

**Department of Education, Training and Employment response to public submissions received by the Education and Innovation Committee on the Education (Strengthening Discipline in State Schools) Amendment Bill 2013 (the Bill).**

	<b>Submission</b>	<b>Support</b>	<b>Issues Raised</b>	<b>Departmental response</b>
<b>1</b>	Barry Salmon, Commission for Children and Young People and Child Guardian	Yes	Interested in monitoring data regarding the number of suspensions, exclusions and cancellations of enrolment which will indicate how effective the legislative changes are for children and young people.	The Department regularly publishes data related to the number of suspensions, exclusions and cancellations of enrolment and plans to continue to do so.
			Advised it would be beneficial if information is able to be extracted from the suspension and exclusion data regarding the identity of those students who are in the child protection system.	The Department has recently provided enhanced functionality in the OneSchool Information System to allow for the identification of students in out-of-home care (i.e. children in the child protection system).  The Department is working with the Department of Communities, Child Safety and Disability Services to improve the quality and timeliness of the information recorded.
<b>2</b>	Dr Judith Howard	In principle	Believes that natural justice should not be de-emphasised.	Natural justice remains a paramount consideration in the application of disciplinary consequence. Guidance will be provided to principals in the new departmental <i>Disciplinary consequences</i> procedure to ensure natural justice principles remain at the forefront of good decision making about disciplinary actions. OneSchool, the Department’s student and school management system, will have inbuilt approved forms, processes and rules to guide a principal through a suspension, exclusion or cancellation of enrolment. This will remind and support a principal to apply natural justice.
			Suggests remote geographic areas may require help with alternative options for student support.	The Department is working towards developing more alternative placements at Special Assistance Schools for students with ongoing complex and challenging behaviour.

				<p>While it won't be possible to have alternative education programs available in all remote areas, it is planned to look at how support could be provided to assist schools in remote areas to manage students with complex and challenging behaviour. Examples that could be explored include: professional development in functional behaviour assessment; programs delivered through distance education in alternative settings etc.</p>
			<p>Queries the legal obligations regarding compulsory schooling for excluded students.</p>	<p>Section 176(1) of the <i>Education (General Provisions) Act 2006</i> (EGPA) places obligations on each parent of a child who is of compulsory school age to ensure that their child is enrolled at and attending a school, unless the parent has a reasonable excuse.</p> <p>Section 200 of the EGPA provides that the obligations under section 176(1) do not apply in certain circumstances for children excluded from one, some or all state schools, or suspended from a state or non-state school.</p> <p>For excluded students, section 200(1) of the EGPA provides that: section 176(1) does not apply:</p> <ul style="list-style-type: none"> <li>• to a child who is excluded from all state schools; or</li> <li>• for a child excluded from a particular state school or schools, during the time reasonably required after the exclusion for a parent to <ul style="list-style-type: none"> <li>i. arrange the child's enrolment with another state or non-state school not affected by the exclusion; or</li> <li>ii. provisionally register or register the child for home education.</li> </ul> </li> </ul> <p>For suspended students, section 200(2) of the EGPA provides that: the attendance requirements of section 176(1) do not apply</p> <ul style="list-style-type: none"> <li>• for a child suspended from a state school, while the child is suspended and the child's access to an educational program has not</li> </ul>

				<p>been arranged; or</p> <ul style="list-style-type: none"> <li>for a child who is suspended from a non-state school, while the child is suspended.</li> </ul> <p>Under section 329 of the proposed Bill a student suspended from a state school under Chapter 12, Part 3 of the EGPA is not entitled to be enrolled at another state school during the period of the suspension, unless the enrolment is approved by the Chief Executive. Once a student's suspension ends, this restriction on the student's eligibility for enrolment also ends.</p> <p>There are other circumstances in which the legal obligations of parents under section 176(1) in regard to compulsory schooling do not apply (e.g. if the child is registered or provisionally registered for home education, or the child has been granted an exemption under Chapter 9 Part 3 of the EGPA).</p>
			<p>Believes it is unlikely students with intensive and complex behaviour concerns will respond constructively to Community Service Interventions and Discipline Improvement Plans and out of school hours detentions.</p>	<p>Community Service Interventions, Discipline Improvement Plans and out-of-hours detentions are three new optional strategies which principals may choose to use. These approaches are most likely to be successful as proactive early intervention strategies. Schools will match strategies to the needs of students and choose strategies that are most likely to be successful.</p> <p>It is agreed that these may not be the best approaches for students with intensive and complex behaviour concerns. There is no simple solution to addressing complex and challenging behaviour. Schools need to assess the function of behaviour to understand how best to address the specific behaviours of concern. Using evidence-based approaches will support the student in developing the skills needed to behave appropriately.</p>
			<p>Asks questions about Community Service Interventions and out-of-school hours detention. Who is responsible for staffing and managing these? What if a</p>	<p>The principal is responsible for staffing and ensuring the safety of students during school hours and out-of-school hours programs.</p> <p>The Department believes that improvement of a student's behaviour at school requires that parents and school staff work together to support the</p>

