

Education (General Provisions) and Other Legislation Amendment Bill 2024

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SUBMISSION TO THE EDUCATION (GENERAL PROVISIONS) AND OTHER LEGISLATION AMENDMENT BILL 2024

28 March 2024

The Justice Reform Initiative welcomes the opportunity to provide a submission to the Education, Employment, Training and Skills Committee inquiry into the Education (General Provisions) and Other Legislation Amendment Bill 2024. We view this inquiry as an important opportunity for people with lived experience of the Queensland education system, organisations, and other interested stakeholders to provide input into the bill, which proposes several changes to the function and operation of the education system including:

- facilitating proactive and proportionate sharing of information when a student transfers between Queensland schools; and allowing sharing of personal information to facilitate students accessing approved online services and support digital learning;
- improving procedural fairness for decision-making processes for school disciplinary absences; introducing a new appeal right for accumulated short suspensions; introducing student support plans; ensuring a student has access to education pending an enrolment decision; streamlining enrolment transfers between state special schools; implementing a school-based regulatory framework for a state school kindergarten program delivered at a prescribed state school and updating eligibility criteria for a distance education kindergarten learning program; and updating provisions related to the operation of Parents and Citizens' Associations (P&Cs);
- enhancing the regulation of home education and streamlining the home education registration process; removing the use of gendered language; and acknowledging wellbeing, inclusion and diversity; and
- making minor and technical amendments to improve the operation and effectiveness of legislation regulating education in Queensland.

ABOUT THE JUSTICE REFORM INITIATIVE

The Justice Reform Initiative is an alliance of people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system, further supported by a movement of Australians of goodwill from across the country who believe jailing is failing and that there is an urgent need to reduce the number of people in Australian prisons.

The Justice Reform Initiative is committed to reducing Australia's harmful and costly reliance on incarceration. Our patrons include more than 120 eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges including High Court judges, and many other community leaders who have added their voices to end the cycle of incarceration in Australia.

We seek to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven evidence-based approaches that break the cycle of incarceration. We are committed to elevating approaches that seek to address the causes and drivers of contact with the criminal justice system. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

The Queensland Patrons of the Justice Reform Initiative include:

- **Sallyanne Atkinson AO.** Co-Chair of the Queensland Interim Body for Treaty and a member of the Queensland University Senate.
- **Adjunct Professor Kerry Carrington.** School of Law and Society, University of the Sunshine Coast, and Director of her own Research Consultancy.
- **Mick Gooda.** Former Aboriginal and Torres Strait Islander Social Justice Commissioner and former Royal Commissioner into the Detention of Children in the Northern Territory.
- **Keith Hamburger AM.** Former Director-General, Queensland Corrective Services Commission.
- **Professor Emeritus Ross Homel, AO.** Foundation Professor of Criminology and Criminal Justice, Griffith University.
- **Gail Mabo.** Gail is of the Meriam language group and clan of Mer (Murray Island) in the Torres Strait. She is an Australian visual artist who has had her work exhibited across Australia and is represented in most major Australian art galleries and internationally. She was formerly a dancer and choreographer. Gail is also deeply engaged with young people in her community as a mentor and is the daughter of land rights campaigner Eddie Mabo and educator and activist Bonita Mabo AO.
- **Professor Elena Marchetti.** Griffith Law School, Griffith University.
- **The Honourable Margaret McMurdo AC.** Former President Court of Appeal, Supreme Court of Queensland and Commissioner of the Victorian Royal Commission into the Management of Police Informants.
- **Dr Mark Rallings.** Former Commissioner, Queensland Corrective Services.
- **Greg Vickery AO.** Former President, Queensland Law Society and former Chair of the Standing Commission of the International Red Cross and Red Crescent Movement.
- **The Honourable Dean Wells.** Former Attorney General of Queensland.
- **The Honourable Margaret White AO.** Former Judge of the Queensland Supreme Court and Queensland Court of Appeal, former Royal Commissioner into the Detention of Children in the Northern Territory, and Adjunct Professor TC Berne School of Law UQ.

