

Education (General Provisions) (Alpha State School) Amendment Regulation 2024

Explanatory notes for SL 2024 No. 206

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

General Outline

Short title

Education (General Provisions) (Alpha State School) Amendment Regulation 2024.

Authorising law

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

Policy objectives and the reasons for them

Under the Preschool Reform Funding Agreement, the Queensland Government is committed to ensuring all children have the opportunity to access kindergarten in the year before full time school. Further, in June 2023, the Queensland Government announced access to a free kindergarten program for eligible-aged children in Queensland from 1 January 2024.

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. The kindergarten participation rate in 2023 in remote and very remote communities was 79%.

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 is committed to providing SDK programs in selected schools by allowing the relevant Minister under the *Education (General Provisions) Act 2006* (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.

The sole provider of kindergarten program in Alpha, Creche & Kindergarten Association Ltd, which was operating C&K Jellybeans Kindergarten and Limited Hours Care (C&K), permanently closed the service on 4 March 2024. The decision to close was made by C&K due to continued decrease in enrolments over the past five years and ongoing challenges with workforce shortages. As a result, the Alpha community no longer has access to a kindergarten within 40 km by road.

Consequently, Alpha State School (SS) is eligible under the distance criterion of 40 km to deliver an SDK program. The school community and Alpha SS Parents and Citizens' Association (P&C) have been consulted regarding the school's eligibility to provide SDK and support Alpha SS being prescribed to deliver an SDK program.

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. With the prescription of Alpha SS there will be 109 prescribed State schools under Schedule 4 of the EGP Regulation.

The *Education (General Provisions) (Alpha State School) Amendment Regulation 2024* (Amendment Regulation) will prescribe Alpha SS to deliver a kindergarten program.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by prescribing Alpha SS as a State school that can 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

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.

Implementation costs for prescribing this new school will be funded from within existing Department of Education budget. These costs include professional development, resourcing, teacher aide salaries and infrastructure.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The prescription of Alpha SS is consistent with approved Government policy and enables ongoing access to a free kindergarten program for families living in a remote Queensland community. For these reasons, only targeted consultation regarding the school's eligibility to provide kindergarten was undertaken by the Alpha SS principal with the school community and P&C. The school community and P&C are supportive of the expansion of the SDK program to Alpha SS.

The Office of Best Practice Regulation (OBPR) has been notified of the Amendment Regulation. In line with the Queensland Government Better Regulation Policy, a Summary Impact Analysis Statement (IAS) has been prepared for the Amendment Regulation as the Amendment Regulation is machinery in nature and is consistent with the Government endorsed policy for eligibility criteria to prescribe an SDK. The IAS will be published on the Department of Education website.