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The University of Queensland

School of Education

Submission in response to proposed

Education (Strengthening Discipline in State Schools) Amendment Bill 2013

Introduction

Disruptive student behaviour in schools is often caused by disengagement from schooling and/or difficult circumstances in students' out-of-school lives. The most appropriate response to disruptive student behaviour is to address the cause of the problem and to enable students to engage with schooling and attain positive educational outcomes. This submission draws attention to the limitations of strengthening school discipline policy as an isolated response to disengagement and disruptive behaviour and advocates for a more balanced approach to enabling the inclusion and engagement of all students in Queensland State Schools. It focuses on the lack of evidence supporting the efficacy of the proposed policies and the potential infringement of young people's human rights.

International evidence from the Organisation for Economic Co-operation and Development's (OECD) Programme for International Student Achievement shows the common belief that school discipline is in decline to be incorrect. Australian schools perform at about the average in terms of time lost to disruptive behaviour. Clearly this can be improved, but strengthening system and school level disciplinary policy is not an evidence-based solution.

The OECD's Teaching and Learning International Survey shows that the greatest variation in teaching time lost to disruption occurs between teachers within the same school. Building teachers' capacities to engage students and manage classrooms, rather than reforming system and school level discipline policies, is an evidence-based approach to reducing disruption and increasing classroom time dedicated to learning, while also improving the capacity of the teacher workforce. This is an approach to reducing disruptive behaviour through investment in people rather than the exclusion of young people from educational opportunities.

Proposed change – Chapter 12 Part 1 Student discipline

From Part 1 Behaviour plans for state schools

275 being a definition for an approved behaviour plan to

275 Control of student discipline

(1) *The principal of a State school must control and regulate student discipline in the school.*

(2) *The way in which the principal controls and regulates student discipline in the school may include providing for students to carry on activities—*

(a) after school hours; and

(b) on a day other than a school day

Expected impact of the proposed legislation

Queensland State Schools are established for the provision of education for children from the ages of 6 to 16 years. Contemporary schools must be flexible learning institutions that foster engaged and productive citizens capable of making a positive contribution to Australia's social and economic fabric. This objective would be undermined by an anachronistic focus on the control and regulation of students. The removal of the requirement for schools to address problematic behaviour by developing an approved behaviour plan is a retrograde step as it proposes a shift from (a) collaboratively working with students and their families to develop strategies to assist with cultivating socially acceptable behaviours to (b) a view that students ought to be disciplined without consideration of and intervention in the causes of behaviours that are deemed difficult. Without developing an approved behaviour plan the school may remove itself from any responsibility for working with the student. In addition, it removes a protection that has been available to the student, namely the overview of a disinterested party. Natural justice requires that students and their families have the right to have their situation considered by an impartial body.

Children who engage in inappropriate behaviours in schools are not criminals and have the right to school disciplinary measures that respect their human dignity. There is evidence that suspension is often used for minor offences and this is likely to become more of an issue when there is no outside influence moderating its use. The United Nations Convention on the Rights of the Child (to which Australia is a signatory and is legally obliged to comply with) Article 28 states: *States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity.*

The suggestion that principals may require students to engage in certain activities when the students are not at the school is unworkable. Principals have no inherent authority over students out of school hours. The proposed change does not specify what activities can be demanded of young people after school hours and weekends and holidays. This is a punitive measure that is likely to further exacerbate young people's disengagement from schooling, thereby exacerbating the primary issue, which is to ensure engagement with education and the social and economic benefits that follow from this for the whole community.

Recommended changes to the bill

Delete proposed amendment and further develop provisions for guidance and support to enable students, families and schools to address the causes of inappropriate behaviour through collaborative approaches.