		<p>student/parent refuses for the student to participate? Will this create a greater workload for the principal?</p>	<p>student. The Department is encouraging principals to engage in a collaborative approach with parents to implement these new interventions.</p> <p>The refusal of some parents to engage with the school is a real challenge that state schools face. While principals can't require students and parents to be involved in these activities during the weekend, they can create a positive environment where the benefit of these approaches is evident to parents and students.</p> <p>The reforms reduce the workload for principals by cutting red tape and reducing burdensome administration.</p>
		<p>Concerned the legislative amendments will discriminate against those with disability.</p>	<p>Principals will continue to be required to consider the individual circumstances of students, including those with disability, when making disciplinary decisions.</p> <p>All Queensland State schools are required to adhere to the <i>Disability Discrimination Act 1992</i> and the <i>Disability Standards for Education 2005</i>. All schools therefore make reasonable adjustments to ensure students with disability are able to participate in education on the same basis as students without disability.</p> <p>The Commonwealth <i>Disability Discrimination Act 1992</i> (DDA) is aimed at protecting and promoting the rights of people with disability to be treated as equals.</p> <p>Australian education expectations are stated in the <i>Disability Standards for Education 2005</i> (the Standards), a national framework underpinned by the DDA. The Standards are subordinate legislation and a framework which clarifies the obligations of education and training service providers and the rights of people with disability under the DDA.</p> <p>The Standards give students and prospective students with disability the right to education and training opportunities on the same basis as students</p>

				<p>without a disability. This includes the right to comparable access, services and facilities, and the right to participate in education and training without discrimination. Education providers have an obligation to make changes to reasonably accommodate the needs of students with disability.</p> <p>In making disciplinary decisions, the principal must be satisfied that the school has made reasonable educational adjustments.</p> <p>Reasonable educational adjustments entail the student having access to the curriculum and ensuring that the student understands the expected social and emotional behaviours and the consequences for inappropriate behaviours.</p>
			Concerned the legislative amendments will result in a decommissioning of regional based Behaviour Support resources.	The legislative amendments do not refer to, and do not have any resourcing implications, for behaviour management resources.
			Believes strengthening disciplinary responses is only part of the answer.	The Department agrees. Ongoing support will be provided to support schools to use evidence-based approaches. For example, schools are encouraged to use a whole school approach such as Schoolwide Positive Behaviour Support as a framework for developing a safe supportive and disciplined school environment.
<b>3</b>	Mr Bob Cole, Principal, Gympie West State School	In principle	Advocates for a set of tools to prevent behavioural issues from occurring. Outlines the way in which he allocated resources to fund a full-time behaviour management teacher, and the positive effect that this had on classroom management.	The Department aims to increase school autonomy, empowering school leaders to make the best decisions for their students and their local community. As part of this autonomous approach, principals allocate their resources to meet the local needs of their students, teachers and school community. For schools, this can include employing a behaviour management teacher to work in similar models to those outlined by Mr Cole. The reforms proposed in the Bill aim to provide principals with proactive early intervention strategies to address early signs of student misbehaviour.

4	Name withheld		<p>Advocates for recognition of the complex nature of some young people with behavioural/discipline problems. Supports the availability of alternative centres for students whose behaviour is problematic, including in regional Queensland.</p>	<p>The Department recognises the complex needs and the need for individualised and evidence-based approaches to these needs. This is reflected in the <i>Statement of Expectations for a Disciplined School Environment</i>.</p> <p>Queensland's action plan <i>Great teachers =Great results</i> lays out the goal to provide alternative environments for students with chronic behaviour concerns.</p>
5	Jack Dacey		<p>No issues raised with respect to the Bill.</p> <p>Provides general behaviour management strategy suggestions including more behaviour management teachers and localised responses to behaviour issues.</p> <p>Encourages a collaborative approach with use of finance and programs from many agencies and services.</p> <p>Believes that the school governance committee plays an important role in setting out the school's behaviour management plan.</p>	<p>Under the proposed reforms, the Queensland Government will affirm the position of principals as leaders of school communities and provide them with greater autonomy and flexibility to manage their schools in a way that meets the needs and expectations of their local school community.</p> <p>The Department agrees that responses to student behaviour are most effective when they are preventative rather than punishing. Innovative and preventative measures to respond to student behaviour are reflected in a wide range of departmental policies, procedures and resources.</p> <p>The Department is committed to ensuring schools are appropriately resourced to respond to the needs of their school community and this includes the ability of principals to determine specific resourcing requirements which may include behaviour management teachers.</p> <p>The <i>Statement of expectations for a disciplined school environment</i> is the Department's policy statement about creating a safe, supportive and disciplined environment. This clearly sets out that every state school will have a behaviour plan. Principals will work with their school community to develop their school behaviour plan that describes the school's whole-school evidence-based approach to promoting positive behaviour and maintaining teaching and learning environments that support learning and wellbeing for all students.</p>

