

Education and Children’s Services Regulations information sheet

Non-government schools, preschools, and providers of approved learning programs

The *Education and Children’s Services Act 2019* (the Act) passed Parliament in August of last year. To support the implementation of the Act draft regulations have been developed and released for public consultation.

Regulations support the implementation of the Act by providing guidance on how certain parts are interpreted and will establish further requirements, functions, and powers related to the Act.

This information sheet highlights the areas, and corresponding regulation, that will likely be of interest to you.

This is not an exhaustive list and should be used as a guide only. There may be other areas that are of particular importance to you and we recommend reviewing the draft regulations in full prior to providing any feedback.

Most of the regulations can be understood on their own, but where it is necessary to understand the regulation, we have included relevant information from the Act.

WHAT THE ACT SAYS	PROPOSED REGULATIONS
Application of the Regulations	
	Regulation 4 Sets out the provisions that apply to both government and non-government schools and notes that all other provisions of the regulations apply only to, or in relation to, government schools.
Enrolment and attendance	
A young person who is 16 years of age must be enrolled in an <u>approved learning program</u> or a <u>combination</u> of approved learning programs. These may include: <ul style="list-style-type: none">- secondary education- university- VET, TAFE or training provided by a registered training organisation.	Regulation 11 Says that an approved learning program or a combination of approved learning programs must equal full time participation, and that the Minister will publish guidelines, which set out the minimum standard for full time participation.
An adult must not be enrolled in a school: <ul style="list-style-type: none">- if they are a prohibited person- unless they hold a current working with children check.	Regulation 13 Says adults re-enrolling within 6 months of last being a student at a school do not require a working with children check. Allows the Chief Executive to direct an adult student in government schooling to be enrolled in a specific school or class of schools. Allows the Chief Executive to cancel the enrolment of an adult student.
For enrolment in a school, parents and caregivers must provide certain information about their child to the school principal, or head of an approved learning program, such as the child’s name, address, and date of birth.	Regulation 14 Says that the parent or caregiver of a child must supply any other information specified in the enrolment form provided by the school or approved learning program.

A parent or caregiver commits an offence if a child of compulsory school age or compulsory education age fails to attend school, or participate in an approved learning program, unless:

- the child was sick
- the child was at risk of catching a contagious or infectious disease
- any other reason outlined in the regulations.

Regulations 20 and 21

Say other reasons include:

- unavoidable circumstances where there is sufficient cause.

The principal of a school or the head of an approved learning program must notify the Chief Executive if a student is persistently failing to attend school or participate in an approved learning program.

Regulation 22

Says the principal or head of an approved learning program must provide:

- the name, address and DOB of the child
- information on the days and periods the student failed to attend or participate
- any other information determined by the Minister.

Protections for teachers, staff and students

Teachers, staff and students in schools, preschools and children's services centres (both government and non-government) are provided a range of new and expanded protections, including:

- offences related to offensive and threatening behaviour
- ability to ban individuals from relevant premises.

Relevant premises include:

- schools
- preschools
- children's services centres
- approved education and care services under the *Education and Care Services National Law (South Australia)*
- other premises prescribed by the regulations.

Regulation 37

Permits the Minister to determine additional premises to which the protections apply.

Information sharing

Regulation 85

To ensure participation and enrolment requirements are met, this regulation says providers of approved learning programs are to send information on enrolled students to the Minister.

Regulation 86

Requires schools to provide information to the SACE Board of South Australia each year about children and young people who are commencing year 10 the following year.