

A Guide to the Education Act 2004

The Education Act 2004 was passed by the Legislative Assembly at the end of March 2004. It consolidates and rationalises the four separate Acts which currently govern the operation of schools, including two New South Wales Acts from the late 19th century and the early 1900s.

Key longstanding features of the ACT school system are maintained by the new Act. It provides a comprehensive statement of the general principles and objectives of public education together with specific provisions to give effect to those principles. It also provides substantial accountability provisions for non-government schools and home schooling.

Key features of the Act are outlined below.

General Principles for all Schools

The Act provides for several basic principles to apply to all forms of schooling in the ACT. It states that every child has a right to a high quality education and parents have a right to choose a suitable educational environment for their children. Schools should:

- encourage all students to complete Year 12;
- aim to improve learning outcomes for all students and make outcomes free of the effect of disadvantage;
- encourage parents to participate in the education of their children; and
- provide all students with access to a broad education.

The Act requires effective quality assurance mechanisms and supports partnerships between home, community and educational providers. It states that appropriate provision must be made for students with disabilities. Corporal punishment remains prohibited in all ACT schools.

Government schools

Principles of government schools.

The ACT government school system is to be based on the principles equity, universality and non-discrimination and are to be free and open to all. Government schools must provide access to a broad and balanced secular education to all children. Several specific principles are established for the government school system. For example:

- reasonable access to public schools for all ACT children;
- teacher, student and parent participation;
- a combination of system and school-based decision-making;
- public accountability; and
- providing funding for schools that recognises the diversity of children's needs.

Operation of government schools

The Act defines government schools as being publicly owned and operated. Each government school is required to give enrolment priority to children of local residents. Before closing or amalgamating a school, the Minister is required to take into account the educational, financial and social impact on students, their families and the general school community.

The Act maintains the provision of free education in government schools. Fees cannot be charged in government schools. Financial contributions can be requested from parents under the following conditions:

- contributions are voluntary;
- students cannot be refused benefits or services because parents do not make a contribution;
- students are not approached or harassed for contributions; and
- records of contributions are confidential.

The responsibilities of school principals are specified as:

- educational leadership and management of the school;
- educational outcomes for students at the school;
- providing support for the school board to carry out its functions; and
- contributing to the development and implementation of educational policies and strategies.

Government schools are required to provide information to parents about educational programs, policies and the operations of the school. The chief executive of the Department of Education is required to develop and implement a complaints policy and to investigate complaints. Similar requirements apply to non-government schools.

The chief executive is required to establish system frameworks and principles for the curriculum in all government schools.

The chief executive is required to regularly review and report on the government school system. Each government school is to be reviewed at least every 5 years and the review must take account of the views of parents, teachers and students at the school. A report is to be prepared on the review and be distributed to parents, staff and students at the school.

Parents of children at government schools are to receive a report on their child's academic progress and social development at least twice a year.

Principals must provide reasonable time for religious education if requested by parents. The normal educational program must continue for children who do not attend religious education classes.

Attendance at government schools

Schools must keep a register of enrolments and attendance. Principals must set up procedures to encourage students to attend school regularly and to help parents encourage their children to attend regularly. Where students do

not attend regularly, the principal may refer the parents and the students to support services and, if necessary, required them to meet with relevant officials.

The Act also establishes procedures for the suspension, exclusion or transfer of students. Final power lies with the chief executive. A student cannot be suspended for more than a 20-day period. A student can only be excluded, suspended or transferred if:

- the child's parents have been consulted and told in writing;
- the participation of child, subject to appropriate maturity, in the process has been sought;
- in the case of exclusion only, the child has been given the opportunity to attend counselling, undertake relevant educational programs or receive other assistance;
- the child has been offered alternatives for continuing education during the exclusion or suspension.

The chief executive may also immediately suspend a child for not more than 5 days in urgent or very serious circumstances. This power may be delegated to principals.

Similar requirements on recording attendance and suspensions and exclusions apply to non-government schools.

School boards

The Act makes several changes to the functions, composition and procedures of school boards. The functions of school boards have been revised. Significant new functions include:

- establish the strategic direction and priorities for the school;
- monitor and review school performance and to report to the chief executive, parents and staff;
- develop, maintain and review curriculum for the school; and
- establish policies for the efficient and effective use of school assets and the management of financial risk.

A member of the school board shall be included on the selection panel for the appointment of the school principal.

Provision is made for a deputy chairperson of the school board. The school board may appoint up to two people to be members of the school board for a term not longer than one year.

Several changes are made to the procedures of school boards. A quorum of 3 members applies for all standard school boards (including one staff member and one P&C member) and boards must meet at least 4 times a year.

The School Board Annual Report must include a statement on how voluntary contributions will be, or have been, spent.

Government Schools Education Council

The Government Schools Education Council (GSEC) is to advise the Minister on any aspect of the ACT government school system, respond to requests for advice by the Minister and to meet with the Non-Government Schools Education Council. The Minister must ask the advice of GSEC before deciding budget and strategic directions for government schools.

The appointed members GSEC are:

- a chairperson;
- 6 people appointed community members who have experience in areas such as business, public policy, teacher education, early childhood care and the needs of young people; and
- 10 people who represent the teachers union (2) and peak organisations of principals (2), students (2), parents (2), school boards (1) and pre-school parents (1).

Advice provided to the Minister by GSEC must be tabled in the Legislative Assembly within 6 sitting days after it is given to the Minister.

Registration of non-government schools

The Act establishes a new process and procedures for the registration of new non-government schools or registration for an additional education level. Three stages are involved: in-principle approval for proposed registration, provisional registration and full registration.

In-principle approval involves several requirements:

- applications must be made at least two years prior to the date of intending to apply for provisional registration;
- public notification of applications to establish new schools or extend existing schools;
- a period of 60 days for public comment on applications;
- the Minister must consider whether the proposed school would undermine the viability of existing schools and whether there is demand for the school; and
- the Minister must make public the reasons for in-principle acceptance or rejection of an application.

Minister must appoint a panel to assess whether applications for provisional registration and registration of new schools, or extensions of existing schools, meet specified criteria. Panels must also be appointed to consider the re-registration of existing schools. The criteria for registration include:

- appropriate policies, facilities and equipment for the curriculum offered by the school and the safety and welfare of its students;
- the curriculum meets the curriculum requirements of students attending government schools;
- the nature and content of schooling is appropriate for the education levels proposed;
- teaching staff are qualified to teach at the educational levels at which they are employed;

- the school has satisfactory processes to monitor the quality of education outcomes; and
- the school is financial viable.

Home education

The Bill contains a new section on the registration and inspection of home education. It establishes conditions for home education, registration and reporting requirements. It also provides for inspection of home education premises.