6	Sue Attrill	In principle - so long as the support for schools uses an evidence-based approach	<p>Suggests a productive focus on building positive relationships, building connectedness, engaging learning environments and restorative practices.</p> <p>Recommends a pilot of Restorative Practices similar to that being conducted in New Zealand and the use of Dr Ruby Payne’s framework for understanding poverty.</p>	<p>The <i>Statement of expectations for a disciplined school environment</i> recognises these important proactive approaches. With respect to piloting a particular approach, Principals have financial resources that they may allocate for professional development and purchasing programs. Principals allocate their resources to meet the local needs of their students, teachers and school community.</p> <p>Restorative practices is an approach that is already used in some schools. The Restorative Practices Framework is explicated in <i>Good practice in Queensland Schools: Case studies of effective school based action against bullying</i>, published on the Department’s website.</p>
7	P&Cs QLD	Yes	<p>P&amp;C Qld:</p> <ul style="list-style-type: none"> <li>• requests facility for parents to report any instances of discipline regardless of where it takes place, for “students, teachers or general community who have access to the school”</li> <li>• believes schools should be supported through additional resources such as relationship building programs, bullying awareness programs, bullying management plans and additional staffing</li> <li>• believes that the school governance body plays an important role in setting out the school’s behaviour management plan.</li> </ul>	<p>The Department supports principals working with parents and the community to identify and respond appropriately to all issues that are of concern.</p> <p>The Department aims to empower school leaders to make the best decisions for their students and their local community and Principals allocate their resources to meet local needs. Additional materials will be provided on the website to support school staff to use evidence-based approaches.</p> <p>Departmental policy is that schools will continue to develop their school behaviour plans in consultation with the school community including parents. This is part of the goal to support schools to be empowered to work with their community to deliver outcomes for their students.</p>

8	Norm Fuller, President, Queensland Secondary Principals' Association (QSPA)	Yes	<p>Supports:</p> <ul style="list-style-type: none"> <li>• the changes to the Education Act as recommended in the Amendment Bill</li> <li>• strengthening the authority of the Principal in dealing with student behaviour</li> <li>• departmental policies and procedures giving guidance to Principals and not as part of the Act</li> <li>• procedural fairness and natural justice</li> <li>• Principals being given flexibility to take account of individual circumstances</li> <li>• maximum length of short term suspensions being increased</li> <li>• alternative sites to provide intensive behaviour support for high risk students.</li> </ul>	The Department has valued the input of QSPA in the development of the Bill and accompanying departmental procedure and will continue to work with the QSPA in implementing the reforms.
9	Jack Dacey		See submission 5 for summary.	See response to submission 5
10	Queensland Parents for People with a Disability Inc	No	<p>Believes that the proposed legislative amendments represent a backward step in the inclusive education reform agenda.</p> <p>Suggested that broadening principals' powers will result in an</p>	<p>The Department is committed to ensuring all students, including those with disability, can access, participate and succeed in education.</p> <p>The Department continues to expect state schools to develop a school-wide behaviour plan collaboratively with the school community and review it regularly as outlined in the <i>Statement of expectations for a disciplined school environment</i>. It is not necessary to continue to include this in legislation as</p>