Proposed change – Chapter 12 Part 1 Student discipline

276 Policies or procedures for student discipline

- (1) *The chief executive may make a policy or procedure about the way in which principals of State schools are to control and regulate student discipline.*
- (2) *The policy or procedure may provide for the following matters—*
- (a) the detention of students by principals or teachers*
 - (b) the performance of community service by students*
 - (c) the making, by principals, of discipline improvement plans for students;*
 - (d) any other matter the chief executive considers appropriate.*
- (3) *The chief executive must ensure the policy or procedure is available for public inspection, without charge—*
- (a) during normal business hours at the department’s head office; and*
 - (b) on the department’s website.*
- (4) *The principal of a State school must ensure that the way in which the principal controls and regulates student discipline in the school complies with the policy or procedures*

Expected impact of the legislation

The proposed changes to student discipline policies and procedures only offer punitive measures. These are likely to increase student anger and disengagement from school education. Australia is obliged to comply with article 13 of the UNCRC:

The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

The unilateral form of these disciplinary policies and procedures would send a message to students that their views are not valued. The proposed procedures are more akin to criminal codes than policies designed to increase engagement in learning. School students are not criminals. Article 37 of UNCRC clearly states: *No child shall be subjected to torture or other cruel, inhuman or **degrading treatment or punishment***. The imposition of community service for disruptive behaviour at school potentially infringes this right.

Recommended changes to the bill

Delete proposed amendment and increase provision for guidance and support to enable students, families and schools to work together to resolve difficulties. This recommendation is consistent with the Department of Education, Training and Employment’s (DETE) Statement of Expectations for a Disciplined School Environment which notes that “research clearly indicates the positive impact of parents and the community working together with the school and developing shared behaviour expectations” (p. 1). Resource professional development to improve teacher capacities for classroom management and the design of curriculum that engages and meets the needs of diverse learners.

Division 2 - Suspension of students by principal

Expected impact of the proposed legislation

Suspension is a flawed and fruitless strategy. It has negative outcomes for students and is differentially applied to certain groups, including students with disabilities. These groups who are most likely to be excluded from school are those most in need of consistent engagement with good quality teaching. The negative outcomes of exclusion are not restricted to the individuals who are suspended, or even to their family. The community at large is also likely to experience negative consequences in the future as students who are suspended are more likely to drop out of school leading to reduced employment options, and are more likely to engage in drug taking and in antisocial behaviours – all with costs to the broad community. Suspension also gives the message that the school does not care and is choosing to take no responsibility for re-engaging learners and providing learning environments that meet their needs. The primary objective of disciplinary policy should be to maximise time spent on learning in the classroom for *all* students.

Recommended changes to the bill

Delete all references to suspension as a strategy and increase provision for guidance and support to enable students, families and schools to work together to resolve difficulties. This recommendation is consistent with DETE's Statement of Expectations for a Disciplined School Environment which notes that schools should "develop a shared understanding of behavioural expectations and actively seek parent and community participation in the development of the school's behaviour plan"(p.2)

284 Continuing education during suspension

A principal who suspends a student must take reasonable steps to arrange for the student's access to an educational program that allows the student to continue the student's education during the suspension.

Expected impact of the proposed legislation

This proposed change reflects the primacy afforded to exclusion in this Amendment Bill. The capacity of educational programs provided by government programs and non-government organisations that enable disengaged students to continue their education after being excluded from state schools reflects poorly on the capacity of schools to provide inclusive educational opportunities for all students. If 'reasonable steps' are not sufficient to ensure the student's access to education then the outcome of this policy is exclusion from education with potential effects on the student's educational and employment opportunities in the future.

Recommended changes to the bill

If suspension is included as a strategy in the legislation then the provision of an educational program must be *compulsory*.

285 Submission against suspension

(1) This section applies for suspension under section 283(1)(b) or (c).

(2) The student may make a written submission against the suspension.

Note See also section 331 (Parent may also make submission, representation or application).

(3) The submission must be made to the chief executive and state fully the grounds for the submission and the facts relied on.

Recommended changes to the bill

Include in 285 that the student and parent/s must be informed that they can appeal. At present this information is not provided.

This submission is authorised by:

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Yours sincerely



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