

Module	<b>EDUCATION IN NON-STATE SCHOOLS (QLD)</b>
Jurisdictions	<b>CTH, QLD</b>
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## Module Application

The EDUCATION IN NON-STATE SCHOOLS module informs the non-state school provider operating in Queensland of their legislated legal obligations. The module also demonstrates effective practical advice and assistance to the non-state school provider to implement procedures and processes that will ensure compliance and regulatory accountability throughout all levels of the entity.

The EDUCATION IN NON-STATE SCHOOLS module advises non-state schools of the processes and procedures they need to implement to ensure compliance with all legal and regulatory obligations. Core legal and regulatory obligations are based on considerations of the broad questions determining;

- › Decision making;
- › Accountability;
- › Stewardship;
- › Direction; and
- › Control

To fulfil its purpose the module focuses on providing practical assistance to the non-state school provider establishing and maintaining a robust foundational framework that determines;

- › How the organisation will function;
- › Who is the responsible decision maker;
- › What matters are relevant to the decision-making process; and
- › Whether the desired outcome has been achieved.

The EDUCATION IN NON-STATE SCHOOLS module should be subscribed by all non-state school entities operating or planning to operate in Queensland within either the independent or catholic school sectors. The aim of the module is to equip the subscriber with knowledge of commonwealth and Queensland general or core obligations as well as obligations that are specific to either the independent or catholic school sectors in QLD. The module also provides the skills that non-state schools require to establish relevant systems and processes to ensure compliance throughout the organisation.

This module details the obligations of non-state schools that are operating in Queensland, whether that is in the independent schools sector or the Catholic schools sector. It includes obligations for schools that are providing both classroom and/or distance education and those who enrol overseas students.

Non-state schools operating in Queensland are regulated by the Queensland Department of Education and Training. Schools must also comply with the requirements of their sector's approved authority, which is either the Independent Schools Queensland (ISQ) or the Queensland Catholic Education Commission (QCEC). The accreditation of non-state schools is governed by the Non-State Schools Accreditation Board. The Queensland Curriculum and Assessment Authority governs the curriculum that can be legally taught and the issuing of Queensland Certificates of Education.

The broad scope of the EDUCATION IN NON-STATE SCHOOLS module is to provide answers to these questions;

- › What are our legal obligations?
- › From where are our legal obligations derived?
- › How can we ensure that we are complying with our legal obligations?
- › What are the consequences if we are not complying with our legal obligations?

The EDUCATION IN NON-STATE SCHOOLS module covers all legislated legal obligations of non-state school entities and demonstrates practical assistance and guidance to ensure that these obligations are complied with through the implementation and maintenance of best practice processes throughout the organisation. The module also covers the role of the regulators as well as exemptions to the obligations, if applicable, and how they may or may not apply in particular circumstances.

The module fulfils this objective by comprehensively covering three areas;

- › Legislation;
- › Obligations; and
- › Consequences.

1. The legislative and regulatory landscape from which the primary legal obligations are derived;

Commonwealth legislation;

- Australian Education Act 2013 (Cth);
- Australian Education Regulations 2013 (Cth);
- Australian Human Rights Commission Act 1986 (Cth);
- Disability Discrimination Act 1992 (Cth);
- Disability Standards for Education 2005 (Cth);
- Education Services for Overseas Students Act 2000 (Cth);
- Migration Act 1958 (Cth);
- National Code of Practice for Providers of Education and Training to Overseas Students 2007 (Cth); and
- Privacy Act 1988 (Cth).

Queensland legislation;

- › Acts Interpretation Act 1954 (QLD);
- › Capital Assistance Scheme Guidelines (QLD);
- › Child Protection Act 1999 (QLD);
- › Child Protection Regulation 2011 (QLD);
- › Education (Accreditation of non-state schools) Act 2017 (QLD);
- › Education (Accreditation of non-state schools) Regulation 2017 (QLD);
- › Education (Capital Assistance) Act 1993 (QLD);
- › Education (Capital Assistance) Regulation 2015 (QLD);
- › Education (General Provisions) Act 2006 (QLD);
- › Education (General Provisions) Regulation 2017 (QLD);
- › Education (Overseas Students) Act 2018 (QLD);
- › Education (Overseas Students) Regulation 2018 (QLD);
- › Education (QLD College of Teachers) Act 2005 (QLD);
- › Education (QLD College of Teachers) Regulation 2005 (QLD);
- › Education (QLD Curriculum and Assessment Authority) Act 2014 (QLD);
- › Education (QLD Curriculum and Assessment Authority) Regulation 2014 (QLD);
- › Education (Work Experience) Act 1996 (QLD);
- › External Infrastructure Subsidy Scheme Guideline;
- › Queensland Civil and Administrative Tribunal Act 2009 (QLD);
- › Working with Children (Risk Management and Screening) Act 2000 (QLD); and
- › Working with Children (Risk Management and Screening) Regulation 2011 (QLD).