SCHOOL DISCIPLINARY ABSENCE AND ENROLMENT DECISIONS

Evidence from Australia and overseas clearly shows the link between exclusionary disciplinary practices (including suspension) and the school-to-prison-pipeline.¹ A 2017 Australian Institute of Criminology longitudinal study (that used data from the International Youth Development Study) found school suspension increased the likelihood of adolescent problem behaviours even after factoring in other known risk factors.² There are a number of negative unintended consequences that result from school suspension/exclusionary practices including increased likelihood of incarceration. For example, such practices can:

- deny children the opportunity to maintain engagement in education, which is a protective factor;
- adversely impact a child's social connectedness and increase the likelihood of isolation, which can compound existing trauma;
- exacerbate conflict with adults, disrupt routine, and result in reduced supervision in the community;
- increase anti-social and criminal offending behaviours early and later on in life;
- increase the likelihood of children dropping out of school;
- adversely impact student academic achievement, which is a protective factor; and
- increase the likelihood of future disciplinary action and disengagement from school (rather than acting as a deterrent).³

The long-term costs of exclusionary disciplinary practices to children, their families and the community far outweigh any short term benefit that is provided to staff in terms of managing or 'removing' misbehaviour from the classroom. As referenced in this paper, the potential costs of exclusionary practices are far broader than the negative outcomes for students. The Education Foundation Australia estimates that high rates of school dropout and low educational attainment costs \$2.6 billion a year in health, social welfare, crime prevention and lower tax revenue.⁴

Pragmatic approaches and strategies to managing behaviours in the school environment draw on the neuroscience of what works when it comes to supporting children and adolescents to learn and thrive in school environments. Evidence shows children and adolescents are still developing their ability to control impulses, regulate their emotions, and weigh-up consequences of decisions before acting.⁵ Punitive and 'harsher' penalties like exclusionary disciplinary practices (and prison) do not deter behaviours, especially for children and adolescents whose brains are still developing. Given the evidence around neurodevelopment and the ineffectiveness of school exclusionary practices, there is an opportunity for the Queensland Government to truly redefine inclusion and equity in the school environment.

The Justice Reform Initiative is encouraged by the amendments that seek to:

- improve natural justice and timely finalisation of decisions related to suspension, exclusion and cancellation of enrolments for young people;
- ensure children and adolescents have access to education while awaiting an enrolment decision; and
- ensure students and families have the right to appeal short suspensions with a cumulative total of 11 or more school days.

However, as pointed out by others, more can be done to ensure Queensland schools are truly inclusive and supportive for all children. The Justice Reform Initiative supports the recommendations made by the 'A Right to Learn' campaign made up of a coalition of community organisations and support services in Queensland including Queensland Advocacy for Inclusion, Aboriginal and Torres Strait Islander Legal Service (Qld), PeakCare Queensland, Youth Advocacy Centre, and Youth Affairs Network Qld. We agree with the recommendation that **school exclusion should be used as a last resort and only when required to prevent serious harm**, in line with recommendation 7.2 of the Disability Royal Commission.⁶ As further highlighted in recommendation 7.2 of the Disability Royal Commission, it is also important that schools consider disability, needs, age, and the effects of exclusionary discipline for young children when making decisions around the use of exclusionary discipline. The Justice Reform Initiative also supports the 'A Right to Learn' campaign recommendations that:

- all children and families should have the right to appeal exclusionary disciplinary decisions (regardless of the number of days that a child has been suspended).
- there is a need for increased transparency and accountability in schools regarding efforts to reduce suspensions, such as submitting an annual report to Parliament (that is made publicly available), establishing a Board to oversee suspensions, and implementing score cards for schools. The Justice Reform Initiative supports regular publishing of disaggregate data on school suspensions and exclusions online by the Government.
- the bill includes a Student Rights section that enshrines the right to learn for all Queensland students.

School environments that address not only the academic needs of children and adolescents but also their social and emotional wellbeing needs and learning are protective.⁷ As such, it is our view that schools should make every effort to ensure children and adolescents are supported and connected (instead of punished and excluded). If the exclusionary disciplinary practices are continued to be used in Queensland, it is our view that amendments should also ensure that students have access to education or an alternative community-based support service when excluded (in the same way that the amendments propose to ensure students have access to education while awaiting enrolment decisions). In keeping with the principles of inclusion and support over punishment, and to ensure a trauma-informed approach, amendments should also repeal the ability for schools to suspend students based on criminal offending or non-criminal behaviours that occurred outside the school environment. In line with recommendation 7.2 of the Disability Royal Commission, it is also recommended that protections are put in place to ensure every effort is made before suspension or exclusion to ensure a student has access to developmentally and age appropriate supports, adjustments and collaborative decision making processes (that involve the student, their family, carers or supporters).

