



Queensland

Education (Accreditation of Non-State Schools) Regulation 2017

Subordinate Legislation 2017 No. 197

made under the

Education (Accreditation of Non-State Schools) Act 2017
Health Act 1937

Queensland Civil and Administrative Tribunal Act 2009

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
3	Definitions	3
Part 2	Accreditation criteria	
Division 1	Purpose of part	
4	Prescribed accreditation criteria—Act, s 11	3
Division 2	Administration and governance	
5	School survey data and associated documents	3
6	Governance	4
7	Complaints procedure	5
Division 3	Financial viability	
8	Financial viability	5
Division 4	Educational program	
9	Educational program	5
10	Statement of philosophy and aims	7
11	Students who are persons with a disability	8
12	Schools delivering distance education	8

Contents

13	Special assistance schools	9
14	Flexible arrangements approvals	9
Division 5	Student welfare processes	
15	Health and safety	10
16	Conduct of staff and students and response to harm	10
Division 6	School resources	
17	Staffing	11
18	Land and buildings	12
19	Educational facilities and materials	12
Division 7	Improvement processes	
20	Improvement processes	12
Part 3	Temporary sites	
21	Prescribed temporary site criteria—Act, s 49	13
22	Additional requirement for standard of service	13
23	Application of pt 2, div 6	13
24	Limitation of period of special assistance at temporary site	13
25	Pt 2 not limited	15
Part 4	School survey data	
26	Definitions for part	15
27	School survey data—Act, s 168	15
28	Relevant day for school survey data—Act, s 168	17
29	When a full-time student has attended a school	17
30	When a part-time student has attended a school	17
Part 5	Miscellaneous	
31	Prescribed fee for copy of register—Act, s 127	19
Part 6	Amendment of regulations	
Division 1	Amendment of Health Regulation 1996	
32	Regulation amended	19
33	Amendment of s 204 (Automatic machines—Act, s 106)	19
Division 2	Amendment of Queensland Civil and Administrative Tribunal Regulation 2009	
34	Regulation amended	20
35	Amendment of sch 1 (Enabling Acts and provisions for sections 6 and 8A)	20
Schedule 1	Dictionary	21

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Education (Accreditation of Non-State Schools) Regulation 2017*.

2 Commencement

This regulation commences on 1 January 2018.

3 Definitions

The dictionary in schedule 1 defines particular words used in this regulation.

Part 2 Accreditation criteria

Division 1 Purpose of part

4 Prescribed accreditation criteria—Act, s 11

This part prescribes accreditation criteria for section 11 of the Act.

Division 2 Administration and governance

5 School survey data and associated documents

- (1) A school must keep school survey data for the school, and associated documents—
 - (a) for at least 5 years after the day to which the data relates; and

[s 6]

- (b) in a way that ensures the integrity and security of the data and documents.
- (2) For a student mentioned in section 29(3) or 30(3), a school must keep a record of—
 - (a) the reason for the student’s absence from the school; and
 - (b) why the student’s absence was considered to be for a reason beyond the control of a person mentioned in section 29(3)(c)(i) or (ii) or 30(3)(c)(i) or (ii).
- (3) In this section—

associated document means a document that records or includes a detail about a student mentioned in section 27, 29 or 30.

6 Governance

- (1) A school’s governing body must have a document that outlines the organisational structure for the governance of the school, and includes the following details—
 - (a) the key functions and responsibilities of any entity that supports the governing body in the governance of the school;
 - (b) the reporting arrangements—
 - (i) within the governing body; and
 - (ii) between the governing body and any entity that supports the governing body in the governance of the school.
- (2) The organisational structure must be designed to ensure the effective, transparent and accountable governance of the school.
- (3) The governing body must, if asked by the board, give a copy of the document mentioned in subsection (1) to the board.

7 Complaints procedure

- (1) A school must have, and implement, written processes about receiving, assessing, investigating and otherwise dealing with complaints made by its staff, students or a student's parent or guardian.
- (2) The processes must include principles of procedural fairness, including, for example, the right of interested parties to the complaint to be heard.
- (3) The school's governing body must ensure—
 - (a) staff, students, parents and guardians are made aware of the processes; and
 - (b) the processes are readily accessible by staff, students, parents and guardians.

Division 3 Financial viability

8 Financial viability

- (1) A school must have access to adequate financial resources for its viable operation.
- (2) A school must keep records of its financial transactions for at least 5 years after the transactions are entered into.
- (3) The school's governing body must, if asked by the board, give a copy of the records mentioned in subsection (2) to the board.

Division 4 Educational program

9 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

[s 9]

- (b) promotes continuity in the learning experiences of the students; and
- (c) provides a breadth, depth and balance of learning appropriate to students' phases of development and across an appropriate range of learning areas; and
- (d) is responsive to the needs of the school's students; and
- (e) is consistent with the Melbourne Declaration on Educational Goals for Young Australians.

