



New South Wales

# Education Regulation 2001

under the

Education Act 1990

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Education Act 1990*.

JOHN AQUILINA, M.P.,

Minister for Education and Training

## Explanatory note

This Regulation replaces the *Education Regulation 1996* which will be repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation, which is in substantially the same terms as the Regulation it replaces, deals with the following matters:

- (a) the publication of the results of basic skills testing,
- (b) the particular kinds of children in respect of whom certain non-government schools may be registered,
- (c) the constitution of parents and citizens associations and kindred associations,
- (d) the publication of the rules of the Board of Studies,
- (e) the saving of certain syllabuses and district council areas.

This Regulation is made under the *Education Act 1990*, including section 130 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

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## Education Regulation 2001

### 1 Name of Regulation

This Regulation is the *Education Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note.** This Regulation replaces the *Education Regulation 1996* which is repealed on 1 September 2001 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

In this Regulation:

*the Act* or *the new Act* means the *Education Act 1990*.

### 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

### 5 Publication of results: section 18A

- (1) This clause applies to the following results:
  - (a) results of basic skills testing under section 18 of the Act,
  - (b) results of School Certificate and Higher School Certificate examinations and related assessments.
- (2) The following are included for the purposes of subclause (1) (a):
  - (a) English Language and Literacy Assessment (ELLA),
  - (b) Year 3 and 5 Basic Skills Test (BST),
  - (c) Primary Writing Assessment,
  - (d) Secondary Numeracy Assessment Program (SNAP),
  - (e) Year 6 and 10 Computing Skills Assessment.
- (3) Results to which this clause applies must not be publicly revealed if the results relating to particular students are revealed.

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- (4) Results relating to a particular student may however be revealed as follows:
  - (a) to the student or to anyone with the student's consent,
  - (b) to the student's parents (or his or her other caregivers),
  - (c) to the principal of a school at which the student is enrolled or at which the student was previously enrolled,
  - (d) in the case of results of School Certificate or Higher School Certificate examinations and related assessments—by or with the approval of the Board of Studies, by way of the publication of the results of students who the Board considers have achieved outstanding results.
- (5) Results to which this clause applies must not be publicly revealed in a way that ranks or otherwise compares the results of particular schools.
- (6) If a school is required (by the appropriate authority for the school) to publish an annual report of school performance but fails to do so by the due date for publication, this clause does not prevent the public release of any results that were required to be the subject of that report.
- (7) The *appropriate authority* for the purposes of subclause (6) is:
  - (a) in the case of a government school—the Department of Education and Training, or
  - (b) in the case of a non-government school registered as a member of a system of non-government schools—the approved authority for the system, or
  - (c) in the case of a non-government school registered as an individual school—the proprietor of the school.

### **6 Registration of non-government schools as efficient for education of children of particular kind: sections 53, 64, 65**

Children of the following kinds are prescribed for the purposes of section 53 (1) (c), 64 (2) (b) and 65 (2) (c) of the Act:

- (a) children who need special instruction because of sensory, physical, intellectual or emotional disabilities,
- (b) children who are, or who are the children of, foreign nationals.

**7 Constitution of parents and citizens associations and kindred associations for government schools: section 115**

- (1) The Minister may constitute a parents and citizens association or kindred association for a government school on receiving minutes of a meeting at which 7 or more persons (each being parents of children attending the school or residents of the district served by the school):
  - (a) have resolved that such an association be formed, and
  - (b) have appointed the following officers from among themselves, namely, a president, at least 2 vice-presidents, a treasurer and a secretary.
- (2) The officers of such an association hold office until their successors are appointed in accordance with such rules as are made or adopted by the association for the conduct of the association's affairs.

**8 Publication of rules of Board of Studies: section 131**

- (1) A rule made by the Board of Studies under section 131 of the Act is to be published by means of a notice displayed to the public at the Board's office.
- (2) A copy of each such rule:
  - (a) must be included in the relevant bulletins and manuals issued by the Board to government schools and non-government schools, and
  - (b) must be available for public inspection at the Board's offices during business hours.

**9 Saving of certain syllabuses**

- (1) A syllabus for a course of study:
  - (a) that was, immediately before the commencement of the new Act, approved or adopted by the Board of Secondary Education under the *Education and Public Instruction Act 1987*, and
  - (b) that has not, since that date, been duly replaced under the new Act,is taken to be a syllabus approved by the Minister under the new Act.
- (2) Subclause (1) ceases to apply to a syllabus that is replaced by a new syllabus.

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### **10    Saving of certain district council areas**

- (1) The area for which a district council was established under the *Education and Public Instruction Act 1987*, as existing immediately before the commencement of the new Act, is taken to be an area prescribed for the purposes of section 115 (2) of the new Act.
- (2) Land within an area referred to in subclause (1) ceases to be part of that area if the land is subsequently included in an area prescribed in respect of a district council established under the new Act.

### **11    General savings provision**

Any act, matter or thing that, immediately before the repeal of the *Education Regulation 1996*, had effect under that Regulation is taken to have effect under this Regulation.

BY AUTHORITY

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