EVIDENCE-BASED CASE STUDY – THE Y NSW (ALTERNATIVE SUSPENSION PROGRAM)

Originally created in Canada, the Alternative Suspension Program is currently being piloted in NSW by The Y NSW. When an incident, accumulation of incidents, or reasons for concern occur (that would warrant a suspension), partner schools have the capacity to refer the student to the program with the permission of their parent/s. Once referred, a program youth worker supports the young person through a range of individual and group activities as well as their schoolwork. Return to school involves a range of meetings with the young person, their parents, youth worker and the school. The youth worker conducts follow-ups at 4-6 weeks post program (with the young person, their parents and the school) and 3 months post program (with the school). The purpose of the program is to reframe the period of suspension as a positive and highly supported experience.⁸ An evaluation of the program in Canada found that up to 9 months after the program more young people who had completed the program than young people from a control group had met school academic expectations and improved their behaviour at school. Furthermore, the decrease in the number of disciplinary actions for young people who had completed the program was significantly higher (61.5%) than for the control group (39.6%).⁹

SCHOOL SUPPORT PLANS AND MULTI-LEVEL SUPPORTS

The Justice Reform Initiative is encouraged by legislative amendments that seek to ensure students who are suspended/excluded and have disability, are Aboriginal and/or Torres Strait Islander, and are in year prep have access to increased supports through student

support plans. It is recommended that the voices of students and their families are central to the development of student support plans. For Aboriginal and/or Torres Strait Islander students and families especially, family-led decision making facilitates shared decision making and self-determination to help ensure solutions are culturally modelled and in the best interest of the child, family and community.¹⁰ This is also consistent with Priority Reform One of the National Closing the Gap Agreement, which focuses on 'building and strengthening structures that empower Aboriginal and Torres Strait Islander people to share decision-making authority with governments to accelerate policy and place-based progress against Closing the Gap.'¹¹ It is also recommended that student support plans are holistic and take a whole-of-community approach, linking in with other services, supports and systems that the student and their family are connected to. As highlighted by Ipswich Community Youth Service, there is an opportunity in Queensland to reinvigorate the previous community-led Youth Support Coordinator model to promote school-community holistic outcomes and support early intervention crime prevention.¹²

The Justice Reform Initiative further supports the recommendation made by the 'A Right to Learn' campaign around **implementation of a multi-tier support system** to ensure all children and adolescents are afforded developmentally and age-appropriate evidence-based supports and services. Multi-tiered support system prevention models often include three levels of support:

- universal primary prevention (interventions and programs that are delivered to all students);
- targeted secondary intervention (intervening early in a developmental pathway to address risk factors and strengthen protective factors); and
- individualised tertiary intervention (intensive interventions provided after behaviours have occurred).¹³

The above amendments relating to student support plans that are initiated in response to suspension and exclusion decisions focus on individualised tertiary intervention. The Justice Reform Initiative acknowledges that the Department of Education is implementing a range of other education measures¹⁴ that seek to ensure all children in Queensland remain engaged in the education system. Many of the responses that are planned under the education reform package are targeted secondary and individualised tertiary interventions. There is an opportunity for the Queensland Government to **increase the availability of universal primary prevention school-based enrichment initiatives much earlier in the life-course**, alongside targeted secondary and individualised tertiary supports. As demonstrated in the following case studies, evidence suggests educational and other outcomes are strengthened when students receive developmentally and age appropriate supports across the life-course and at key transition points in the schooling system. The learnings from Fast Track in the United States and the Pathways to Prevention Project in Queensland could be utilised to develop a multi-tiered support system for students in Queensland that ensures appropriate supports are provided to children and families over a long-term period.

EVIDENCE-BASED CASE STUDY - FAST TRACK (US)

Fast Track is an evidence-based early intervention program in the United States that focuses on disrupting the school-to-prison pipeline. The program delivers a series of multi-level, developmental and age-appropriate interventions to support children (from the age of five onwards), families and schools over a long-term developmental period. This includes both universal supports delivered in the classroom and targeted/individualised interventions delivered specifically for children at risk and their families. A 10-year longitudinal study found children who were randomly assigned to the intervention displayed a reduction in violent

offences (31% reduction) and drug offences (35% reduction) as well as significantly lower internalising problems, externalising problems and alcohol and other drug use.¹⁵ Fast Track costs \$58,000 per child over the 10-year investment period, which is cheaper than incarcerating one child for just one year.¹⁶

Fast Track commences at school entry in first grade and extends right through to grade 10. From school entry and across elementary school, the intervention focuses on supporting:

- children through social-emotional skills learning, academic tutoring and peer pairing;
- parents through parent management training, parent groups and home visiting; and
- teachers through prevention curriculum and classroom management consultation, and through strengthening parent and teacher communication bonds.

