

Queensland



Subordinate Legislation 2001 No. 211

Education (Accreditation of Non-State Schools) Act 2001

Education (General Provisions) Act 1989

Education (Overseas Students) Act 1996

Education (Senior Secondary School Studies) Act 1988

Environmental Protection Act 1994

Health Act 1937

Transport Operations (Passenger Transport) Act 1994

**EDUCATION (ACCREDITATION OF
NON-STATE SCHOOLS) REGULATION 2001**

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PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Education (Accreditation of Non-State Schools) Regulation 2001*.

2 Commencement

This regulation commences on 1 January 2002.

3 What is “harm” caused to a student under 18

(1) “**Harm**”, caused to a student under 18 years, is any detrimental effect of a significant nature on the student’s physical, psychological or emotional wellbeing.

(2) It is immaterial how the harm is caused.

(3) Harm can be caused by—

- (a) physical, psychological or emotional abuse or neglect; or
- (b) sexual abuse or exploitation.

PART 2—ACCREDITATION CRITERIA

Division 1—Purpose of part

4 Prescribed accreditation criteria—Act, s 9

The purpose of this part is to prescribe accreditation criteria relevant for a school’s accreditation as mentioned in section 9 of the Act.

Division 2—Financial viability criterion

5 Financial viability

A school must have access to adequate financial resources for its viable operation.

Division 3—Educational program, and student welfare processes, criteria

6 Statement of philosophy and aims

(1) A school must have a written statement of philosophy and aims, adopted by its governing body, that is used as—

- (a) the basis for the school's educational program; and
- (b) a guide for the school's educational and organisational practices.

(2) The statement must be consistent with the Adelaide Declaration on National Goals for Schooling in the Twenty-first Century.¹

7 Educational program

(1) A school must have a written educational program that—

- (a) has regard to the ages, abilities, aptitudes and development of the school's students; and
- (b) promotes continuity in the learning experiences of the students; and
- (c) is responsive to the needs of the students.

(2) The program must enable the students to at least achieve—

- (a) Queensland standards of learning; or

¹ The declaration was made at the 10th Ministerial Council on Education, Employment, Training and Youth Affairs held on 22 and 23 April 1999. A copy of the declaration may be inspected during business hours at the board office or viewed at the website at <http://www.detya.gov.au/schools/adelaide/adelaide.htm>.

(b) standards of learning comparable to Queensland standards of learning.

(3) Standards of learning stated in a program authorised by IBO or an interstate syllabus may be comparable to Queensland standards of learning.

(4) In this section—

“**IBO**” means the International Baccalaureate Organization.

“**interstate syllabus**” means a syllabus that, under the legislation of another State, is approved for education in that State.

“**Queensland standards of learning**” means the standards of learning stated in—

(a) for students in the preschool year of schooling to year 10 year of schooling—approved syllabuses under the *Education (School Curriculum P-10) Act 1996*;² or

(b) for students in years 11 and 12 years of schooling—

(i) syllabuses approved by the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988*, section 6(1)(d) or (i);³ or

(ii) vocational education programs accredited by the Board of Senior Secondary School Studies under the *Education (Senior Secondary School Studies) Act 1988*, section 6(1)(h).⁴

8 Students who are persons with a disability

A school must have written processes about—

(a) identifying students of the school who are persons with a disability; and

2 Copies of the syllabuses may be purchased from the Queensland School Curriculum Council, level 27, MLC Building, 239 George Street, Brisbane 4000.

3 Copies of the syllabuses may be purchased from the Board of Senior Secondary School Studies, level 7, 295 Ann Street, Brisbane 4000.

4 A list of the accredited programs may be obtained from the Board of Senior Secondary School Studies.

- (b) devising an educational program, specific to the educational needs of those students who are persons with a disability, that complies with relevant anti-discrimination legislation.

9 Schools delivering distance education

(1) A distance education school must have a written standard of service, appropriate to the school's distance education students achieving learning standards under the school's educational program.

(2) The standard must deal with—

- (a) the interactive teaching methods to be followed; and
- (b) the communication procedures to be followed by the students and their teachers and tutors; and
- (c) the regular tracking and assessment of work submitted by the students to the teachers; and
- (d) the regular monitoring of the students' achievement of the learning standards.

(3) The school's governing body must be able to demonstrate how the school is meeting the standard of service.

(4) In this section—

“distance education school” means a school that utilises the distance education mode of delivery of education.

10 Health, safety and conduct of staff and students

(1) A school must have written processes about the health and safety of its staff and students, that accord with relevant workplace health and safety legislation.

(2) Also, the school must have written processes about the appropriate conduct of its staff and students, that accord with legislation applying in the State about the care or protection of children.

(3) Without limiting subsection (2), the processes must include—

- (a) a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate; and

(b) a process for how the information reported to the stated staff member must be dealt with by the stated staff member.

(4) For the process mentioned in subsection (3)(a), there must be stated at least 2 staff members to whom a student may report the behaviour.

(5) Also, without limiting subsection (2), the processes must include the following—

(a) a process for the reporting by a staff member to the school's principal, or another person nominated in the processes, of—

(i) harm of which the staff member is aware that has been caused to a student who, at the time when the harm was caused, was under 18 years; or

(ii) harm reasonably suspected by the staff member to have been caused to a student who, at the time when the suspected harm was caused, was under 18 years;

(b) a process for the reporting, of the harm or suspected harm, by the principal or other person to a relevant State authority, if the principal or other person also is aware of the harm having been caused or reasonably suspects the harm to have been caused.

