Registration Process for the NSW Government Schooling System Manual

January 2019

Please note: Amendments to the Manual are noted, as they take effect, via Official Notices which are published on the NESA website and promoted in NESA News. The most up-to-date Manual at any time is available on the NSW Education Standards Authority website (educationstandards.nsw.edu.au).
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1 Introduction

The requirements for school registration under the *Education Act 1990* (‘the Education Act’) constitute a minimum standard for establishing a school in NSW.

In order to establish and operate a government school under the Education Act, the Minister for Education (‘the Minister’) must be satisfied that government schools will comply ‘with similar requirements to those required for the registration of non-government schools’ (section 27A of the Education Act).

Section 27A of the Education Act states that:

> The Authority is to monitor, and provide advice to the Minister and the Secretary on, the compliance by government schools with similar requirements to those that apply to non-government schools under section 47.

The Registration Process for the NSW Government Schooling System Manual (‘the Manual’) describes the independent process for the NSW Education Standards Authority (‘NESA’) to verify the compliance by the NSW government schooling system with the minimum standards.

The registration process for the NSW government schooling system has regard to the context in which the NSW Department of Education (‘the Department’) and NSW government schools operate. The process acknowledges the responsibility of the Department and NSW government schools as the universal provider of education in NSW and its own internal public assurance and governance arrangements reflecting awareness of its obligation for quality universal provision.

This Manual provides details about:

- the legislative basis for the registration process for the NSW government schooling system
- the roles and responsibilities of the Minister, the Department and NESA in relation to the registration process
- the information to be provided by the Department to NESA in relation to the Department’s processes for monitoring the compliance of its schools
- the requirements for NSW government schools and the associated documentary evidence to be maintained by the Department and/or its schools
- NESA processes for reviewing the efficacy and implementation of the Department’s monitoring processes in order to advise the Minister regarding the compliance of the NSW government schooling system with similar requirements to those required for the registration of non-government schools
- other relevant information and a glossary.

The provisions in this Manual should be applied in conjunction with the Education Act, the Education Standards Authority Act 2013, NESA syllabuses, the NESA Assessment Certification Examination (ACE) website (ace.nesa.nsw.edu.au) (‘the ACE website’) and NESA Official Notices.
2 Legislative Basis for the Registration Process for the NSW Government Schooling System

In accordance with the Education Act, NESA is, with the assistance of the Department, to monitor, and provide advice to the Minister and the Secretary on, the compliance by government schools with requirements similar to those that apply to non-government schools under section 47.

This Manual describes the ‘similar requirements’ for the registration process for the NSW government schooling system. These requirements are constituted as rules of NESA under section 25 of the Education Standards Authority Act 2013 (‘the NESA Act’).

2.1 Responsibilities of the Minister in relation to the registration process

In order to establish a government school under the Education Act, the Minister must be satisfied that ‘the school will comply with similar requirements to those required for the registration of non-government schools’ (section 27).

The registration process for the NSW government schooling system will inform advice to be provided by NESA, with the assistance of the Department, to the Minister under section 27.

2.2 Responsibilities of the Department in relation to the registration process

Within this legislative framework, the Department is responsible for:

- ensuring that NSW government schools comply with the Department’s system processes, policies and procedures including compliance with the requirements
- providing NESA with information on its system processes, policies and procedures to ensure the compliance of its schools, including data and information relating to the implementation of its processes and policies.

2.3 Responsibilities of NESA in relation to the registration process

Within this legislative framework NESA is responsible for:

- reviewing the data and information provided by the Department in order to provide independent verification of the Department’s processes and confirmation that the processes remain effective for monitoring the compliance of NSW government schools
- preparing a report to be considered by the School Registration Committee (‘the Committee’) and the NSW Education Standards Authority Board
- advising the Minister on compliance by the NSW government schooling system with the requirements.
The NESA Act requires that an Inspector appointed under the NESA Act be issued with a means of identification in the form approved by NESA. The requisite approved form is a photo ID card issued by NESA bearing the name of the person, identifying the role of Inspector and showing the NESA logo.

In carrying out its responsibilities in relation to the registration process for the government schooling system, NESA is committed to complying with the *Privacy and Personal Information Protection Act 1998* (NSW). It is also mindful of confidential matters related to the business affairs of schools and registration systems. The Information Protection Principles detailed in sections 8 and 9 of the Privacy and Personal Information Protection Act set the privacy standards that NESA is required to follow when dealing with personal information.