			<p>over-representation of students in minority groups.</p> <p>Recommends the use of positive, evidence-based responses to students in need.</p> <p>Suggested that consideration is given to:</p> <ul style="list-style-type: none"> <li>• retaining a legislative requirement for behaviour plans</li> <li>• publishing data on the characteristics of students suspended or excluded</li> <li>• introducing initiatives to decrease not increasing suspensions</li> </ul> <p>Concerned about the removal of consultation requirements with parents of vulnerable students.</p>	<p>this can be achieved through policy.</p> <p>Schools are required to use a whole school approach including explicitly teaching appropriate behaviour to all students ensuring differentiated approaches recognise disability.</p> <p>The proposed <i>Education (Strengthening Discipline in State Schools) Amendment Bill 2013</i> reforms continue to promote the inclusive education agenda through providing principals with not only a greater array of early disciplinary strategies, but also more flexibility to tailor these to the needs of students with a disability.</p> <p>New strategies are being introduced for principals to use as alternatives to suspension and exclusion, which are aimed at addressing inappropriate behaviour early. For example, a new initiative available to principals under these reforms is the introduction of Discipline Improvement Plans. These plans can be developed in consultation with the parents of a student with a disability to meet the student's needs such as learning about the school's expectations or participation in a social skills program. There is a Departmental expectation that suspension and exclusion are strategies of last resort.</p> <p>Community Service Interventions, another new initiative, might be used to allow students with disability to experience a different environment, providing them with the opportunity to acquire new skills and be part of a team.</p> <p>The Department's new procedure <i>Disciplinary consequences</i> will require that a principal only makes a decision after careful consideration of the student's individual circumstances.</p> <p>In making this assessment, the principal must be satisfied that the school has made reasonable education adjustments.</p> <p>Reasonable education adjustments entail the student having access to the</p>
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11	Queensland Law Society (QLS)		Suggest that detentions need to be conducted with parental knowledge and consent, considerate of individual circumstances of the student and family and their weekend activities and obligations. Wants the separated parent who may have	<p>The Department's <i>Disciplinary Consequences</i> procedure is currently being developed to support the implementation of the proposed <i>Education (Strengthening Discipline in State Schools) Amendment Bill 2013</i>. This procedure will outline the responsibilities of principals with regard to detentions.</p> <p>Under the general head of power, principals will be able to exercise discretion as to when to apply detention, taking into consideration the</p>

			<p>the child on the weekend to be informed and consulted.</p>	<p>behaviour, the individual circumstances of the student and the age of the student.</p> <p>Additionally, parents will be notified of outside-of-school hours detentions and given the opportunity to negotiate, within parameters, the times at which it is to be completed. Engagement with both parents where parents are separated is important.</p>
			<p>Suspension for charge-related grounds-inconsistent with the presumption of innocence.</p>	<p>These amendments do not seek to pre-empt the administration of justice. The Department acknowledges that whether or not a person is guilty of an offence is a matter for the courts to determine.</p> <p>The grounds for suspension and exclusion have been bolstered in response to principals concerns that the existing grounds are not broad enough to enable them to respond to student misbehaviour in the way expected by their school communities.</p> <p>Principals owe a duty of care to all students at the school. A student's right to education must be balanced against the competing rights of other students, teaching staff and the community to access and attend a safe, supportive and focused learning environment.</p> <p>The Bill strengthens a principal's ability to respond when a student is charged or convicted of a criminal offence. This is not entirely novel to the EGPA – as section 299 of the current EGPA provides for the exclusion of mature age students on the basis of being convicted or charged of offences in certain circumstances.</p> <p>Unlike these provisions and in recognition of the presumption of innocence, a student cannot be excluded on the basis of a charge alone; the charge can only give rise to suspension.</p> <p>Being charged with an offence may give rise to being suspended on a charge-related ground; however, this is not mandatory. The student cannot be suspended unless the principal reasonably believes that the behaviour</p>

			<p>amounts to a ground for suspension.</p> <p>A suspension can only be given if the decision maker is satisfied that it is a serious offence (as defined in the <i>Commission for Children and Young People and Child Guardian Act 2000</i>) or another offence where it would not be in the best interests of other students or of staff for the student to attend the school while the charge is pending. Principals will take into consideration risk assessments conducted by other agencies.</p> <p>The decision maker is not pre-empting the court decision, but taking action in relation to unacceptable behaviour that impacts on the good order and management of the school by bearing on the safety and well-being of staff and students. These disciplinary measures are necessary for the maintenance of the good order and management of the school.</p> <p>The Bill also contains a number of safeguards. For example, a principal must decide whether to exclude a student as soon as practicable after the charge is dealt with and may cease a suspension on a charge-related ground prior to the charge being dealt with. There is a right of review to the chief executive against the suspension.</p>
		Concern that principal may make a decision without the relevant facts when conduct may have occurred in private circumstance and without proper investigation.	<p>In order to exercise suspension or exclusion powers, the principal or Director-General need to be reasonably satisfied that a ground exists. Principals are required to investigate the alleged behaviour of concern and consider the facts available. Principals need to consider the evidence and be able to show how the alleged conduct adversely affects or is likely to adversely affect other students or the good order and management of the school. Students or their parents would be able to provide evidence that the school may not have access to, which principals will consider in making a decision.</p>
		The QLS suggests that section 289(1) is ambiguous.	<p>The Department does not consider the section to be ambiguous and in need of re-drafting.</p> <p>Section 289 is required to be read in conjunction with section 287. The</p>