Note—

The declaration can be viewed on the COAG Education Council's website.

- (2) If a school is accredited to provide education to students from preparatory year to year 10 and offers a learning area included in the Australian curriculum, the school must implement 1 or both of the following for the learning area—
 - (a) the Australian curriculum;
 - (b) a curriculum recognised by ACARA.
- (3) If a school offers a subject in addition to a learning area included in a curriculum mentioned in subsection (2), and a syllabus for the subject has been developed, purchased or revised by the Queensland Curriculum Assessment Authority under the *Education (Queensland Curriculum and Assessment Authority) Act 2014*, section 10, the school must implement the syllabus for the subject.
- (4) A school accredited to provide senior secondary education must implement—
 - (a) if the school is offering a subject for which there is a syllabus developed, purchased or revised by the Queensland Curriculum and Assessment Authority under the *Education (Queensland Curriculum and Assessment Authority) Act 2014*, section 9—the syllabus; or
 - (b) a program or syllabus endorsed by the Queensland Curriculum and Assessment Authority as appropriate for senior secondary education; or

-
- (c) a program authorised by the International Baccalaureate Organisation.
 - (5) A school's educational program may also include—
 - (a) a vocational education and training course at level 1 or above under the Australian Qualifications Framework; and
 - (b) recognised studies under the *Education (Queensland Curriculum and Assessment Authority) Regulation 2014*, part 4, division 5; and
 - (c) other courses, programs, studies or subjects decided by the school's governing body.

- (6) In this section—

ACARA see the *Education (Queensland Curriculum and Assessment Authority) Act 2014*, schedule 1.

Australian curriculum see the *Education (Queensland Curriculum and Assessment Authority) Act 2014*, schedule 1.

Australian Qualifications Framework see the *Higher Education Support Act 2003* (Cwlth), schedule 1.

10 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 Melbourne Declaration on Educational Goals for Young Australians.

Note—

The declaration can be viewed on the COAG Education Council's website.

[s 11]

11 Students who are persons with a disability

A school must have, and implement, written processes about—

- (a) identifying students of the school who are persons with a disability; and
- (b) devising an educational program, specific to the educational needs of students who are persons with a disability, that complies with—
 - (i) the *Anti-Discrimination Act 1991*; and
 - (ii) the disability standards under the *Disability Discrimination Act 1992* (Cwlth), section 31.

12 Schools delivering distance education

- (1) A distance education school must have a written standard of service that is appropriate to the school's distance education students achieving learning standards under the school's educational program.
- (2) The standard of service must deal with the following—
 - (a) the interactive teaching methods to be followed;
 - (b) the communication procedures to be followed by the students and their teachers and tutors;
 - (c) the regular tracking and assessment of work submitted by the students to their teachers;
 - (d) the regular engagement between students and teachers;
 - (e) the regular monitoring of the students' achievement of the learning standards under the educational program.
- (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 uses the distance education mode of delivery of education.

13 Special assistance schools

- (1) A special assistance school's educational program must promote continuous engagement by the school's relevant students in primary education or secondary education.
- (2) Also, the school must have a written standard of service, appropriate to the school's relevant students achieving learning standards under the educational program.
- (3) The standard of service must deal with the following—
 - (a) the regular tracking and assessment of work submitted by the relevant students to their teachers;
 - (b) the regular monitoring of—
 - (i) attendance by the relevant students at an accredited special assistance site for the school; and
 - (ii) the relevant students' participation in the educational program; and
 - (iii) the relevant students' achievement of the learning standards under the educational program;
 - (c) strategies for engaging the relevant students, and keeping the relevant students engaged, in primary education or secondary education.
- (4) The school's governing body must be able to demonstrate how the school is meeting the standard of service.
- (5) This section does not limit other provisions of this division.
- (6) In this section—

relevant students, of a school, means students to whom the school provides special assistance.

14 Flexible arrangements approvals

A school must—

- (a) ensure approvals are not given, or purportedly given, under the *Education (General Provisions) Act 2006*,

[s 15]

section 182, other than in compliance with that section;
and

- (b) comply with the requirements under that section about keeping documents relating to approvals.

Division 5 Student welfare processes

15 Health and safety

A school must comply with the requirements of the following legislation that apply to the school—

- (a) the *Work Health and Safety Act 2011*;
- (b) the *Working with Children (Risk Management and Screening) Act 2000*.