The NESA Privacy Management Plan describes how NESA complies with the Information Protection Principles in relation to personal information supplied by proposed schools and by registered and accredited schools in complying with the requirements of the Education Act. The Privacy Management Plan is available on the NESA website (educationstandards.nsw.edu.au).
3 NSW Government Schooling Monitoring Process

This section of the Manual details the information to be provided by the Department to NESA in relation to the Department’s system processes, policies and procedures for monitoring the compliance of its schools with the requirements.

The Department will define how its schools meet the requirements. It will provide information on an annual basis, or as required, to NESA on its system processes, policies and procedures for meeting the agreed standards as described in the Manual.

The registration process will have particular regard to minimising any additional administrative burden on either the Department or individual schools and on utilising any existing or future systems or processes that serve a similar purpose to NESA systems or processes.

The Department’s system processes, policies and procedures will be monitored and confirmed on an annual basis in accordance with the processes for independent verification detailed in section 5 of the Manual.

3.1 Information to be provided by the Department to NESA

The Department will provide annually to NESA information specifying:

- a. the schools in the system
- b. the governance arrangements for operating the system
- c. the person or persons to represent the system in relation to the registration process and liaison with NESA
- d. documented policies and procedures to describe:
  - i. how its schools meet the requirements, including its processes for monitoring and reporting on compliance (see section 4)
  - ii. its process for improvement where there are concerns about compliance
  - iii. its process for rectifying non-compliance
  - iv. its process for gathering data and information on a specific area or domain nominated for more in-depth review by the Department
- e. its process for the risk assessment of schools with a focus on the determinants of student learning including factors such as:
  - i. the accreditation and experience of teachers
  - ii. the standard of teaching
  - iii. the quality of the educational program
  - iv. recent school history of compliance
  - v. enrolment and attendance
  - vi. changes to and complexity of the management and operational context of the school
- f. details of any changes to the information provided in relation to (a) to (e) above.
4 Requirements for the NSW Government Schooling System

The Department will monitor the compliance of its schools with the following requirements. These requirements have regard to the responsibilities, characteristics and context of the Department and government schools.

The requirements relate to:

- teaching staff
- facilities
- premises and buildings
- safe and supportive environment
- discipline of students
- safety and welfare of students in boarding facilities
- school curriculum
- attendance
- school annual reporting
- management and operation.

For each requirement, the Manual identifies the documentation that would typically be maintained by the system or its schools in order to demonstrate compliance.

Quality of student learning

In deciding whether the requirements of the Education Act are being complied with by the NSW government schooling system, NESA will have regard to matters relating to the quality of student learning. Under the Education Act, such matters may include, but are not limited to, the following:

- the standard of teaching of courses of study provided at the school
- student engagement in learning at the school
- any matters identified in a risk assessment conducted by NESA in relation to the system and/or its schools.

As well, NESA will have regard to its related functions under the Teacher Accreditation Act 2004 (‘the TA Act’). The TA Act provides, among other things, that NESA will:

- advise and assist other teacher accreditation authorities in accrediting persons under the TA Act
- monitor the accreditation process across all schools
- ensure that the professional teaching standards are applied fairly and consistently.

The standard of teaching of courses of study provided at a school will be assessed in relation to evidence demonstrating system-wide policies and consistent school practices in areas
identified by the Australian Professional Standards for Teachers as provided by the TA Act. The emphasis of this process is the collective standard of teaching provided by a school as opposed to the standard of any one teacher at the school.

Specific evidence directly related to the standard of teaching and student engagement in learning has been included in relation to the requirements for teaching staff (section 4.1.1 of this Manual), facilities (section 4.2), student welfare (section 4.4.2) and curriculum (section 4.7).

4.1 Teaching staff

Teaching staff of a school must have the necessary experience and qualifications (having regard to accreditation under the Teacher Accreditation Act 2004 but without limiting such matters as may be relevant)

The TA Act provides a system of accreditation and recognition of teachers’ professional capacity against professional standards. Information about the professional standards and teacher accreditation can be viewed on the NESA website (educationstandards.nsw.edu.au/wps/portal/nesa/teacher-accreditation/how-accreditation-works/guide-to-accreditation).