2. The specific areas where legal and regulatory obligations apply to the non-state school entity;

- › Accreditation process for establishing a new non-state school.
- › The accreditation of non-state schools;
  - Application;
  - Assessment when the school first starts operating;
  - Assessment in a new sector, and at a new site;
  - Governing body;
  - Change attribute of accreditation; and
  - Adding a new type of education.
- › Accreditation criteria;
  - Survey data;
  - Governance;
  - Complaints;
  - Financial viability;
  - Philosophy and aims;
  - Educational program;
  - Students with disability;
  - Distance education;
  - Special assistance schools;
  - Flexible arrangement approvals;
  - Health, safety and conduct;
  - Resources; and
  - Improvement process.

- Government funding;
  - Capital assistance;
  - External infrastructure subsidy;
  - Acknowledgement of funding;
  - Recurrent funding; and
  - Textbook and resources allowance.
- Managing government funding;
  - Use of capital assistance funds;
  - Additional capital assistance; and
  - Financial data collection.
- Use of a temporary site for special assistance school;
  - Notification to the accreditation board;
  - Temporary site criteria; and
  - Assessment.
- Notifications to the accreditation board in the event of amalgamation or division of accredited schools.
- School staffing;
  - Qualifications;
  - Suitability;
  - Registration;
  - Catholic schools;
  - Reporting obligations;
  - Continuing professional development (CPD);
  - Managing unsatisfactory performance; and
  - Enhancing performance.
- Curriculum;
  - The Australian curriculum;
  - Assessing student achievement;
  - National Assessment Plan (NAPLAN);
  - School to report achievement to parents;
  - Provision of QLD Certificate of Education;
  - Implementing school improvement framework; and
  - Work experience.
- Student administration;
  - Enrolment;
  - Exemptions to compulsory schooling and participation;
  - Flexible arrangements;
  - Absences;
  - Parent and teacher; and
  - Provision of information.
- Student transfer processes.
- Provision of courses to overseas students;
  - Registration as a provider;
  - Maintenance of registered provider status;
  - Fees;
  - Enrolment and engagement;
  - Student care and services;
  - Student as a customer;
  - Visa program; and
  - Resources and premises.

- Accreditation criteria for vocational education;
  - Standards;
  - Financial viability;
  - Fit and proper persons; and
  - School based apprenticeships and traineeships.
- Student health and wellbeing;
  - Safe learning environment;
  - Drug and alcohol education;
  - Sun safety;
  - Road safety;
  - Specialised health needs;
  - Administration of medication;
  - Contagious conditions;
  - Mental health and wellbeing;
  - Chaplaincy; and
  - Welfare services.
- Students with disability;
  - Programs; and
  - Funds.
- Addressing allegations of abuse;
  - Exemption card applications;
  - Pre-employment screening;
  - Positive organisational culture;
  - Response policies; and
  - Reporting.
- Good order and management;
  - Student discipline;
  - Suspension, exclusion and cancellation of enrolment;
  - Conduct or movement at premises; and
  - Privacy systems.
- Reporting and record keeping;
  - Student reports;
  - Annual reports;
  - Survey data; and
  - Demonstration of compliance.

3. Significant consequences apply to non-state schools in QLD found to have breached or not complied with their legal obligations. These consequences vary considerably depending on the nature and extent of the breach or failure. The EDUCATION IN NON-STATE SCHOOLS module covers specific consequences in detail. They can include loss of accreditation, impact to reputation, requirement to return government funds and even terms of imprisonment for individuals found to have committed serious criminal offences.

The EDUCATION IN NON-STATE SCHOOLS module does not cover the rights or entitlements of individuals who have suffered damages or losses due to breaches of obligations by non-state schools in QLD. The module does not cover the process that an entity or an individual would follow to report or seek compensation for the breach or their loss.

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