Intervention support is also provided at the key transition point from elementary school into middle school and early adolescence. The adolescent intervention phases target a number of domains parallel to the elementary intervention including academic achievement; peer relations; adult involvement, supervision and monitoring; and attitudes, identity, values and beliefs. There are also additional components such as youth and parent group sessions, middle school transition support, and mentoring by a community adult. Importantly, there is flexibility to determine the level and type of intervention support for each child and family based on their needs. As demonstrated within this case study, Fast Track has several key elements that make it an effective school-based intervention – it supports children early in the life-course, it is comprehensive and has multi-levels of support, and it is carried out over the long-term of development (over 10 years from early school years to adolescence).

EVIDENCE-BASED CASE STUDY – PATHWAYS TO PREVENTION PROJECT (QLD)

The Pathways to Prevention project was implemented in the early 2000's to provide targeted intervention to children aged 4 to 6 years old in seven schools across Inala who were transitioning to school. It focused on enhancing their communication and social skills, as well as integrating family support programs to empower families, schools and communities to create environments that are conducive to positive child development. As part of the pre-school intervention, specialist staff (visiting advisory teachers and psychologists) delivered activities universally during regular pre-school sessions to enhance communication and social skills.

Alongside the pre-school intervention, all families with children aged 4 to 6 years old could voluntarily access multi-layered levels of support and evidence-based programs based on their level of need and readiness to participate. The family support activities were delivered by diverse staff from a range of disciplines and cultural backgrounds. The types of family support provided included individual support and counselling for children and adults; behaviour management programs for parents; early childhood programs like playgroups; family support groups; programs for children and adolescents; programs that linked families and schools; and broader community development initiatives.¹⁷ Importantly, this project added additional external resources to ensure the responsibility of pre-school interventions and family support interventions was not left on classroom teachers who already have high workloads.

ACKNOWLEDGING WELLBEING, DIVERSITY AND INCLUSION

The Justice Reform Initiative is pleased to see an acknowledgement of wellbeing, inclusion and diversity in the amendments proposed within this bill. Acknowledging and taking active steps to support wellbeing, diversity and inclusion is particularly important in the context of education systems reform in Queensland given evidence shows Queensland schools disproportionately exclude and suspend First Nations students, students in out-of-home care, and students with disability.¹⁸ As highlighted within this submission, educational departments and schools have a responsibility to ensure both policy **and practice** enables all children and adolescents to thrive at school.

Based on progress from the baseline, the Closing the Gap targets that seek to ensure First Nations students achieve their full learning potential and that First Nations youth are engaged in employment, education and training are not on track to be met.¹⁹ This suggests that further systems reform is required to better support First Nations students in terms of education attendance, completion and achievement. As highlighted in a 2023 Australian Institute of Health and Welfare report, “Ethnocentric and ‘one-size-fits-all’ policies and programs do not reflect the importance of culture, language, Country and belonging to First Nations children and young people”.²⁰ At both the systems and local-school level, there is an opportunity to ensure programs, policies and supports understand children and adolescents as part of a wider network that includes their family, kin, and community.

Strengthening wellbeing and inclusion for First Nations students requires a genuine commitment at all levels of the education system to supporting families and building two-way reciprocal relationships with First Nations communities so that school-based solutions are community-led, culturally-modelled and strengths-based. At the local level, there is an opportunity to embed practice that all schools must acknowledge the protective factors relating to First Nations culture, community, Country and language and work collaboratively to ensure First Nations local-decision making is central to place-based school solutions.²¹ There are positive examples of schools around Queensland implementing local First Nations community groups and partnerships to ensure First Nations communities are involved in decision making and that schools are embedding local First Nations ways of being, knowing and doing; however, this is not widespread practice across the state. First Nations children with strong cultural identity and knowledge have stronger social and emotional wellbeing outcomes.²² Therefore, school policy, practice and initiatives that centre the strengths of First Nations peoples worldviews and knowledges; connections to Country; languages; family, kinship and community; cultural continuity; and self-determination and leadership are key to improving educational and other social and emotional wellbeing outcomes for First Nations students.


The Justice Reform Initiative thanks the Committee for the opportunity to make a submission on the Education (General Provisions) and Other Legislation Amendment Bill 2024. We look forward to continuing to work with all sides of politics to address the drivers of incarceration in Queensland, which includes strengthening educational protective factors and disrupting the school-to-prison pipeline.

For further information or clarification, please feel free to contact:

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