4.1.1 Teaching staff qualifications and experience

The teaching staff of a school must have the necessary experience and qualifications having regard to accreditation under the TA Act.

Evidence of compliance

Documentation or evidence to be maintained by the system and/or by each school includes:

- details of teaching staff qualifications, experience and teacher accreditation documentation
- a plan for providing alternate teaching staff in the event that regular teaching staff are unavailable
- how the Australian Professional Standards for Teachers and other policies of NESA as provided by the TA Act are being implemented, including:
  - processes for supporting teachers in attaining and maintaining accreditation, including the induction, mentoring and professional development of teachers
  - processes for improving the collective standard of teaching at the school, including professional collaboration aimed at improving teacher practices and student outcomes.

4.1.2 Studying through an outside tutor

For students approved by the school to study individual courses through an outside tutor, the principal must have taken all reasonable steps to ensure that each tutor has the capacity to teach the course and is a suitable person to work with children.

Schools may access outside tutors to deliver courses of study to students enrolled at the school. An outside tutor is any person, other than a teaching staff member of the school,
whom the school has approved to deliver a specified course of study that is part of the curriculum as described by Parts 1, 3, 7 and 8 of the Education Act to a student or students enrolled in the school. The delivery of such a course may take place on school premises or elsewhere. The outside tutor may deliver the course to students during or outside school hours.

Persons employed by the school as casual teachers, or persons who provide specialist expertise for part of a course that is under the supervision of a teaching staff member who has responsibility for teaching the course at the school, are not considered outside tutors.

**Evidence of compliance**

Documentation or evidence to be maintained by the system and/or by each school that document the process used to:

- verify an outside tutor’s capacity to teach a course
- ensure that in accessing any outside tutor the school continues to comply with the requirements under the *Child Protection (Working with Children) Act 2012*
- ensure that the school continues to comply with the requirements of the ACE website for approved study with an outside tutor.

For each outside tutor approved by a school to conduct individual courses of study with students, the system and/or each school must maintain documentation that records:

- evidence that originals of the outside tutor’s qualifications and/or evidence of relevant experience and/or expertise have been seen by the principal or the principal’s authorised delegate
- evidence that the school has sought and obtained satisfactory reports from referees concerning the outside tutor’s suitability as an outside tutor
- details of the process undertaken by the school to verify the outside tutor’s capacity to teach the course and the outcome of that process
- a signed and dated declaration by the principal or an appropriate person with the principal’s delegated authority that a working with children check clearance has been obtained under the *Child Protection (Working with Children) Act 2012*
- the procedures in place to ensure that curriculum requirements are being met and will continue to be met for the course(s) of study delivered by the outside tutor.

**4.1.3 Outsourcing courses to an external provider**

A school’s educational program may include outsourcing of particular courses/subjects to one or more external providers, provided that:

- the school remains primarily responsible for the student
- the courses outsourced comprise a minority of each student’s overall pattern of study (except with approval from NESA).

An external provider is any organisation that the school has arranged to deliver a specified course of study that is part of the curriculum as described by Parts 1, 3, 7 and 8 of the Education Act to a student or students enrolled at the school. The delivery of such a course may take place on school premises or elsewhere.
The school needs to ensure that the courses outsourced comprise a minority of each student’s overall pattern of study for each Stage of learning (except with the approval from NESA to outsource more than a minority of courses for a student or group of students).

In exceptional circumstances, NESA may approve a school outsourcing more than a minority of courses from an overall pattern of study for an individual student or a group of students where the school considers it necessary to provide an appropriate educational program. In seeking NESA approval, the school would need to provide to NESA documentation to:

- describe the exceptional circumstances
- explain the educational program and how it meets the needs of the student(s)
- identify the external provider
- identify the courses that are intended to be outsourced
- provide assurance that the school will maintain primary responsibility for the student(s).

**Evidence of compliance**

Documentation or evidence to be maintained by the system and/or by each school includes:

- processes for being assured that any external provider accessed by the school complies with the *Child Protection (Working with Children) Act 2012*
- a list of the student(s) undertaking the course(s)
- evidence of the suitability of the external provider(s) accessed by the school to deliver the course(s), including, where relevant, evidence of certification of the provider(s) by appropriate agencies
- the agreement with each external provider including identification of the respective responsibilities of the school and the provider
- the procedures in place to ensure that curriculum requirements are being met and will continue to be met for the course(s) of study delivered by each external provider.