				<p>subdivision applies for suspension on a charge-related ground.</p> <p>Subsection (1) provides for the circumstances when section 289 applies and enables the principal to end a suspension.</p>
			<p>Access to continuing education during suspension or exclusion – concern that change in drafting parlance diminishes the requirement to ensure student’s continuing access to education.</p> <p>Concerned that the number of alternative education places are limited meaning many students are left without educational opportunities.</p>	<p>The Department does not concur with the view of the QLS and does not consider an amendment is necessary.</p> <p>Section 304 of the current EGPA provides that a ‘chief executive <i>must take reasonable steps to arrange</i> for the student’s access to an educational program that allows the student to continue their education during the exclusion’.</p> <p>The sections in the Bill dealing with continuing education during suspension (sections 284, 294, 301) have been amended to use this terminology for consistency. This is not a diminution of the obligation to provide continuing access to education, but reflects the reality of the situation that the principal must enable this by taking all reasonable steps.</p> <p>Further, the Bill inserts the obligation in section 301 (where the Director-General suspends a student pending a final decision to exclude) to ensure continuing access to education. This was not previously provided for in the EGPA.</p> <p>For short suspensions the provision of an education program may be a continuation of work already set or relevant schoolwork as happens now. For long suspensions (11-20 days) schools are required to appoint a school-based case manager, who can liaise with the student and their family and ensure access to an educational program.</p> <p>Students who are subject to a charge-related suspension will, with the Director-General’s approval, be able to access a school of distance education or another education option.</p> <p>Students who are excluded will continue to be managed by Regional Case Managers who support the student to engage in another education or</p>

			<p>training program or employment. The regional case managers follow up with students after one month and six months to review to ensure their continued engagement.</p> <p>The Department is working towards increasing the number of alternative education placements at Special Assistance Schools for students with ongoing complex and challenging behaviour, including those who have been excluded.</p>
		<p>Suggests increase in period of short suspensions for a period up to 10 school days – should be subject to review.</p>	<p>The Bill increases the short suspension period from up to five school days to up to 10 school days (section 283). As is the case currently in the <i>Education (General Provisions) Act 2006</i> a student will not have the right to seek review (apart from judicial review) of short term suspensions.</p> <p>This increased time frame acts a stronger deterrent for student misbehaviour and signals to students and parents alike the authority of principals in state schools.</p> <p>Given the current legislation contemplates a non-review period as acceptable for a short period of time an extension of this period to 10 school days is not sufficiently long to offend principles of natural justice.</p> <p>Departmental policy will provide guidance to principals regarding due process and natural justice.</p> <p>The Bill contains requirements to ensure continuing access to educational programs during a suspension.</p>
		<p>Timeframes – the QLS has raised a concern over the use of “as soon as practicable”. The QLS suggests the insertion of ‘as soon as practicable’ in place of specific timeframes removes compliance requirements when such decisions</p>	<p>The Bill provides that suspensions start when the principal tells the student about the suspension. A written notice is required to be given subsequently.</p> <p>The requirement to provide notices ‘as soon as practicable’ has a meaning at law. It requires the principal to act as soon as reasonably possible in the circumstances. In addition, the built in rule in the Department’s school and student management system OneSchool, is that the notice would be provided as soon as practicable, but within 7 days.</p>

		<p>and processes should be conducted in a timely manner.</p> <p>The QLS has raised particular concern that Bill reduces timeliness of the consideration of submissions against suspensions by requiring the submissions to be considered 'as soon as practicable'. Rather than 'immediately'.</p>	<p>The change in terminology from 'immediately' to 'as soon as practicable' is not taken to delay the consideration of the submission. It reflects that unexpected circumstances can arise. Submissions will be considered by the chief executive as soon as reasonably practical.</p> <p>The Department draws the Committee's attention that the Bill provides for exclusion decisions to be made within a stipulated timeframe - a decision of a principal within 20 school days, and a decision of the chief executive within 30 school days from the issue of the notice proposing exclusion. This is a change from the current EGPA and recognises that exclusion is a serious decision affecting a student's rights and that there should be certainty about the date when the decision is required. This amendment promotes effective and timely decision-making.</p>
		<p>Notification of suspension, exclusion or cancellation of enrolment.</p> <p>Preference for written notice; setting out rights of review.</p>	<p>The Bill continues to require written notice be provided about these discipline decisions. The notices are required under the Bill to be in the approved form. The forms will be provided to principals through the Department's student and school management system, OneSchool, ensuring that the notices provide required information to inform students about the decision, the reasons it was made and the evidence upon which the decision was based.</p> <p><i>For suspensions</i> –see section 283. This section stipulates that any such notice includes that written submissions can be made to the Director-General about the suspension in certain circumstances.</p> <p><i>For exclusions</i> see sections 293 and 300 – the Bill retains the requirement for a principal and Director-General to provide a notice about a proposed exclusion and suspension.</p> <p>Written notice is also required in relation to the final decision of a principal or Director-General to exclude. The relevant sections stipulate the notice must include details about the ability to make submissions. See sections 295 and 296.</p>