(6) The processes must—

(a) be readily accessible by the staff and students; and

(b) provide for how the staff and students are to be made aware of the processes.

(7) The school's governing body must be able to demonstrate how the school is implementing the processes.

(8) In this section—

“relevant State authority” means—

(a) the chief executive, or another officer, of the department in which the *Child Protection Act 1999* is administered; or

(b) an authorised officer under the *Child Protection Act 1999*; or

(c) a police officer.

Division 4—School resources criterion

11 Staffing

(1) A school must have a sufficient number, and appropriate types, of staff necessary for the effective delivery of the school's educational program.

(2) Without limiting subsection (1), a school must—

- (a) comply with relevant legislation about the employment of persons as teachers, including the *Education (Teacher Registration) Act 1988*; and
- (b) if the school is offering preschool education and primary education—have a sufficient number of staff for the preschool component, decided by reference to the minimum number of staff for a child care centre stated in the *Child Care (Child Care Centres) Regulation 1991*, section 15.⁵

12 Land and buildings

A school must comply with relevant land use, building, and workplace health and safety, legislation in relation to the location of the school and its buildings.

13 Educational facilities and materials

A school must have the educational facilities and materials necessary for the effective delivery of the school's educational program.

Division 5—Improvement processes criterion

14 Improvement processes

A school must have a demonstrable, systematic approach about improvement processes for the school, dealing with the following—

⁵ *Child Care (Child Care Centres) Regulation 1991*, section 15 (Staff levels—minimum requirements)

- (a) deciding strategies relevant to the processes and setting priorities for achieving the strategies;
- (b) how the strategies are to be achieved;
- (c) regular monitoring of the achievement of the strategies;
- (d) annual reporting about the achievement of the strategies to the school's community, including the school's staff and students and the parents of the students.

PART 3—MISCELLANEOUS

15 Restriction on application for Government funding for school—Act, s 72(2)

For section 72(2) of the Act, the period is 2 years.

16 Minimum enrolment—Act, s 85(3)(c) and (4)(c)

For section 85(3)(c) and (4)(c) of the Act, the minimum enrolment is as follows—

- (a) for a school proposing to offer, or offering, preschool education and primary education—a full-time equivalent enrolment of 25;
- (b) for a school proposing to offer, or offering, primary education—a full-time equivalent enrolment of 25;
- (c) for a school proposing to offer, or offering, secondary education—
 - (i) for years 8 to 10 years of schooling—a full-time equivalent enrolment of 20 for each year of schooling proposed to be offered, or offered, at the school; and
 - (ii) for years 11 and 12 years of schooling—a full-time equivalent enrolment of 10 for each year of schooling proposed to be offered, or offered, at the school;
- (d) for a school proposing to offer, or offering, special education—a full-time equivalent enrolment of 10.

17 Copy of register—Act, s 165(b)

(1) For section 165(b) of the Act, the fee is 50c for each page, or part of a page, of the register.

(2) The board may waive, wholly or partially, payment of the fee if it is satisfied payment of the fee would cause financial hardship to the person liable to pay it.

(3) Also, the board may waive payment of the fee if it is satisfied on reasonable grounds that the anticipated cost to the board for collecting it makes it uneconomical to collect it.

18 School survey data—Act, s 166(2)

For section 166(2) of the Act, the day is the last Friday of February of each year.

PART 4—CONSEQUENTIAL AMENDMENTS

19 Amendment of Education (General Provisions) Regulation 2000

(1) This section amends the *Education (General Provisions) Regulation 2000*.

(2) Section 57(2), definition “approved student”, paragraph (a), ‘the School of Distance Education or any other’—

omit, insert—

‘a non-State school that is provisionally accredited, or accredited, to provide distance education or a’.

(3) Schedule 3, definition “school in receipt of subsidy”, ‘the Act, section 141’—

omit, insert—

‘section 134A(1) of the Act’.

20 Amendment of Education (Overseas Students) Regulation 1998

(1) This section amends the *Education (Overseas Students) Regulation 1998*.

(2) Section 3, definition “non-State school”—

omit, insert—

‘ “**non-State school**” means a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.’.

21 Amendment of Education (Senior Secondary School Studies) Regulation 1999

(1) This section amends the *Education (Senior Secondary School Studies) Regulation 1999*.

(2) Section 3(6), definition “non-State school”—

omit, insert—

‘ “**non-State school**” means a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*.’.

22 Amendment of Environmental Protection Regulation 1998

(1) This section amends the *Environmental Protection Regulation 1998*.

(2) Section 6D, definition “educational institution”, paragraph (a)—

omit, insert—

(a) a State educational institution within the meaning of the *Education (General Provisions) Act 1989*, section 2(1); or

(ab) a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*; or’.

23 Amendment of Health Regulation 1996

(1) This section amends the *Health Regulation 1996*.

(2) Section 204, from ‘• a State’ to ‘1989’—

omit, insert—

- a State school within the meaning of the *Education (General Provisions) Act 1989*, section 2(1)
- a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*’.

24 Amendment of Transport Operations (Passenger Transport) Regulation 1994

(1) This section amends the *Transport Operations (Passenger Transport) Regulation 1994*.

(2) Section 3, definition “school children”—

omit, insert—

‘**“school children”** means individuals under 18 years attending—

- (a) a State school within the meaning of the *Education (General Provisions) Act 1989*, section 2(1); or
- (b) a school that is provisionally accredited, or accredited, under the *Education (Accreditation of Non-State Schools) Act 2001*’.

ENDNOTES

1. Made by the Governor in Council on 22 November 2001.
2. Notified in the gazette on 23 November 2001.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Education.