For each student undertaking one or more courses that have been outsourced to an external provider accessed by the school, the school must maintain records to demonstrate that the outsourced courses comprise a minority of each student’s overall pattern of study for each Stage of learning, unless approval from NESA has been obtained to outsource more than a minority of each student’s overall pattern of study. The NESA Board has delegated authority to grant such approval to the Committee.

The use of an external provider does not abrogate the school’s obligation to ensure that all of the syllabus and other relevant curriculum and assessment requirements are met.

### 4.2 Facilities

**Educational facilities must be adequate for the courses of study provided at the school**

A school must have educational facilities that are adequate for the courses of study provided and processes in place that can assist the system and school to ensure that the facilities remain adequate for the courses of study and the number of students in each course.
Evidence of compliance

Documentation or evidence to be maintained by the system and/or by each school includes:

- records of the range of educational facilities, including ICTs, accessed for the courses of study offered, taking into account:
  - the number of students undertaking each course
  - the range of student learning needs, and
  - access to off-site facilities (where applicable)
- records of assessing and monitoring the current standard and state of repair of the facilities.

4.3 Premises and buildings

Premises and buildings must be satisfactory

Schools must be able to provide an assurance that its premises and buildings are satisfactory.

The premises and buildings of a school must comply with:

- relevant council and government requirements
- work health and safety legislation and subordinate legislation
- environmental and land use guidelines.

Evidence of compliance

Documentation or evidence to be maintained by the system and/or by each school includes:

- evidence that school premises and buildings comply with relevant legislation, including Work Health and Safety Act 2011, Disability Discrimination Act 1992, and any other relevant government and local Council requirements
- records of monitoring and maintaining the current standard and state of repair of the school's premises and buildings
- evidence of a current annual fire safety assessment.

4.4 Safe and supportive environment

A school must be able to provide a safe and supportive environment by means that include:

- persons who are employed at the school being employed in accordance with Part 2 of the Child Protection (Working with Children) Act 2012
- policies and procedures that ensure compliance with relevant notification requirements imposed in relation to persons employed by the Department by Part 3A of the Ombudsman Act 1974, the Children and Young Persons (Care and Protection) Act 1998 and the Child Protection (Working with Children) Act 2012
- policies and procedures that provide for the welfare of students.
4.4.1 Child protection

The system and each school must have in place policies and procedures to ensure that it meets its legislative obligations in relation to child protection.

Evidence of compliance

Documentation or evidence to be maintained by the system and/or by each school includes policies and procedures to:

- ensure that staff who have direct contact with students are informed annually of their legal responsibilities related to child protection and other relevant school expectations
- ensure that requirements to notify and investigate allegations of reportable conduct in compliance with the Ombudsman Act 1974 are made known to staff annually
- ensure that all persons engaged in child-related work at the school, as defined by the Child Protection (Working with Children) Act 2012, have a working with children check clearance from the NSW Office of the Children's Guardian, as required
- ensure that evidence of working with children check clearances is maintained by the school for all persons in child-related work at the school as required under the Child Protection (Working with Children) Act 2012
- respond to reportable matters in accordance with legislative requirements
- ensure that all staff who are mandatory reporters under the Children and Young Persons (Care and Protection) Act 1998 are informed annually of their obligations and the process the school has in place in relation to mandatory reporting
- set clear guidelines and expectations for stakeholders regarding complaints or allegations of staff misconduct or reportable conduct
- publish the complaint handling procedures regarding allegations of staff misconduct or reportable conduct.

4.4.2 Student welfare

Student welfare encompasses the mental, physical, social and emotional wellbeing of the student.

Evidence of compliance

Documentation or evidence to be maintained by the system and/or by each school includes policies and procedures to:

- school and student security
- evacuation and lockdown procedures
- supervision including risk management of on-site and off-site activities
- codes of conduct for members of the school community
- behaviour management
- anti-bullying
- the monitoring of student leadership
- management and reporting of serious incidents
- raising and responding to complaints or grievances from students and/or parents/caregivers
- pastoral care and information about access to counselling
- health and the distribution and management of medication
- provision of support for students with special education needs
- communication, with specific reference to mechanisms available between the school and those interested in a student's education and wellbeing (eg parents and caregivers)
- student attendance, with specific reference to:
  - processes for monitoring attendance data
  - intervention strategies to improve unsatisfactory attendance, including implementing strategies designed to improve student engagement in school and learning.