				<p><i>For cancellation of enrolments</i> - the Bill retains the need for written notice. Such notice is required to include information about the ability to make a submission against the cancellation.</p>
			<p>Use of 'approved forms' – need to ensure that grounds, facts and reasons for decisions and rights of review continue to be provided.</p>	<p>The Department is cognisant of the importance of natural justice.</p> <p>Adherence to natural justice principles will continue to guide decision-making on discipline issues.</p> <p>While the Bill no longer prescribes the requirements of the notice, the use of approved forms is not to be taken as a diminution of natural justice. The notice provided in the relevant approved forms will contain the pertinent information required.</p> <p>Departmental procedure will require the most significant disciplinary decisions (suspensions, exclusions and cancellations of enrolment) be enacted through the Departmental school and student management system, OneSchool. OneSchool will require that principals comprehensively document the evidence, the material facts and the reasons relied on in making their decision. OneSchool will then generate letters ('approved form' required by the Bill) that provide the student and their parents with notice of a disciplinary decision. The letters will also contain information about how to make a submission against a decision. This will ensure that students are informed of the critical issues and have access to review mechanisms.</p>
			<p>Concerned that parents/carers are not informed about these decisions. Further that section 300 of the Bill is silent on this issue.</p>	<p>No amendment is required to section 300 of the Bill to compel notices to be provided to parents. The <i>Education (General Provisions) Act 2006</i> (EGPA) already recognises the importance and necessity to provide parents with this information. The Department draws the Committee's attention to section 330 of the EGPA which requires that copies of notices under this Part are to be given to a parent.</p>



			QLS support streamlining of processes – particularly removal of review by principal’s supervisor.	Support noted - the Bill aims to address recognised limitations currently contained in Chapter 12 of the <i>Education (General Provisions) Act 2006</i> , especially as they pertain to administrative burdens.
			Request for greater external review of certain discipline decisions.	The Bill does not alter the current arrangements under the <i>Education (General Provisions) Act 2006</i> for long suspensions and final exclusion decisions to be subject by review by the Director-General. This recognises that the Director-General is best placed to make decisions about school management. As is the case under the current Act, external review to the Queensland Civil and Administrative Tribunal is available in circumstances where the Director-General has made a decision to exclude a student from all state schools.
			Support Persons – the QLS considers it important for the legal rights of children to be protected through the provision of adequate legal support in disciplinary proceedings.	Information on the submission process provided to students and their families makes it clear support can be sought from others, including legal support.
			The QLS would welcome consultation with the Department about the implementation of the changes.	The Department appreciated the initial discussions with the QLS and would appreciate further opportunities to discuss implementing these changes.
<b>12</b>	Graham Pringle, QLD State Manager, Evolve – Keeping Kids on Track	Tentatively support	Recommends that every school become a trauma-informed service and seeks the opportunity to work with Education Queensland at the policy and service delivery level to assist schools to create preventative measures to support	The Department’s <i>Statement of expectations for a disciplined school environment</i> expects state schools to develop a school-wide behaviour plan collaboratively with the school community and review it regularly.  The behaviour plan describes the school’s whole-school evidence-based approach to promoting positive behaviour and maintaining teaching and learning environments that support learning and wellbeing for all students. This approach is prevention-based in that the goals are to teach important

			the legislative amendments.	<p>social skills, prevent the development of new problem behaviour and reduce the intensity and frequency of existing problem behaviour.</p> <p>The Department encourages and welcomes community interest in the education of young people and values the development of useful programs and resources.</p> <p>The trauma-informed service is one approach a school could take. The Department does not mandate, endorse, or approve individual programs or resources. In line with the goal of <i>Great teachers = Great results</i>, schools will continue to have the flexibility to select evidence-based programs that best meet the needs of their students and that can be accommodated within their budget considerations. This ensures that resources/programs meet the specific needs of their students.</p>
13	Name withheld		<p>Believes students need to be taught right from wrong.</p> <p>Would like to see more behaviour management staff employed.</p> <p>Supports early intervention.</p>	<p>The Department's <i>Statement of expectations for a disciplined school environment</i> clearly sets out that principals must set the expectations for behaviour in their schools and the consequences for inappropriate behaviour.</p> <p>The Department also supports early intervention in Prep to Year 3. The Department has a training program for teachers called <i>Preventing Challenging Behaviour in Prep and Early Years</i> which helps teachers to promote children's social emotional competence in classroom settings.</p> <p>The Department is committed to ensuring schools are appropriately resourced to respond to the needs of their school community and this includes the ability of principals to determine specific resourcing requirements which may include behaviour management teachers.</p>
			Suggests the classroom physical environment needs to be looked at e.g. noise, light, temperature, ventilation.	<p>The Department agrees that the physical environment is important. Principals are responsible for creating safe, supportive and disciplined school environments and for the health and safety of the school workplace.</p>

