

**Department of Education, Training and Employment response to submissions received on the
Education Legislation Amendment Bill 2013**

	Submission	Support	Issues Raised	Departmental response
1	Non-State Schools Accreditation Board	Yes	Supportive of the Bill.	Noted.
2	Queensland Teachers' Union (QTU)	Yes	Section 9 of the <i>Education (General Provisions) Act 2006</i> has not been amended to incorporate the Prep year as compulsory. The QTU would support such an amendment.	<p>The Queensland Government does not propose to make Prep compulsory at this time.</p> <p>Enrolment rates in Queensland for Prep are already high (about 97%).</p> <p>It is considered unlikely that attendance would significantly increase if made Prep was made compulsory.</p> <p>Tasmania and Western Australia are the only states that have made Prep compulsory.</p> <p>A child is of compulsory school if they are at least 6½ and less than 16 years of age (s.9 of the <i>Education (General Provisions) Act 2006 – EGPA</i>). Under s.18 of the <i>Education (General Provisions) Regulation 2006</i>, a child can only be enrolled in the preparatory year at the school if the child will be at least 5½ years of age on 31 December, other than in certain prescribed circumstances.</p> <p>This means many children commence Prep at least 4½ years of age. While it is State school policy for children to begin their schooling in Prep, parents may decide to delay their child's commencement in Prep if they believe their child is not ready for school at the age of 4½. However, if a child's enrolment is delayed, the</p>

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				<p>state school policy is for the child to still commence their schooling in Prep.</p> <p>This administrative flexibility would not exist if the age of compulsory schooling was dropped by a year to cater for compulsory Prep as suggested by the QTU. To retain this preferred flexibility, it would be necessary to prescribe a statutory process in the EGPA for parents to apply to delay enrolment. This would increase red tape for families and increase administrative burden on principals and is therefore not supported.</p>
			<p>Lack of clarity in the Bill about home schooling and access to the remaining allocation of State education and needs to be redrafted to avoid confusion.</p> <p>QTU is not supportive of home schooling, preferring children be enrolled in the Department's distance education program rather than home schooled.</p>	<p>With home education, parents develop or adapt their own program for the child. The parent or a teacher engaged or employed by the parent, is the educator of the child.</p> <p>With distance education, a parent enrolls their child in a state or non-state school of distance education and a school program is provided by that school for the child. Teachers are available to help monitor the child's learning and a teacher from the school reports on the child.</p> <p>The Queensland Government supports a parent's right to choose an educational environment that suits their child. Some parents choose to educate their children at home for a variety of reasons.</p> <p>Chapter 9, part 5 of the <i>Education (General Provisions) Act 2006</i> (the EGPA) provides for a system of home education in Queensland. Under this chapter, a parent may apply for registration of a child for home education.</p> <p>A child can only be granted registration once the</p>

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				<p>Director-General, Education, Training and Employment (or delegate) is satisfied that the parent of the child will comply with the following conditions:</p> <ul style="list-style-type: none"> • the parent will ensure the child receives a high-quality education; • the parent will provide written reports on the educational progress of the child; and • the parent will notify the chief executive about a change of address <p>The Bill clearly deals with a child receiving home education and adequately provides for remaining allocation of state education should they choose to subsequently enrol in a state school.</p> <p>The registration of a child for home education can be surrendered at any time and the child can enrol at a state school. At this point the principal would determine the child's remaining allocation.</p> <p>Clause 12 of the Bill inserts a new section 61 in the EPGA which provides that if an application is made under section 155 of the EGPA to enrol a student in a state school, the school's principal must decide the student's remaining allocation.</p> <p>Clause 9 inserts a new section 11(3A)(d)(ii) in the EGPA which provides that the remaining allocation for a student who has received home education is the number of semesters allocated to the student under section 61 less the number the semesters of state education provided to the student.</p>
			The government is responsible	Education Queensland has a role in overseeing

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			<p>for appropriate accountability and monitoring processes home education so that students do not become lost from the system.</p>	<p>whether children of compulsory school age or of compulsory participation age are enrolled at a school.</p> <p>As an alternative to enrolling a child of compulsory school age in a state or non-state school, a child may be registered for home education under chapter 9, part 5 of the <i>Education (General Provisions) Act 2006</i>.</p> <p>It is the current procedure for the Department's Home Education Unit (HEU) to notify the principal of a child's last school (if known) that provisional registration is granted and that the child has left the school enrolment system.</p> <p>During the period of registration for home education, a parent is required to meet the standard conditions of registration under section 217 of the Act.</p> <p>This compliance is monitored by the HEU in a couple of ways. Firstly, there is an obligation on a parent of a child registered for home education to surrender registration if the child is no longer receiving home education (s.228 EGPA). The notice of surrender must advise if the child is enrolled in a state or non-state school.</p> <p>Also, as noted above, there is an ongoing obligation on a parent to provide written reports to the Director-General of the Department about the child's educational progress for home education. This condition of registration is monitored by the Department.</p> <p>As a child leaves the registration system, it is the</p>