4.4.3 Personal and social development of distance education students

The Education Act makes provision for students to undertake all or a significant part of their courses of study by means of distance education where the school has in place policies and procedures that are appropriate to ensure the personal and social development of its students.

Evidence of compliance

Documentation or evidence to be maintained by the system and/or by each school includes policies and procedures in relation to:

- monitoring students' personal and social development
- details of the school's programs that focus on personal and social development
- ensuring the safety and welfare of students undertaking 'residential school' sessions or 'study days'.

4.5 Discipline of students

Policies and procedures for the discipline of students are to be based on procedural fairness and must not permit corporal punishment

The Education Act requires that policies related to the discipline of students be based on procedural fairness. It is the responsibility of the school to determine incidents that may require disciplinary action and the nature of any penalties that may apply. The process that leads to the imposition of such penalties, particularly but not exclusively in relation to suspension, expulsion and exclusion of students, must be procedurally fair.

Evidence of compliance

Documentation or evidence to be maintained by the system and/or by each school includes policies and procedures:

- in relation to the discipline of students, including but not limited to suspension, expulsion and exclusion of students that are based on procedural fairness
- that prohibit the use of corporal punishment.
4.6 Safety and welfare of students in boarding facilities

If a school provides boarding facilities, whether itself or by contractual arrangement, the school must have policies and procedures that are satisfactory to ensure the safety and wellbeing of boarders

A school that provides boarding facilities is one that regularly provides overnight accommodation for students enrolled at the school, either itself or by contractual arrangement. Boarding facilities exclude accommodation provided away from school premises for day students during a brief school trip and ‘home stay’ accommodation.

The requirements that are appropriate to ensure the safety and welfare of boarders are contained in a set of minimum standards for the safety and welfare of boarders as described in this section.

Evidence of compliance
Documentation or evidence to be maintained by the system and/or by each school includes policies and procedures in relation to:

- aims and guiding principles in relation to boarding that are available to stakeholders, including parents/caregivers
- compliance of accommodation, facilities and services with legislative requirements, including an annual fire safety assessment
- rights and responsibilities of boarders
- staff training and legislative requirements in relation to child protection
- physical wellbeing and development of boarders
- personal development and emotional wellbeing of boarders
- day-to-day management of boarding accommodation and facilities.

4.7 School curriculum

The curriculum provided by a school must meet the requirements set out in the Education Act

4.7.1 Curriculum for primary schools

Primary schools will have:

- an educational program based on, and taught in accordance with, the outcomes of NESA syllabuses for the six key learning areas (‘KLAs’) of primary education:
  - English
  - Mathematics
  - Science and Technology
  - Human Society and Its Environment
  - Creative Arts
  - Personal Development, Health and Physical Education
- courses of study in each of the KLAs for each child during each Year
- courses of study that are appropriate for the children concerned having regard to their level of achievement and needs
- courses of study in accordance with any relevant guidelines developed by NESA and approved by the Minister
- evidence relating to the quality of teaching and student learning.

**Evidence of compliance**

Documentation or evidence to be maintained by the system and/or by each school includes:

- timetables for each Year/class showing the allocation of time and teachers for each KLA
- an overview of the school’s educational program indicating:
  - the scope and sequence of learning/units of work in relation to outcomes of NESA syllabus for each KLA for each Year
  - resources and equipment available for each KLA
- an assessment plan indicating how students’ performance in each KLA is assessed, monitored and recorded
- an overview of the process for reporting student achievement
- for each Year/class:
  - teaching programs for each unit of work that correspond to those identified in the scope and sequence of learning/units of work for that year
  - samples of student work that relate to the teaching program for that year
- evidence relating to the standard of teaching that includes:
  - consistency between the various elements of the school’s curriculum including NESA syllabus outcomes, scope and sequence, teaching programs, assessment records and samples of student work
  - records of teacher reflection/evaluation of the effectiveness of teaching and learning activities
  - records of the progressive achievement of students over time
  - records of the school’s analysis of student achievement data to inform teaching and learning
  - records of teaching strategies to meet the learning needs of students across a variety of student backgrounds and learning profiles, including Aboriginal and Torres Strait Islander students
- evidence relating to the student engagement in learning, that includes records of:
  - students’ learning progress over time
  - teaching strategies and programs designed and implemented to meet the learning needs of students across a variety of student backgrounds and learning profiles, including Aboriginal and Torres Strait Islander students.
4.7.2 Curriculum for the Record of School Achievement

