explanatory notes suggest that parents and students will be able to opt out of the disclosing of information to approved online services and that this will be administratively managed by schools. This may result in continued significant workload associated with the use of online services.</p>
<p>Clause 114 Insertion of new s 427A</p>	<p>We support the addition of this section. It will be important to review the effect of all amendments, including these.</p>
<p>Clause 120 Insertion of new pts 7A and 7B</p>	<p>60B(2) We do not support the introduction of 1 school day timeframes being mandatory. While it is suitable to aim to achieve these timeframes, there may be times when the principal and/or the student/parent is unavailable on that day.</p> <p>60D(2) We note that it is good to consider the safety and wellbeing of other students and of staff of the school (c), however it would also be good to consider the impact of the student's behaviour on other students' learning and staff's ability to deliver lessons.</p> <p>60E We strongly oppose this insertion. We believe that this timeframe, while aspirational, is unreasonable in several cases. Further to the discussion above relating to clauses 78-81, we note that:</p> <ul style="list-style-type: none"> • If written notice is to be given, some families do not have reliable electronic communication and require this to be mailed. 1 school day is insufficient to achieve this. • The requirement for paperwork is more significant for longer suspensions. A suspension pending exclusion is usually a 2-3 hour process to complete the paperwork. A 1 day timeline may result in this student remaining in the classroom, putting others at risk, because the school cannot complete the paperwork in the prescribed timeframe. <p>60I (1) We strongly oppose this insertion due to the 1 school day timeline. See comments above.</p> <p>60J Refer to comments regarding 60D(2).</p> <p>60K We strongly oppose this insertion due to the 1 school day timeline. See comments above.</p>