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				current procedure for HEU to seek to confirm that the child is subsequently enrolled at a school (or engaged in an eligible option). If confirmation cannot be made, the child's information is provided to the relevant Education Queensland District Office for follow-up.
3	Commission for Children and Young People and Child Guardian	Yes	<p>In relation to the <i>Flying Start for Queensland Children: an Education Green Paper</i>, the Commission recommended that:</p> <ul style="list-style-type: none"> • consultation with upper primary and lower secondary students be undertaken; and • planned transitions are adequately resourced and address the risks of moving students into a less structured and protected social environment. 	<p>Queensland school students and parents were given the opportunity to provide their views on proposals outlined in <i>A Flying Start for Queensland Children: an Education Green Paper</i> through public forums and online feedback surveys.</p> <p>In the period from the release of Green Paper in February 2010, to the finalisation of the public consultation process on 30 June 2010, over 1,500 written submissions were provided from individuals and stakeholder groups. A total of 2,601 persons, including parents, teachers and students, attended a series of 93 public consultation forums across the State.</p> <p>To ensure a smooth transition of Year 7 to high school, the Queensland Government has planned a comprehensive package of measures, backed by significant financial resources for state, Catholic and independent schools. This includes the provision of infrastructure, human resources, information technology and professional development.</p> <p>The transition will be supported by the introduction of Junior Secondary as a new phase of education in state secondary schools for Years 7, 8 and 9, which helps to ensure the bridge</p>

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				<p>between primary and secondary school is safe, strong and consistent for all students. Junior Secondary will focus on age-appropriate education and support for students' wellbeing and transitions.</p> <p>The Department began piloting the provision of Year 7 in a secondary environment in 2012. This year saw almost 2,300 Year 7 students enrol at 19 of the 20 state schools selected to pilot Year 7 in high school ahead of the state-wide move in 2015.</p> <p>The experiences of staff, students and parents in pilot schools will inform the state-wide approach for the implementation of Year 7 in high school in 2015.</p> <p>Governing bodies of non-state schools have been planning for this transition for several years.</p> <p>The Government will provide substantial additional funding to upgrade facilities at state, Catholic and independent schools to ensure appropriate classrooms and other learning environments are in place to give students the learning opportunities they need.</p> <p>State schools with a high school component will receive support to meet the needs of accommodating Year 7 in a high school setting.</p> <p>Infrastructure support for schools will be determined on an as needs basis following engagement with each school and its regional office.</p>

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4	Queensland Catholic Education Commission (QCEC)	Supports the intent	<p>The QCEC has queried the format of the Year 7 Change Notice proposed for non-state schools provisionally accredited or accredited for Year 8 to add Year 7. The notice is referred to in the new section 240, to be inserted into the <i>Education (Accreditation of Non-State Schools) Act 2001</i> by clause 6 of the Bill.</p> <p>The QCEC asks whether the form of the Year 7 Change Notice will enable Catholic diocesan schooling authorities with large numbers of schools to submit one notice with details of each separate school rather than individual notices for every school under their governance.</p>	<p>The streamlined processes in the Bill are designed to reduce paperwork on the part of non-state schools and their governing bodies.</p> <p>Development and approval of the Year 7 Change Notice is a matter for the Non-State Schools Accreditation Board (NSSAB).</p> <p>It is anticipated that the notice will be a simple form that will not be onerous for governing bodies to complete and may adopt a tick-the-box approach for information needed by NSSAB regarding the proposed attributes for Year 7 (including for example, the site and educational program).</p> <p>NSSAB is considering the option of having two forms of the notice, one for a governing body with one school and another for a governing body with two or more schools.</p>
			<p>How will it be ensured that all schools are able to be processed and provided with appropriate notification in time for student intake day?</p>	<p>Upon passage of the Bill, it is understood that NSSAB will write to each governing body, place details on its website, and ensure the timely availability of required notices and forms for the streamlined processes.</p> <p>This will make it clear to non-state schools what needs to be done, and by when, to ensure that their schools' accreditation and funding eligibility transition to the new arrangements as efficiently as possible well before 2015.</p>