The curriculum from Year 7 to Year 10 for students who are candidates for the Record of School Achievement (RoSA) must:

- meet the study requirements for each KLA as detailed on the ACE website, and
- be taught in accordance with a syllabus developed by NESA and approved by the Minister.

The requirements for the RoSA are detailed on the ACE website. The ACE website also states the rules and procedures for the RoSA. Schools must refer to these requirements to ensure the eligibility of students for the RoSA.

Schools must refer to the ACE website for details of their responsibilities in relation to the requirements for the award of the RoSA, the RoSA curriculum, satisfactory completion of a course and rules concerning attendance and appeals.

Evidence of compliance

A school must have in place and implement policies and procedures to monitor the compliance of each student with the requirements for eligibility for the award of the RoSA.

Documentation or evidence to be maintained by the system and/or by each school includes:

- timetables showing the allocation of time and teachers for each Year/class
- the total number of hours allocated to each course
- an overview of the educational program indicating:
  - the scope and sequence of learning units/units of work mapped against the content and outcomes of the relevant NESA syllabus for each course
  - resources and equipment available for each KLA
- assessment policies and procedures which comply with the requirements documented on the ACE website and NESA Official Notices. These policies should include statements of school procedures and records relating to the allocation of grades in each Year 10 course
- confirmation that the school has policies for disability provisions in accordance with the ACE website
- an overview of the process for reporting student achievement
- for each Year/class:
  - teaching programs for each unit of work that correspond to those identified in the scope and sequence of learning/units of work
  - samples of student work that relate to the teaching program for that year
- records relating to the quality of the educational program including records of achievement of students, the standard of teaching at the school having regard to the Australian Professional Standards for Teachers as provided by the TA Act and the facilities provided
- evidence relating to the standard of teaching that includes:
  - consistency between the various elements of the school’s curriculum including NESA syllabus outcomes, scope and sequence, teaching programs, assessment records
and schedules, and samples of student work

- records of teacher reflection/evaluation of the effectiveness of teaching and learning activities
- records of the progressive achievement of students over time
- records of the school’s analysis of student achievement data to inform teaching and learning
- records of teaching strategies to meet the learning needs of students across a variety of student backgrounds and learning profiles, including Aboriginal and Torres Strait Islander students

- evidence relating to the student engagement in learning that includes records of:
  - students’ learning progress over time
  - teaching strategies and programs designed and implemented to meet the learning needs of students across varying student backgrounds and learning profiles, including Aboriginal and Torres Strait Islander students.

### 4.7.3 Curriculum for the Higher School Certificate

The requirements, rules and procedures for the Higher School Certificate (HSC) are detailed on the ACE website and NESA Official Notices. Schools must refer to these rules and procedures to ensure the eligibility of students for the HSC credential.

Schools must refer to the ACE website and NESA Official Notices for details of their responsibilities in relation to the requirements for the award of the HSC, including satisfactory completion of a course and appeals.

**Evidence of compliance**

A school must have in place and implement policies and procedures to monitor the compliance of each student with the requirements for eligibility for the award of the HSC.

