

Education (Accreditation of Non-State Schools) (Survey Data) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 175

made under the *Education (Accreditation of Non-State Schools) Act 2017*

General Outline

Short title

Education (Accreditation of Non-State Schools) (Survey Data) Amendment Regulation 2023

Authorising law

Sections 168 and 179 of the *Education (Accreditation of Non-State Schools) Act 2017*

Policy objectives and the reasons for them

The Queensland Government provides accreditation to non-state schools to operate through the Non-State Schools Accreditation Board (the Board). The non-state schooling sector in Queensland educates approximately 306,000 students through 549 schools. The *Education (Accreditation of Non-State Schools) Act 2017* (the Act) and *Education (Accreditation of Non-State Schools) Regulation 2017* (the Regulation) provide the legislative framework for accreditation of non-state schools in Queensland.

The Regulation provides for a variety of matters under the authority of the Act, including accreditation criteria for non-state schools (section 11 of the Act) and the information that a school must provide to the Board about the school (school survey data) prescribed by regulation (section 168 of the Act).

To inform the distribution of recurrent grants, school survey data is collected by non-state schools and provided to the Board in an annual February census to inform the distribution of recurrent grants to non-state schools. School survey data includes information on the number of students enrolled: with disability; English as a second language requirements; living in an isolated zone; of Aboriginal or Torres Strait Islander descent; living in boarding facilities; and enrolled for distance education.

Students with disability in non-state schools receive support from the State Government through the State recurrent grant and Students with Disability Program for Non-State Schools (the program), where a set percentage of the total recurrent funding provided for non-state schools in the State Budget is allocated to the program.

The total number of students with disability enrolled at schools affiliated with each authority forms the basis for the distribution of funds. Currently, the distribution of funding is informed by the collection of school survey data.

On 25 July 2023, the Minister for Education, Minister for Industrial Relations and Minister for Racing approved updates to a number of measures used in the grant distribution model, to commence in 2024. On 10 October 2023, the Minister approved the new Non-State Schools Recurrent Grant Policy and the Students with Disability Program for Non-State Schools Policy, to apply from 1 January 2024.

From 2024, the policies will identify students with disability through the Nationally Consistent Collection of Data (NCCD) by the Australian Government. NCCD data will be provided by the Australian Government to the Department of Education (the department) annually in October. This data will be used as the new method to inform the total number of students with disability enrolled at schools for the distribution of funds.

The *Australian Education Regulations 2023* (Cth) requires all schools to report the data collected for the NCCD to the Australian Government on an annual basis. Section 58A(2) requires schools to provide the student's category of disability, level of adjustment, year of schooling, if not full-time, the fraction of the full-time study, and any other information required by the Ministerial Council or the Minister through the disability guidelines for the year or by legislative instrument.

Collecting information on the number of students with disability from the Board has been made obsolete as the data will now be collected from NCCD. Requiring schools to continue to provide data on students with disability in the February census would duplicate workload for the schools and incur risks of confusion and potentially conflicting data collected by two surveys using different methods.

Consequently, the *Education (Accreditation of Non-State Schools) (Survey Data) Amendment Regulation 2023* (Amendment Regulation) removes the requirement for schools to report the number of enrolled students who are persons with disability as part of the school survey data in February.

Achievement of policy objectives

The Amendment Regulation achieves its policy objectives by removing the requirement for schools to provide the number of students who are persons with disability as part of the school survey data for the February census. Consequently, the collection of data on persons with disabilities in non-state schools obtained from the NCCD will inform the distribution of funds through the Policy.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the *Education (Accreditation of Non-State Schools) Act 2017*.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Removing the requirement for schools to provide data on students with disability in the February survey will prevent duplication of workload for the schools, risks of confusion, and potential conflicts in the data collected by two surveys using different methods.

The Office of Best Practice Regulation has been notified of the Amendment Regulation. In line with the Queensland Government Better Regulation Policy, a short statement Impact Analysis Statement has been prepared for the Amendment Regulation, as the Amendment Regulation is deregulatory, decreases regulatory burden on non-state schools and does not introduce new impacts on business, government or the community.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles. The amendment does not impact on the rights of individuals and there is appropriate authority in the Act to make the legislative change to the Regulation.

Consultation

The Queensland Catholic Education Commission and Independent Schools Queensland, which represent non-state schools in Queensland were consulted and support the amendment.

The Board was also consulted and supports the amendment.