16 Conduct of staff and students and response to harm

- (1) A school must have written processes about—
 - (a) how the school will respond to harm, or allegations of harm, to students under 18 years; and
 - (b) the appropriate conduct of the school's staff and students.
- (2) Without limiting subsection (1), the processes must include the following—
 - (a) a process for the reporting by a student to a stated staff member of conduct of another staff member that the student considers is inappropriate;
 - (b) a process for how the information reported to the stated staff member must be dealt with by the stated staff member;
 - (c) a process for reporting—
 - (i) sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366; and

-
- (ii) a suspicion of likely sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366A;
 - (d) a process for reporting a reportable suspicion under the *Child Protection Act 1999*, section 13E.
 - (3) For the process mentioned in subsection (2)(a), there must be stated at least 2 staff members to whom a student may report the conduct.
 - (4) The school's governing body must ensure—
 - (a) the school's staff and students, and students' parents and guardians, are made aware of the processes; and
 - (b) the processes are readily accessible by staff, students, parents and guardians; and
 - (c) staff are trained annually in implementing the processes; and
 - (d) the school is implementing the processes.
 - (5) The school must have a written complaints procedure to address allegations of non-compliance with the processes.
 - (6) The complaints procedure may form part of any other written procedure of the school for dealing with complaints.
 - (7) In this section—
harm see the *Child Protection Act 1999*, section 9.

Division 6 School resources

17 Staffing

- (1) A school must provide 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 comply with the *Education (Queensland College of Teachers) Act 2005*,

[s 18]

chapter 3, parts 1 and 2 in connection with the employment of staff.

- (3) If a school provides boarding facilities, the school must provide a sufficient number, and appropriate types, of staff necessary to ensure the health, safety and welfare of students while boarding.

18 Land and buildings

- (1) A school must, in relation to the school and its buildings, comply with the requirements of any Act or other law relating to land use, building, and workplace health and safety.
- (2) If a school provides boarding facilities, the school must have the necessary accommodation and associated facilities to ensure the health, safety and welfare of students while boarding.

19 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 7 Improvement processes

20 Improvement processes

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

- (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 staff, students, parents and guardians.

Part 3 Temporary sites

21 Prescribed temporary site criteria—Act, s 49

This part prescribes the temporary site criteria for section 49 of the Act.

22 Additional requirement for standard of service

A special assistance school's standard of service under section 13(2) must deal with the regular monitoring of attendance by the school's students at a temporary site for the school.

23 Application of pt 2, div 6

Part 2, division 6 applies to a special assistance school in relation to each temporary site at which the school provides special assistance.

24 Limitation of period of special assistance at temporary site

- (1) For section 49(2) of the Act, a special assistance school can not provide special assistance at a temporary site after the expiry of the special assistance period for the site.
- (2) However, if the school's governing body makes a site inclusion application for the temporary site before the end of the special assistance period for the site, the school may continue to provide special assistance at the site until the day mentioned in subsection (3), (4), (5) or (6).
- (3) If the governing body withdraws the site inclusion application before the application is decided, for subsection (2) the day is the later of—

[s 24]

- (a) the day the governing body withdraws the application;
or
 - (b) the day the special assistance period for the temporary site ends.
- (4) If the board decides to refuse, or is taken to have decided to refuse, to grant the school's site inclusion application and the governing body applies to QCAT for a review of the decision (the **original decision**), for subsection (2) the day is the earlier of—
- (a) the day QCAT issues a decision in relation to the review of the original decision; or
 - (b) the day the governing body withdraws the application for review.
- (5) If the board decides to refuse, or is taken to have decided to refuse, to grant the school's site inclusion application and subsection (4) does not apply, for subsection (2) the day is the later of—
- (a) the day the application period for the original decision ends; or
 - (b) the day the special assistance period for the temporary site ends.
- (6) If subsections (3), (4) and (5) do not apply, for subsection (2) the day is the change day for the application stated in a change notice about the site attribute given to the governing body under section 40 of the Act.
- (7) In this section—

application period, for an original decision, means the period within which an application for review of the decision must be made under the QCAT Act.

school day means any day on which a school is operating as a school.

site attribute, for a special assistance school, means the attribute of the school's accreditation mentioned in section 19(4)(e) of the Act.

site inclusion application, for a temporary site, means an application under section 39 of the Act to change the site attribute for the school to include the temporary site.

special assistance period, for a temporary site, means the period ending 200 consecutive school days after the day special assistance is first provided by the special assistance school at the site.

25 Pt 2 not limited

Nothing in this part limits part 2.

Part 4 School survey data

26 Definitions for part

In this part—

relevant day see section 28.

relevant period, for a school, means the period—

- (a) starting on the first day that students are to attend the school in a calendar year; and
- (b) ending on the relevant day for the year.

27 School survey data—Act, s 168

- (1) For section 168(1) of the Act, the following details about a school are prescribed—
 - (a) the number of full-time students, other than overseas students, who have attended the school under section 29;
 - (b) the number of part-time students, other than overseas students, who have attended the school under section 30;
 - (c) the number of overseas students at the school.