Documentation or evidence to be maintained by the system and/or by each school includes:

- timetables showing the allocation of time and teachers for each Year/class
- the total number of hours allocated to each Preliminary and HSC course
- courses of study for each student each year that comply with a pattern of study for Year 11 and 12 as described on the ACE website for candidates for the HSC (ACE 8005)
- an overview of the educational program indicating:
  - the scope and sequence of learning units/units of work mapped against the content and outcomes of the relevant NESA syllabus for each course
  - resources and equipment available for each KLA
- assessment policies and procedures which comply with the requirements documented in the ACE website and NESA Official Notices. These policies should include statements of school procedures relating to the allocation of grades in each Preliminary course
- confirmation that the school has policies for disability provisions in accordance with the ACE website
an overview of the process for reporting student achievement

for each Year/class:
  - teaching programs for each unit of work that correspond to those identified in the scope and sequence of learning/units of work for that year
  - samples of student work that relate to the teaching program for that year

records relating to the quality of the educational program including records of achievement of students, the standard of teaching at the school having regard to the *Australian Professional Standards for Teachers* as provided by the TA Act and the facilities provided

evidence relating to the standard of teaching that includes:
  - consistency between the various elements of the school’s curriculum including NESA syllabus outcomes, scope and sequence, teaching programs, assessment records and schedules, and samples of student work
  - records of teacher reflection/evaluation of the effectiveness of teaching and learning activities
  - records of the progressive achievement of students over time
  - records of the school’s analysis of student achievement data to inform teaching and learning
  - records of teaching strategies to meet the learning needs of students across a variety of student backgrounds and learning profiles, including Aboriginal and Torres Strait Islander students

evidence relating to student engagement in learning, that includes records of:
  - students’ learning progress over time
  - teaching strategies and programs designed and implemented to meet the learning needs of students across a variety of student backgrounds and learning profiles, including Aboriginal and Torres Strait Islander students.

The assessment policies must include statements of school procedures relating to:

- organisational details of the school’s assessment program for each course, giving the number and types of assessment tasks, components and weightings, and scheduling of the tasks
- marking, recording and reporting student achievement in assessment tasks
- administrative arrangements regarding absence from an assessment task, late submission of tasks due to illness or misadventure, malpractice and invalid or unreliable tasks
- student appeals against assessment rankings
- ‘N’ determinations
- providing students with written advice about the school’s requirements for assessment in each course.
4.7.4 Distance education schools

The Education Act makes provision for a school to deliver to its enrolled students all or a significant part of courses in distance education mode.

Evidence of compliance

In addition to meeting the requirements detailed in 4.7.1 – 4.7.3, documentation or evidence to be maintained by the system and/or by each member school delivering all or a significant part of courses in distance education mode includes:

- policies and procedures for authenticating student work
- guidelines for people such as family or community members who act as on-site supervisors of a student’s distance education work
- policies and procedures in relation to ‘residential school’ or ‘study day’ sessions
- policies and procedures in relation to teacher visits to students
- teaching programs, including specific details of all teaching and learning activities provided to students, for each distance education course offered
- the annual schedule for teaching programs and activities undertaken at ‘residential school’ or ‘study day’ sessions.

For each student undertaking all or a significant part of their courses by means of distance education the school must maintain documentation that records:

- learning progress in relation to syllabus outcomes
- attendance at ‘residential school’ or ‘study day’ sessions
- the mechanisms by which each student is able to interact with relevant teachers each week
- the dates of teacher visits to the student
- procedures for the formal supervision of students undertaking external examinations/tests.

4.8 Attendance

The Principal of a school must keep a register, in a form approved by the Minister, of the enrolments and daily attendance of all children at the school

The attendance registers must be in a form approved by the Minister. The system may provide specific advice to its schools on the application of the common codes.

The Minister, under section 25 of the Education Act, has delegated the power to the principal of a school to grant and cancel a certificate of exemption from being enrolled and attending school in certain prescribed circumstances. Schools are to maintain documentary evidence in regard to the exercising of this delegation.

Evidence of compliance

Documentation or evidence to be maintained by the system and/or each school includes:

- a register of enrolments that includes:
- name, age and address
- the name and contact telephone number of parent(s)/guardian(s)
- date of enrolment, and where appropriate, the date of leaving the school and the student’s destination
- for students older than six (6) years, previous school or pre-enrolment situation
- where the destination of a student below seventeen (17) years of age is unknown, evidence that a Department officer with home school liaison responsibilities has been notified
- any other information as required by the Department

- a register of daily attendance that uses the attendance codes approved by the Minister and includes:
  - daily attendance and absences
  - reasons for absence
  - documentation to substantiate reason for absence

- policies and procedures for:
  - monitoring the daily attendance/absence of students
  - following up unexplained absences
  - notifying parent(s) and or guardian(s) of poor school and/or class attendance
  - transferring unsatisfactory attendance information to student files

- policies and procedures for exercising the Minister’s delegation under section 25 of the Education Act for exemption from attending school
- records of exercising the Minister’s delegation under section 25 of the Education Act, including copies of certificates issued under this delegation.

