

# Education (General Provisions) (Prescribed State Schools) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 160

made under the *Education (General Provisions) Act 2006*

## General Outline

### Short title

Education (General Provisions) (Prescribed State Schools) Amendment Regulation 2022

### Authorising law

Sections 419A and 434 of the *Education (General Provisions) Act 2006*

### Policy objectives and the reasons for them

From 2022 and under the Preschool Reform Funding Agreement, the Queensland Government committed to ensuring all children have the opportunity to access kindergarten in the year before full time school. While more than 98% of Queensland children attend kindergarten, access for children in rural and remote communities or communities with identified barriers remains a challenge, with participation in 2021 estimated to be approximately 73.3%.

It can be challenging for rural and remote communities and communities with identified barriers to sustain a viable kindergarten service due to difficulties attracting and retaining early childhood teachers and fluctuating cohorts of kindergarten aged children.

In 2016, a Remote Kindergarten Pilot Program (the pilot) was introduced to pilot the delivery of kindergarten from 11 prescribed state schools in remote communities. The pilot was expanded in 2017, with additional state schools prescribed as sites for the program. In October 2018, the Queensland Government approved the pilot be transitioned to an ongoing program and further expanded it to include an additional 30 remote state schools. This program allowed state schools that are at least 50 kilometres (km) by road from the nearest approved kindergarten program provider (KPP) to provide a State Delivered Kindergarten (SDK) program.

In 2020, the Queensland Government committed to expanding the SDK program to include state schools at least 40 km from the nearest KPP, in response to feedback from stakeholders and community that the 50 km distance criterion was not fully meeting the needs of children and families in rural and remote Queensland.

Additionally, the Queensland Government committed to providing SDK programs in selected schools by allowing the Minister for Education, Minister for Industrial Relations and Minister for Racing (the Minister), to approve the provision of an SDK program outside the 40 km eligibility criteria in certain circumstances where there are barriers to accessing kindergarten.

Starting from Term 1, 2023, the communities of Eidsvold and Kumbia will no longer have an easily accessible KPP. Eidsvold Kindergarten Association (Eidsvold Kindergarten) and Kumbia Kindergarten Inc (Kumbia Kindergarten) have notified the Department of Education (department) of their intent to surrender their service approvals due to their inability to remain viable, and therefore also ceasing being an approved KPP. This will take effect on 12 December 2022 for Eidsvold Kindergarten, and on 9 December 2022 for Kumbia Kindergarten.

Families in Eidsvold and Kumbia will likely experience barriers to accessing a kindergarten, including in neighbouring communities, and will benefit from the establishment of an SDK program in their respective local state school.

The nearest approved KPP to Eidsvold is in Mundubbera, which is approximately 37 km away and operated by the Mundubbera Kindergarten Association. The nearest two approved KPPs to Kumbia operate as long day care services in Kingaroy which is approximately 27 km away. Peanut Kids Kindy & After School Care is operated by the R&L Taylor A.T.F The Taylor Family Trust (the Peanut Kindy); and, the South Burnett Child Care Centre is operated by the South Burnett Childcare Association Inc. (South Burnett Child Care).

It is unlikely that families who live in Eidsvold will travel to Mundubbera to access kindergarten given the distance and state of condition of the road between the two towns. It is also unlikely that families who live in Kumbia will travel to Kingaroy to access kindergarten.

The approved KPPs that operate in Mundubbera and Kingaroy have been consulted and support the need for local families to be able to access a KPP in their local community and that local families are unlikely to travel to their location.

Further community consultations indicate that establishing an easily accessible local kindergarten for remote communities such as Eidsvold and Kumbia will facilitate in building links between siblings and other family members, and provides added security for children and families during transition to kindergarten and then to the preparatory year (Prep) at school. Further, this will also reduce costs for families by enabling children to access education in the same location.

The prescription of state schools that provide SDK programs in a regulation is necessary because state schools are defined in Schedule 4 Dictionary of the *Education (General Provisions) Act 2006* (EGP Act) to mean an educational institution established under section 13 of the EGP Act. Section 13 of the EGP Act provides that the Minister may establish schools at which the State provides primary, secondary or special education, but makes no references to kindergarten programs.

To allow for SDK programs, section 419A of the EGP Act provides that the Minister may approve a program focused on literacy and numeracy for preparing a child for education in the preparatory year, to be a kindergarten learning program for a prescribed state school. A state school must be prescribed under the *Education (General Provisions) Regulation 2017* (EGP Regulation) for the school to commence to deliver a kindergarten learning program.

Section 74 of the EGP Regulation provides that the state schools mentioned in Schedule 4 of the EGP Regulation are the state schools prescribed for section 419A(5) of the EGP Act. There are currently 105 prescribed state schools under Schedule 4 of the EGP Regulation.

The *Education (General Provisions) (Prescribed State Schools) Amendment Regulation 2022* (Amendment Regulation) will prescribe Eidsvold State School (Eidsvold SS) and Kumbia State School (Kumbia SS) as additional schools to deliver a kindergarten program.

## **Achievement of policy objectives**

The Amendment Regulation achieves its policy objectives by prescribing Eidsvold SS and Kumbia SS as additional state schools to deliver a kindergarten program.

## **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the objectives of the EGP Act.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The implementation cost for prescribing new schools will be funded from the existing departmental budget. These costs include professional development, resourcing, teacher aide salaries and infrastructure.

Expanding delivery of kindergarten programs in communities will contribute to the Queensland Government's commitment to ensure all kindergarten-age children in Queensland have access to a quality early childhood education program.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Consultation**

The prescription of Eidsvold SS and Kumbia SS is consistent with approved Government policy and enables the expansion of a kindergarten program in rural or remote communities or communities with identified barriers to kindergarten access. For these reasons, targeted consultation was undertaken with the local communities of Eidsvold and Kumbia, Eidsvold SS, Kumbia SS, and early childcare and education service providers. The respective local communities, state schools and service providers are supportive of the expansion of the SDK program to Eidsvold SS and Kumbia SS.

The Office of Best Practice Regulation has not been consulted on the Amendment Regulation because it has been self-assessed by the department as excluded from the Regulatory Impact Assessment system under *category (g) regulatory proposals that are of a machinery nature*, because the Amendment Regulation is consistent with the Government endorsed policy for eligibility criteria to prescribe an SDK program.