



New South Wales

# Education Regulation 2007

under the

Education Act 1990

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

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Minister for Education and Training

## Explanatory note

The object of this Regulation is to remake, without substantial change, the *Education Regulation 2001* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

The Regulation makes provision for the following matters:

- (a) the publication of the results of basic skills testing and School Certificate and Higher School Certificate examinations and related assessments,
- (b) the particular kinds of children in respect of whom certain non-government schools may be registered,
- (c) the particular kinds of changes to the circumstances of the operation of a non-government school that must be notified and that affect the registration of the school,
- (d) the constitution of parents and citizens associations and kindred associations for government schools,
- (e) the areas for which a district council may be established,
- (f) the constitution of district councils,
- (g) the publication of the rules of the Board of Studies,
- (h) the saving of certain syllabuses and district council areas.

This Regulation is made under the *Education Act 1990*, including sections 18A, 53, 63, 64, 65, 115, 130 (the general regulation-making power) and 131.

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## Education Regulation 2007

under the

Education Act 1990

### 1 Name of Regulation

This Regulation is the *Education Regulation 2007*.

### 2 Commencement

This Regulation commences on 1 September 2007.

**Note.** This Regulation replaces the *Education Regulation 2001* which is repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definition

(1) In this Regulation:

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

(2) Notes included in this Regulation do not form part of this Regulation.

### 4 Publication of results and other matters

(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,
- (c) results of annual assessments of the academic performance of students contained in reports to parents on student achievement.

(2) The following are included for the purposes of subclause (1) (a):

- (a) English Language and Literacy Assessment (ELLA),
  - (b) Primary Writing Assessment,
  - (c) Secondary Numeracy Assessment Program (SNAP),
  - (d) Essential Secondary Science Assessment,
  - (e) OECD Programme for International Student Assessment (PISA),
  - (f) Trends in International Mathematics and Science Study (TIMMS),
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- (g) Best Start Kindergarten Assessment,
  - (h) Year 3 and 5 Basic Skills Test (BST),
  - (i) Year 3, 5, 7 and 9 National Test in literacy,
  - (j) Year 3, 5, 7 and 9 National Test in numeracy,
  - (k) Year 6 National Assessment Program—Science Literacy,
  - (l) Year 6 and 10 National Assessment Program—ICT Literacy,
  - (m) Year 6 and 10 National Assessment Program—Civics and Citizenship,
  - (n) 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.
- (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 (including a school in another State or Territory) at which the student is enrolling, 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.

**5 Registration of non-government schools as efficient for education of children of particular kind**

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.

**6 Change in circumstances of the operation of a non-government school**

- (1) For the purposes of section 63 (1) of the Act, the following changes to the circumstances of the operation of a registered non-government school are prescribed:
    - (a) the closure of the school,
    - (b) the cessation of operation of the school for at least 1 year,
    - (c) the cessation of operation of the school for at least 2 years.
  - (2) For the purposes of section 63 (1) of the Act, notice of such a change must be given:
    - (a) to any person designated by the Board as a designated person for the purposes of this clause in an official notice given to schools by the Board, and
    - (b) as soon as reasonably practicable after the proprietor or principal of a school (or, in the case of a school that is a member of a system of non-government schools, the approved authority for the system) becomes aware that the school is to undergo, or has undergone, a change of a prescribed kind, but not later than one month after such a change has occurred.
  - (3) In the event of a change of the kind prescribed by subclause (1) (a) or (c) at a school, the registration of the school ceases.
  - (4) In the event of a change of the kind prescribed by subclause (1) (b) at a school, the registration of the school is limited to the period ending 1 year after the end of the first 12 months during which the school did not operate.
  - (5) If the registration of a school ceases under subclause (3) or is limited under subclause (4), the Minister is to give written notice of that cessation or limitation to the proprietor or principal of the school or, in the case of a school that is a member of a system of non-government schools, to the approved authority for the system.
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- (6) For the purposes of this clause, a school ceases operations if:
  - (a) there are no courses of study being taught at the school, or
  - (b) there are no students enrolled at the school.
- (7) In subclause (6), *courses of study* means courses of study that comply with the curriculum requirements under Part 3 of the Act for the years of schooling for which the school is certified as efficient for education under section 53 of the Act.

### **7 Constitution of parents and citizens associations and kindred associations for government schools**

- (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 a parent of a child attending the school or a resident 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 District council areas**

For the purposes of section 115 (2) of the Act, the following are prescribed as areas for which a district council may be established:

Far South Coast district as shown on the map marked "Area of Far South Coast District Council of P&C Associations" deposited in the principal office of the Department of Education and Training.

### **9 Notice of establishment of district council**

On establishing a district council for an area, the Minister must cause notice of that fact to be published in the Gazette.

### **10 Constitution of district council**

- (1) A district council for an area is to consist of delegates appointed by each parents and citizens association or kindred association constituted for any government school situated in the area.
- (2) Each parents and citizens association or kindred association may appoint up to 2 such delegates.

- (3) The delegates of a parents and citizens association or kindred association are to be appointed in accordance with the rules made or adopted by the association for the conduct of the association's affairs.

**11 Publication of rules of Board of Studies**

- (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 or by publication on the Board of Studies website.
- (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.

**12 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.

**13 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.

**14 General saving**

Any act, matter or thing that, immediately before the repeal of the *Education Regulation 2001*, had effect under that Regulation is taken to have effect under this Regulation.