[s 27]

- (2) Also, the following details are prescribed separately for full-time students and part-time students mentioned in subsection (1)(a) and (b)—
- (a) the number of students whose principal place of residence is located in an isolated zone;
 - (b) the number of students who, in the opinion of the school's principal, require ESL tuition;
 - (c) the number of students who are persons with a disability;
 - (d) the number of students who identify as being of Aboriginal or Torres Strait Islander descent;
 - (e) the number of students enrolled for classroom education who live in boarding facilities provided by the school or another school;
 - (f) the number of students enrolled for classroom education who have attended each site that is an attribute of accreditation for the school;
 - (g) the number of students who have attended the school and are enrolled for distance education.
- (3) In addition, the following details about students mentioned in subsection (2)(e) are prescribed—
- (a) the total amount of fees paid in relation to the students to live in the facilities, not including any tuition fees;
 - (b) for students who live in facilities provided by the school—the total amount of concessions granted by the school to reduce the fees payable in relation to the students for reasons of economic hardship.

- (4) In this section—

isolated zone means an isolated zone shown on a map in the document called 'School Survey Data for Non-State Schools—Queensland'.

Note—

The document can be viewed on the Non-State Schools Accreditation Board's website.

overseas student see the *Australian Education Act 2013* (Cwlth), section 6.

28 Relevant day for school survey data—Act, s 168

For section 168(2)(a) of the Act, the relevant day is the last Friday in February of each year.

29 When a full-time student has attended a school

- (1) This section establishes when a full-time student is taken to have attended a school for the purposes of the school survey data.
- (2) A full-time student is taken to have attended the school if—
 - (a) the student is enrolled at the school; and
 - (b) the student attended the school during the relevant period for the school for at least 11 days of the program or course of study for which the student is enrolled.
- (3) However, a full-time student is also taken to have attended the school if—
 - (a) the student is enrolled at the school; and
 - (b) the student attended the school during the relevant period for the school for less than the 11 days because of the student's absence from the school; and
 - (c) the student's absence was for a reason beyond the control of—
 - (i) if the student is living independently of the student's parents or guardian—the student; or
 - (ii) otherwise—the student's parents or guardian.

30 When a part-time student has attended a school

- (1) This section establishes when a part-time student is taken to have attended a school for the purposes of the school survey data.

[s 30]

- (2) A part-time student is taken to have attended the school if—
- (a) the student is enrolled at the school; and
 - (b) the student has attended the school during the relevant period for the school for at least the minimum period of the program or course of study for which the student is enrolled.
- (3) However, a part-time student is also taken to have attended the school if—
- (a) the student is enrolled at the school; and
 - (b) the student attended the school during the relevant period for the school for less than the minimum period because of the student's absence from the school; and
 - (c) the student's absence was for a reason beyond the control of—
 - (i) if the student is living independently of the student's parents or guardian—the student; or
 - (ii) otherwise—the student's parents or guardian.
- (4) A *minimum period*, of a program or course of study for a part-time student, means the days worked out using the following formula—

$$MP = PTD \times \frac{11}{RP}$$

where—

MP means the minimum number of days.

PTD means the number of days during which a program or course of study for which the student is enrolled is taught in the relevant period.

RP means the number of days in the relevant period.

- (5) Each day a part-time student attends a school, or during which a program or course of study for which a student is enrolled is taught, is taken to be 1 whole day for the purposes of working

out MP and PTD under subsection (4), regardless of the number of hours of attendance or teaching.

- (6) Also, for working out the minimum period, MP must be rounded up to a whole number.

Example—

An MP of 4.2 days would be rounded up to 5 days.

Part 5 Miscellaneous

31 Prescribed fee for copy of register—Act, s 127

- (1) For section 127(b) of the Act, the prescribed 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 the fee makes it uneconomical to collect the fee.

Part 6 Amendment of regulations

Division 1 Amendment of Health Regulation 1996

32 Regulation amended

This division amends the *Health Regulation 1996*.

33 Amendment of s 204 (Automatic machines—Act, s 106)

Section 204, second dot point—

omit, insert—

[s 34]

- an accredited school under the *Education (Accreditation of Non-State Schools) Act 2017*

Division 2 Amendment of Queensland Civil and Administrative Tribunal Regulation 2009

34 Regulation amended

This division amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

35 Amendment of sch 1 (Enabling Acts and provisions for sections 6 and 8A)

Schedule 1, part 1—

insert—

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

Schedule 1 Dictionary

section 3

educational program, for a school, means the school's educational program under section 9.

relevant day, for part 4, see section 28.

relevant period, for part 4, see section 26.

senior secondary education means secondary education offered in the years 11 and 12 of schooling.

ENDNOTES

- 1 Made by the Governor in Council on 28 September 2017.
- 2 Notified on the Queensland legislation website on 29 September 2017.
- 3 The administering agency is the Department of Education and Training.

© State of Queensland 2017