			Does not support Saturday detentions as too expensive and long-winded.	Detentions that occur on the weekend are one strategy that principals will be able to choose to use. They are not mandatory. Principals will decide with their school community what disciplinary strategies will be used to suit the local context.
14	Professor Peter Renshaw, Head, School of Education, The University of Queensland	No	Believes the most appropriate response to student behaviour is to address the cause of the problem through collaborative approaches with the student, student's family and school.	<p>The Department agrees that the most appropriate response to student behaviour is to address the cause of the problem through collaborative approaches with the student, student's family and school. The reforms create increased opportunity for parental involvement in school discipline.</p> <p>This reflects the Department's belief that education is a shared responsibility and parents have an important role to play in developing good behaviour and discipline. The Department also understands that each school must respond to the circumstances and needs of its students and their families.</p> <p>Principals will continue to work with their local communities in developing their school's behaviour plan, the behaviour expectations and determining the disciplinary strategies that will be used. The expectation for this is outlined in the Department's <i>Statement of Expectations</i> for a disciplined school environment.</p> <p>Suspensions and exclusions will remain a strategy of last resort.</p>
			<p>Believes these changes offer only punitive measures. The unilateral form of these disciplinary policies and procedures would send a message to students that their views are not valued.</p> <p>Suggests resourcing professional development and improving teacher capacities for classroom management and the design of curriculum that engages and meets</p>	<p>Community Service Interventions and Discipline Improvement Plans are early intervention strategies aimed at being a circuit-breaker to assist the student in learning other ways of behaving.</p> <p>The Department agrees that teachers need high quality professional development to improve their capacity to manage student behaviour.</p> <p>Training is available to schools in using whole school approaches to managing behaviour, for example Schoolwide Positive Behaviour Support.</p> <p>A range of training materials is also available to train school staff around positively managing behaviour, including:</p> <ul style="list-style-type: none"> <li>• <i>Better Behaviour, Better Learning</i> which is a course that covers</li> </ul>

			<p>the needs of diverse learners.</p>	<p>introductory concepts associated with behaviour support and management in a school context;</p> <ul style="list-style-type: none"> <li>• <i>Essential Skills in Classroom Management</i> which is a training package in 10 skills essential for good classroom management; and</li> <li>• <i>Preventing Challenging Behaviour in Prep and Early Years</i> which helps teachers to promote children’s social emotional competence in classroom settings.</li> </ul> <p>All schools will receive a Discipline Audit over the next fifteen months from an experienced school principal. The Discipline audit tool is based on the <i>Statement of expectations for a disciplined school environment</i> and is similar in format to the Teaching and Learning audits. This will assist schools to benchmark their progress in strengthening discipline and provide an independent view of what areas they could strengthen further.</p>
			<p>The requirement to provide education to a suspended student should be compulsory – the Bill only requires reasonable steps to be taken to arrange for the student to access to an educational program.</p>	<p>This matter is also raised and addressed in relation to the QLS (submission 11). The response provided to the QLS is taken to be included here.</p> <p>Principals will be required to take reasonable actions to provide an education program for students who are suspended. For short suspensions this may be a continuation of work already set or relevant schoolwork as happens now. For long suspensions (11-20 days) schools are required to appoint a school-based case manager, who can liaise with the student and their family and ensure access to an educational program. Students who are subject to a charge-related suspension will, with the Director-General’s approval, be able to access a school of distance education or another education option. Students who are excluded will continue to be managed by Regional Case Managers who support the student to engage in another education or training program or employment. The regional case managers follow up with students after a month and six months to review to ensure their continued engagement.</p>

