



Department of  
**Education, Training and Employment**

30 SEP 2013

Mrs Rosemary Menkens MP  
Chair  
Education and Innovation Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Ms Menkens

Thank you for your letter dated 23 September 2013 regarding the Queensland Parliament Education and Innovation Committee's examination of the Education (Strengthening Discipline in State Schools) Amendment Bill 2013 (the Bill).

I note the questions raised by the Committee about the Bill and provide the following information in response to these questions:

*Question 1 — What, if any, protections are in place for the behaviour management and discipline of children with disability under the Bill and policy and procedures? Will a prevention and early intervention approach, such as individualised behaviour management plans, continue to be used as a matter of course? Community service interventions and discipline improvement plans appear to lack the prevention and early intervention focus.*

The new strengthening discipline strategies, including Community Service Interventions and Discipline Improvement Plans, do not replace the individualised strategies already utilised by principals and schools to support a range of students with complex needs. Schools will continue to be able to develop and implement a variety of proactive plans outlining adjustments and strategies to support the needs of students with a disability. These plans may include individualised behaviour management plans, individual education plans and functional behaviour assessments.

The reforms will provide 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.

The Department of Education, Training and Employment is currently finalising a complementary new procedure that will require principals to only make a decision on implementing a disciplinary consequence after careful consideration of the student's individual circumstances. In making this assessment, the principal must be satisfied that the school has made reasonable educational adjustments.

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.

Office of the Director-General  
Floor 22 Education House  
30 Mary Street Brisbane 4000  
PO Box 15033 City East  
Queensland 4002 Australia  
**Telephone +61 7 3237 0900**  
**Facsimile +61 7 3237 1369**  
**Website [www.dete.qld.gov.au](http://www.dete.qld.gov.au)**  
ABN 76 337 613 647

*Question 2 — Is there potential for a principal to contradict the bail conditions applied by the court or Police through suspending a student on the basis of being charged, when the student has been assessed as being required to attend school, and deemed safe to do so, as a condition of their bail?*

It should be noted that in considering bail questions, neither Courts nor police invite submissions from schools as to whether attendance at school of such a student remains appropriate. It seems unlikely that in such circumstances a grant of bail with a school attendance condition is informed by a detailed consideration of the duty of care obligations of school principals, the supervisory burden that may be placed on the school administration, school community concerns about the attendance at school by a student charged with a serious offence, or the nature and extent of alternative educational options that may be more appropriate than a return to school.

Being charged with an offence may give rise to a student 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 amounts to a ground for suspension. Even then, it is a matter of discretion for the principal taking relevant circumstances into account whether to exercise their power to suspend.

A suspension can only be given if the decision maker is satisfied that it is a serious offence, as defined in the *Commission for Children and Young People and Child Guardian Act 2000*, or another offence that 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.

The principal's decision on these matters is independent and distinct from any criminal proceedings or any assessments made by a court of relevant bail conditions. The principal will not contradict bail conditions and is not pre-empting the court decision by taking action in the interests of the safety and well-being of staff and students at the school. The Bill also contains a number of safeguards. For example, a principal may cease a suspension on a charge-related ground prior to the charge being dealt with. There is also a right of review to the chief executive against the suspension.

A principal must also take reasonable steps to arrange for the student's access to an educational program that allows the student to continue their education during the suspension. In relation to charge-related suspensions, it is reasonable to expect that principals and school support staff would liaise with the student's youth justice workers to ensure an appropriate individualised educational program is developed and implemented for the student during this period.

*Question 3 — What, if any, protections are in place to prevent principals from misusing the power granted to them by the Bill, and how can school communities report any perceived misuse of power, such as the use of suspension for minor misdemeanours?*

The Department regularly publishes data related to the number of suspensions, exclusions and cancellations of enrolment and plans to continue to do so.

All schools will be involved in Discipline Audits undertaken by an experienced school principal. The Discipline Audit tool is based on the *Statement of Expectations for a Disciplined School Environment* 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 the areas they could strengthen further.

The Chief Executive or delegate, including Regional Directors, will continue to monitor school performance data, including suspension and exclusion numbers of individual schools.

Principals will continue to work with their local communities in developing a school-wide behaviour plan outlining the school's behaviour expectations and determining the disciplinary strategies that will be used.

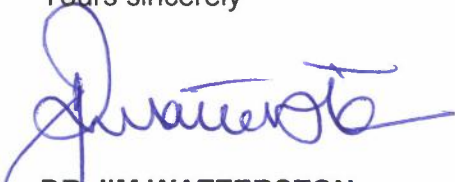
The Bill retains the existing rights of internal and external review of discipline decisions, except to the extent that it has increased the maximum timeframe for short term suspensions, for which review is not available, from 5 to 10 school days.

The Department's complaints process, whereby school based concerns are progressed to the local regional office, will remain available to the school community.

Thank you for the opportunity to provide this further clarification, and I trust this information will assist the Committee in its consideration of the Bill.

Should you have any further queries in relation to the Bill or the attached response, I invite you to contact Mr Stuart Busby, Director, Legislation Services on telephone 3247 5501 or by email to [stuart.busby@dete.qld.gov.au](mailto:stuart.busby@dete.qld.gov.au).

Yours sincerely



**DR JIM WATTERSTON**  
**Director-General**

Ref: 13/346970