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			During the first year of operating year 7 in a secondary school, will schools be provisionally accredited or accredited for that year?	<p>If a school currently has full accreditation for secondary education and lodges a Year 7 Change Notice, the school will have full accreditation for Year 7 (see new sections 241(4)(a) and 242(2) of the Bill).</p> <p>Similarly, if a school currently has provisional accreditation for secondary education and lodges a Year 7 Change Notice, the school will have provisional accreditation for Year 7 (see new sections 241(4)(a) and 242(2) of the Bill).</p> <p>An application for accreditation will need to be submitted for NSSAB's consideration in respect of a current stand-alone primary school (with Year 7 as primary) wishing to offer Year 7 as secondary education from 2015. As is customary, if the application is granted the school in the first instance will be provisionally accredited for secondary education, and within the first year of offering secondary the school will need to satisfy the requirements for 'full' accreditation.</p>
5	P&Cs Qld	Yes	Recommend equal emphasis to be placed in the provisions of waivers being retained in the case of extenuating circumstances	The Department's existing power in the <i>Education (General Provisions) Act 2006</i> to exempt or waive fees will continue to be applied to support families of international students experiencing financial hardship.
6	Independent Schools Queensland (ISQ)	Supports the intent	A school's governing body may give a Year 7 Change Notice to the NSSAB in the prescribed format if it intends to start offering secondary education	The Department notes that ISQ would be pleased to work with the Non-State Schools Accreditation Board (NSSAB) on the Year 7 Change Notice.

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			<p>for year 7 on or after 1 January 2015 and before 1 March 2016.</p> <p>The ISQ is happy to work with the NSSAB to ensure the prescribed form of (including the prepopulating of school details) is appropriate and easily able to be completed by schools.</p>	
			<p>Given the Commonwealth Government already recognises Year 7 as being an attribute of secondary education in a number of Australian States and Territories, ISQ looks forward to a speedy and simple process between NSSAB and the Commonwealth Government to update records and adjust grant payments.</p>	<p>NSSAB's practice is to give a written notice to the Australian Government as soon as possible after any decision is made under the Accreditation Act in regard to accreditation and funding. This practice will continue for changes to accreditation and funding under the transitional arrangements.</p>
			<p>Some of the 35 independent schools offering primary only education have already commenced the process of seeking approval to extend their education offering to include Year 7 as secondary education. The need to undertake the full application</p>	<p>The Bill makes a number of technical amendments to Education portfolio legislation to define Year 7 as secondary education from 2015. It provides for transitional arrangements to reduce the administrative burden on non-state schools that will need to change their accreditation status to implement Year 7 as secondary education. Until the Bill is passed and commences a school</p>

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			<p>for these schools is questioned. Given these schools already have accreditation with NSSAB, ISQ recommends consideration be given to a simplified accreditation process.</p>	<p>cannot seek to extend their education to offer year 7 as secondary education.</p> <p>Once the Bill is commenced, a non-state primary school that is currently offering primary school only will be able to utilise the processes in the Bill (clause 6 – new part 4 division 3 of the <i>Education (Accreditation of Non-State Schools) Act 2001</i> – the Accreditation Act) to seek accreditation to offer Year 7 as secondary prior to 2015.</p> <p>ISQ has suggested that some primary schools have already sought accreditation to offer Year 7 as secondary education. This is not currently possible under the <i>Education (Accreditation of Non-State Schools) Act 2001</i> (Accreditation Act). Under the current Accreditation Act, a stand-alone primary school may seek accreditation for secondary education, but only in the Years 8 to 12.</p> <p>Any school will be able to utilise the streamlined Year 7 Change Notice process to offer Year 7 as secondary, if, at the time the notice is given to NSSAB, the school is provisionally accredited or accredited for Year 8.</p>
			<p>Schools currently offering year 7 are required by legislation to have positive exemption notices for their directors as part of their accreditation requirements. This requirement appears to duplicate existing provisions and requirements and ISQ</p>	<p>Clause 6 inserts a new section 247 in the Accreditation Act which requires a school that offers primary education only to apply to the NSSAB for accreditation of the school for secondary education in the approved form and accompanied by copies of current positive notices or current positive exemption notices for all the directors of the school's governing body.</p>

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			<p>recommends this duplication be excluded from the procedural requirements.</p>	<p>This is not a duplication of existing provisions. The requirement to have a current positive notice or current positive exemption notice already exists in section 39 of the Accreditation Act. Directors of governing bodies have an ongoing obligation to be suitable and have current notices. It is appropriate that the NSSAB consider the suitability of the governing body when they apply for secondary accreditation.</p> <p>Section 247 merely requires the governing body to provide copies of the current notices with its application. It does not require the directors to seek additional positive notices. In addition, the directors of the school's governing body may have changed since the governing body applied for primary schooling accreditation and it is appropriate for the governing body to provide the most recent positive notices to NSSAB.</p>