			<p>Recommends that section 285 (Submission against suspension) of the Bill be amended to inform students and parents they can “appeal”.</p>	<p>The Department advises that no amendment is necessary as this is dealt with in another earlier section of the Bill.</p> <p>The Department draws the Committee’s attention to section 283 (Duration and notice of suspension) of the Bill, particularly subsection (4). A student suspended for more than 20 days or on a charge-related ground must be informed of the right to make a submission against the suspension. This information is required to be included in the notice of suspension given to the student.</p> <p>The operation of this section needs to be considered in light of other provisions, namely:</p> <p>Section 330 of the <i>Education (General Provisions Act) 2006</i> (EGPA) provides that when a notice is required to be given to a student who is a child – a copy of that notices must also be given to a parent.</p> <p>Section 331 (Parents may also make submission, representation or application) of the EGPA permits a parent of the student to make a submission. ‘Parent’ is broadly defined for these purposes in section 328 of the <i>Education (General Provisions Act) 1996</i> as including ‘ a person standing in the place of a parent of the child on a temporary basis’.</p>
15	Brisbane Youth Education and Training Centre Parents & Citizens Association	Yes	<p>Concerned about the impact of suspension/exclusion on a young person’s transition from detention back to their community.</p>	<p>The Department agrees that care needs to be taken not to marginalise students who have been at detention centres in their transition back to education, as participation in education is a protective factor for students.</p> <p>Principals can only exclude students who have been convicted of an offence if they also pose a risk to the safety and wellbeing of other students and staff. Principals have the discretion to exercise the power to exclude – it is not a mandatory decision based upon the conviction. They need to apply the additional test about the best interests of students and staff at the school. Principals will take into consideration risk assessments conducted by</p>

				<p>other agencies when exercising their discretion.</p> <p>The Department acknowledges that suspension and exclusion are a last resort.</p>
16	Jack Dacey		See submission 5 for summary.	See response to submission 5.
17	Queensland Teachers' Union (QTU)	Yes	<p>Have requested an extension to make a more comprehensive submission once they receive a copy of the procedure</p> <p>Supports the better specification of grounds, the improved timeframes for principals in responding to issues around suspensions and exclusions, the apparent reduction of legislative red tape within the Bill and the changes within the Bill that make it explicit that actions outside of school can be taken into account to determine their impact on the good order of school.</p>	The Department has provided the last draft of the procedure, which will be finalised pending the processes of the Education and Innovation Committee and final legal advice.
			<p>Suggest limitations are:</p> <ul style="list-style-type: none"> <li>• Concept of double jeopardy</li> <li>• Principles of natural justice</li> <li>• Continuing education during suspension and exclusion.</li> </ul>	<p>With respect to the issue of "double jeopardy" (sometimes referred to as double punishment), there is authority that action taken in relation to unacceptable student behaviour is not punishment per se but is "<i>a regulatory direction by the educational authority directed at least primarily to the good order and management within a particular school</i>": see the decision of de Jersey CJ in <i>R v Ng</i> [2006] QCA 218 at [36]. The question before the Court of Appeal in that case was whether the exclusion (or expulsion as it was under the then <i>Education (General Provisions) Act 1989</i>) of the student was "punishment" for the purposes of section 16 of the Criminal Code.</p> <p>Natural justice remains a paramount consideration in the application of any disciplinary consequence. Guidance will be provided to principals in</p>

				<p>Departmental policy and procedures to ensure natural justice principles remain at the forefront of good decision making about disciplinary actions.</p> <p>Schools will be expected to provide an educational program for students during suspension and the exclusion process. This will include students who are suspended, proposed for exclusion and excluded by the Director-General. Students who are excluded will continue to be managed by Regional Case Managers who support the student to engage in another education or training program or employment. The regional case managers follow up with students after a month and six months to review to ensure their continued engagement.</p>
			<p>Has questions about the support to be provided to principals, particularly newly appointed principals with respect to the operation of behaviour management and the implementation of the Bill.</p>	<p>All principals will be supported by clear procedures, guidelines and resources. OneSchool will guide principals through the processes for exclusions, suspensions and cancellations of enrolment.</p> <p>The Discipline Audits are designed to support principals through benchmarking their progress in strengthening discipline and provide an independent view of what areas they could strengthen further.</p>
18.	Brian Creswell	Yes	<p>Suggests a set of tools and resources is available to schools to prevent breaches of discipline happening and to address bullying.</p> <p>Suggests more attention is given to victims of ill-discipline and provides suggestions for creating a safe, supportive and disciplined learning environment.</p>	<p>The Department will be providing new resources on the website including exemplars of successful practice in other schools. The Department currently manages the <i>Safe and Supportive School Communities</i> project on behalf of all education jurisdictions in Australia. This project manages the Bullying. No way! website which has high quality resources for schools to use in addressing bullying and violence.</p> <p>Principals are responsible for developing and maintaining a safe, supportive and disciplined school environment. The Department's <i>Statement of expectations for a disciplined school environment</i> sets out what is expected of schools.</p>