

Education (General Provisions) and Other Legislation Amendment Bill 2024

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Submission by
YOUTH ADVOCACY CENTRE INC
for the Education (General Provisions) and Other Legislation Amendment Bill 2024

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Introduction

The Youth Advocacy Centre Inc (**YAC**) welcomes the opportunity to provide a submission on the Education (General Provisions) and Other Legislation Amendment Bill 2024 (**the Bill**).

The Bill's Explanatory Notes state:

Given the importance of maximising learning for all students, it is essential there is a robust approach for both disciplinary measures that ensure schools are safe and effective places of learning, and appropriate protections for students, so that disciplinary measures such as suspensions and exclusions do not unnecessarily reduce their ability to attend school.

Whilst the Bill provides some minor changes that are welcome, such as acknowledging the principle of inclusion, in totality it falls far short of achieving this outcome. The Bill fails to provide comprehensive measures, procedures, or legislative requirements to facilitate significant improvement in ensuring disciplinary measures such as suspensions and exclusions do not unnecessarily reduce children's ability to attend school, particularly for students with disability and First Nations students.

As stated in the submission for the Bill by the Right to Learn Campaign (**ARTLC**), of which we are a member, between 2016-2020, students with disability received 46% of all short-term suspensions, despite making up about 17% of the Queensland school population. Even more worryingly, First Nations students with disability are five times more at risk of suspensions, and students in out of home care with disability were six times more at risk compared to students not in those groups. (QAI RTI data)

In agreement with the ARTLC, we propose the following enhancements to the Bill to ensure it achieves the desired balance between safety and preserving each student's right to education. Furthermore, we provide evidence of how implementing these changes may reduce the amount of student's becoming involved or further involved in the youth justice system and increase community safety.

Recommendations:

YAC makes the following recommendations in relation to the Bill:

1. Include the principle of suspensions and exclusions as a last resort
2. Provide appeal rights for all suspensions
3. Implementation of Multi-tiered Systems of Support
4. Greater transparency and accountability
5. Inclusion of student rights

Include the principle of suspensions and exclusions as a last resort

The principle of suspensions and exclusions, or School Disciplinary Absences (**SDA**), as a last resort, is widely acknowledged in non-legislative policies and procedures, such as the Queensland Department of Education Student Discipline Procedure¹.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) recommends the Bill be amended to ensure SDAs are truly a last resort measure.

The Bill should be amended to implement Recommendation 7.2 of the Disability Royal Commission, which states:

“State and territory educational authorities should review all regulations, rules, procedures and other instruments regulating exclusionary discipline to ensure they:

- *adopt the principle that education providers:*
- *should avoid the use of exclusionary discipline on students with disability unless exclusion is necessary as a last resort to avert the risk of serious harm to the student, other students or staff.”*

The Disability Royal Commission made this recommendation after outlining some of the impacts of SDAs on students with disability, stating:

“Suspensions reduce the amount of time students are in school and receiving instruction, and they adversely affect educational attainment. The process of re-enrolment following a student’s expulsion can be lengthy and can be met with resistance from the school. Both factors can be detrimental to a student’s academic achievement, self-esteem and engagement in education.”

“Research and past inquiries have shown there is a risk of early criminalisation for students with disability when they become disengaged from education. This is known as the ‘school to prison pipeline’. Research commissioned by the Royal Commission identified that children in the criminal justice system, a large proportion of whom are children with disability, had previously experienced school exclusion (suspensions and expulsion).”

¹ <https://ppr.qed.qld.gov.au/pp/student-discipline-procedure>

Failing to amend the Bill would be contrary to the Disability Royal Commission's recommendations and would continue to see students with disability suspended at higher rates than students without a disability.

International evidence has shown that exclusion and suspension from education contributes to a “school-to-prison [detention centre]-pipeline” and that this is happening in Australia. The rising rates of suspension during primary school are also potentially contributing to earlier contact with police^{2,3,4}.

Logically therefore, reducing the need to exclude children from education would be beneficial not only to the child but also to the school community and the broader Queensland community in the short and longer terms (in the same way that keeping children out of the justice system and detention would be beneficial). Research has shown that interventions should address student behaviour (individual level) but also the school environment itself (whole-of-school level) (Theriot et al., 2010⁵)

Furthermore, interventions to reduce the need for school exclusions also need to address the overrepresentation of certain groups among students who are excluded....Moreover, groups in society that are more vulnerable are also more likely to be excluded from school, for example, children with an impairing psychopathology or special educational needs (Parker et al., 2015⁶).

Appeal rights for all suspensions

A robust appeals process for students is important as suspensions are added to students' school record which can have future consequences, for example when applying to a new school. We refer to the ARTLC submission for further detail on this recommendation.

Multi-Tiered Systems of Support

Jurisdictions in the United States have approached similar issues by implementing evidence-based frameworks that focus enhancing student’s social-emotional learning, academic, and behavioural outcomes, such as the Multi-Tiered Systems of Support (MTSS). Rates of suspensions per 100 students dropped in Chicago Public Schools decreased from 24.6 in 2012 to 5.17 in 2019 after implementing this system alongside other reforms⁷.

If resourced properly with an appropriate behaviour management framework, the education system can provide an environment where every child can be supported in managing their emotional and

² <https://research.qut.edu.au/c4ie/projects/out-of-school-suspension-and-police-contact-identifying-early-opportunities-to-disrupt-the-school-to-prison-pipeline/>

³ <https://eprints.qut.edu.au/234962/1/114690568.pdf>

⁴ <https://eprints.qut.edu.au/227424/1/104237661.pdf>

⁵ Ibid

⁶ Ibid

⁷ <https://eprints.qut.edu.au/234962/1/114690568.pdf>

behavioural difficulties⁸. We recommend the implementation of MTSS in Queensland, with further details provided in the ARTLC submission.

Accountability and transparency

Robust accountability and transparency regarding SDAs is required to measure success, identify issues, and inform future action. For this reason we recommend:

1. The Director-General prepare a report about the operation of the Education (General Provisions) Act (**EGPA**) as soon as practicable at the end of each calendar year.
2. The establishment of an independent board to oversee the implementation of policies, rules, regulations, and legislation overseeing SDAs.
3. Every Queensland school develops a yearly scorecard on SDAs

Further detail on these points are provided in the ARTLC submission.

Student rights

YAC again calls for a Charter of Student Rights in the EGPA which would commit to meeting the needs and interests of all students and set a standard for schools to follow for individual students and at a whole of school level. In particular, it would include specific reference to a child's human right to an inclusive education.

It is acknowledged that it is neither possible nor desirable to include everything in legislation and the detail of many matters should be included in regulation, policies and procedures. However, basic principles and expectations should be contained in the primary legislation, such as through a Charter of Student Rights and/or a section with more robust principles, to provide the guiding framework and expectations for such policies.

Further recommendations

As outlined in previous submissions, YAC also recommends an EGPA amendment Bill should:

- reinstate limits on detention and remove the ability to require a child to undertake activities on a non-school day;
- prohibit suspension or exclusion of prep and primary school children altogether;
- remove the ability to suspend or exclude children based on charges or convictions unless serious and directly related to the school;
- ensure real and meaningful ongoing engagement with education during any suspension or on exclusion.

⁸ Sanders, Liebengerg & Munford, 2020

YAC appreciates the opportunity to respond to the Bill and highlights the opportunity the Bill presents to implement changes that ensure disciplinary measures such as suspensions and exclusions do not unnecessarily reduce children's ability to attend school.