

## Education and Children's Services Regulations information sheet

### Parents and caregivers of children in government schools

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
<b>Enrolment and attendance</b>	
Children of compulsory school age must be enrolled in a school in accordance with the regulations.	<b>Regulation 10</b> Allows the Minister to determine and publish criteria, requirements or policies for enrolment. These may include: <ul style="list-style-type: none"><li>- enrolment limits to prevent capacity from being exceeded</li><li>- limits for special interest programs</li><li>- any other relevant matters.</li></ul>
A young person who is 16 years of age must be enrolled in an approved learning program or a combination of approved learning programs. These may include: <ul style="list-style-type: none"><li>- secondary education</li><li>- university</li><li>- VET, TAFE or training provided by a registered training organisation.</li></ul>	<b>Regulation 11</b> 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.
The Chief Executive can direct that a child be enrolled in a particular government school in specified circumstances including to: <ul style="list-style-type: none"><li>- support a child with disabilities or learning difficulties</li><li>- ensure the health, safety and welfare of the child or of staff and students at the school the child attends.</li></ul>	<b>Regulation 12</b> Says the Chief Executive can only make this direction when they are satisfied that the school to which the child is directed can manage the circumstances which caused the need for the direction.
An adult must not be enrolled in a school: <ul style="list-style-type: none"><li>- if they are a prohibited person</li><li>- unless they hold a current working with children check.</li></ul> The regulations may make further provision in relation to the enrolment of adult students in schools including the cancellation of enrolment.	<b>Regulation 13</b> 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 that an adult student in government schooling 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 also supply any other information specified in the enrolment form provided by the school or approved learning program.

### **School terms, school days and special days**

#### **Regulation 16**

Says a government school is to be open from Monday to Friday each week.

With the exception of:

- public holidays
- school holidays
- other times as permitted under the regulations.

#### **Regulation 17**

Sets out:

- the amount of time that must be set aside for instruction at government schools
- time to be set aside for recess and lunch.

Allows the Chief Executive to authorise alternative arrangements at a specified school or class of schools.

### **Homework**

The regulations may outline the method in which students at government schools, preschools or children's services centres are taught.

#### **Regulation 18**

Says teachers at government schools are permitted to require students complete homework.

Says teachers must consider any objections parents and caregivers have regarding the volume of homework expected.

### **Student behaviour and consequences for misbehaviour**

A principal may suspend, exclude or expel a student from a government school.

The Chief Executive may expel a student of 16 years of age or above from all government schools.

#### **Regulation 23**

Sets out what the school principal or the Chief Executive must consider in determining whether to suspend, exclude or expel a student, including:

- the severity and frequency of the misbehaviour of the student
- the student's prior record of behaviour and response to previous sanctions (if any)
- the extent to which adjustments have been made at the school to support the participation of that student, or students with a disability generally
- any other relevant matter.

The regulations may outline the forms of discipline to be observed in government schools, preschools or children's services centres.

#### **Regulation 25**

Allows school principals to impose moderate and reasonable rules for student behaviour and consequences for breaking those rules.

Says that consequences can include detaining a student during the lunch break or after school hours.

Allows principals to delegate disciplinary authority to other staff.

	<p><b>Regulation 26</b></p> <p>Says a principal of a government school, or person authorised by the principal, is permitted to search student bags, lockers, or other belongings on school premises to safeguard schools from loss of equipment.</p>
	<p><b>Regulation 27</b></p> <p>Allows a principal of a government school to require a student to meet the cost of repairing any damage they cause to school equipment or property.</p> <p>Allows the Minister to recover those costs in court if necessary.</p> <p>Says where the student is a child, the parents or caregivers responsible for the child are liable for the cost as a debt.</p>
<p><b>Exemptions from religious or cultural activities, and sex education</b></p>	
<p>A government school principal may set aside time for non-curricular religious and cultural activities conducted by a prescribed person.</p>	<p><b>Regulation 28</b></p> <p>Says person prescribed to conduct <u>religious</u> activities must be recognised (whether by formal ordination, commissioning, endorsement or otherwise) by a generally recognised or accepted religious organisation.</p> <p>Says a person prescribed to conduct <u>cultural</u> activities must represent and be acting with the approval of a generally recognised or accepted cultural organisation.</p>
	<p><b>Regulation 29</b></p> <p>Says that if a parent or caregiver gives written notice to the school principal that their child be exempt from a specified religious or cultural activity, or from all such activities, the student is considered exempt.</p>
<p>The Chief Executive will determine the curriculum for government schools and the regulations may provide for the exemption of students.</p>	<p><b>Regulation 30</b></p> <p>Says parents and caregivers can request that their child be exempt from sex education. However, that exemption does not apply to the <i>Keeping Safe: Child Protection Curriculum</i>.</p>
<p><b>Student allowances</b></p>	
	<p><b>Regulation 32 and 33</b></p> <p>Provide allowances to be paid to parents and caregivers to support their child's transport to school, where the child is living:</p> <ul style="list-style-type: none"> <li>- 5km or more from their nearest government school or from a transport route to the nearest government school</li> <li>- with a disability that attends a special school, disability unit or class of a kind determined by the Chief Executive.</li> </ul>
	<p><b>Regulation 34</b></p> <p>Provides allowances to be paid to students that are living away from home in order to undertake an approved secondary education course.</p>

## Dress codes

### Regulation 36

Allows the Chief Executive to issue instructions in relation to dress codes for government schools.

Allows governing councils to determine a dress code for their school following consultation with students, parents and caregivers.

Says that a dress code should be flexible and allow the right of choice and gender expression.

## 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.

### Regulations 37 and 38

Permit the Minister to determine any additional premises to which the protections, or banning of individuals apply.

## Materials and services charges

Schools are able to impose materials and services charges per the amount set by regulation. Schools can only legally recover an amount higher than that set by the regulations if parents and caregivers at the school support the higher charge.

### Regulation 79

Sets the prescribed amounts of materials and services charges that can be imposed by schools.

Students and/or their parents and caregivers are given written notice of materials and services charges.

### Regulation 80

Sets out requirements for notices of materials and services charges.

Subject to the regulations, a materials and services charge is recoverable as a debt due to the governing council of the school.

### Regulation 81

Says that debt recovery must comply with any directions given, or guidelines determined, by the Chief Executive.

### Regulation 83

Allows the Chief Executive to provide a child with the use of books, materials and equipment where the parent or caregiver has satisfied the Chief Executive that payment for those items would inflict hardship.