4.9 School annual reporting

Policies to ensure participation in annual reporting of a kind determined by the Minister

Each school is to prepare an annual report of a kind determined by the Minister on the school’s performance measures and policies as identified by the Minister.

Evidence of compliance

Documentation or evidence to be maintained by the system and/or each school includes policies and procedures in relation to:

- the information to be included in annual school reports
- the timing and public disclosure of annual school reports
- the provision of data to the Minister through the Department.
4.10 Management and operation

Policies and procedures for:
- being assured that each responsible person for the school is a fit and proper person
- school governance
- persons who were largely responsible for the prior refusal of an application for, or the cancellation of, the registration of a non-government school, being subsequently ineligible to be responsible persons for a period of five years

Section 47(b) of the Education Act defines a ‘responsible person’ as:
- the proprietor of the school and, if the proprietor is a corporation, each director or person concerned in the management of the school, or
- a member of the governing body of the school, or
- the principal of the school.

This means that all of the above categories are considered to be ‘responsible persons’ under the Education Act.

When interpreting the requirement in relation to the ‘responsible persons’ and the governing body of a government school, NESA will have regard to the statutory basis of NSW government schools, the governance structures of the Department as a NSW Government Department and the Department’s processes for being assured that the ‘responsible persons’ and governing body for the school are fit and proper.

Evidence of compliance

Documentation or evidence to be maintained by the system and/or by each school includes policies and procedures in relation to:
- providing an assurance that the ‘responsible persons’ for the school are fit and proper persons
- school governance
- persons who were largely responsible for the prior refusal of an application for, or the cancellation of, the registration of a non-government school, being subsequently ineligible to be responsible persons for a period of five years.

In the case of the NSW government schooling system, the assessment of the evidence of compliance will have regard to the statutory basis of NSW government schools and the governance structures of the Department as a NSW Government Department.
5 NESA monitoring of the NSW government schooling system’s processes

The implementation of the Department’s system processes, policies and procedures for monitoring the compliance of the NSW government schooling system with registration requirements will be the subject of a registration process that will include a review of relevant Department and school documentation and inspections of a sample of schools on an annual basis. The number and nature of schools selected will be sufficient to ensure valid and reliable advice is provided to the Minister in accordance with section 27A of the Education Act.

Over a 5 year period, the schools selected will be representative of the diversity of schools taking into account characteristics such as Years of schooling, regional and metropolitan location and type of school (eg special school, boarding school, distance education school, selective school, specialist school) and risk based factors.

NESA will implement the following procedures for the independent verification of the Department’s system processes, policies and procedures for monitoring the compliance of its schools.

On an annual basis, an Inspector will contact the system’s key person or persons to make arrangements for:

- reviewing the system’s documented processes for monitoring the compliance of the system’s schools with requirements that are similar to those required for non-government school registration
- developing and implementing, in consultation with the system, a plan for reviewing different aspects of the system’s implementation of its monitoring processes over each five year period
- reviewing a sample of relevant documents and examples of the system’s processes, including, as appropriate and agreed, inspection of a sample of schools for illustrative purposes, and the relevant data.

On an annual basis, the Inspector(s) will prepare a report for consideration and approval by the Committee. The Inspector’s report will provide an overview of the system’s monitoring processes, the Inspector’s processes for reviewing the system and the Inspector’s findings in relation to the implementation of the system’s procedures for monitoring the compliance of its schools with the requirements that are similar to those required for non-government school registration.

The report will make recommendations in relation to the efficacy of the system’s processes for monitoring compliance and for inclusion in the advice to be given to the Minister in relation to the compliance of the system’s schools with the requirements.

The report to the Committee will provide aggregated information and data on the system’s processes and will not identify the specific schools involved in the annual sample.

Based on the annual process of NESA and subject to the approval of the Committee, NESA will provide advice to the Minister on the compliance of the NSW government schooling system with requirements that are similar to those required for non-government school registration.
## 6 Glossary

This glossary is provided to assist schools. Where there is any conflict between these definitions and the definitions in the Education Act or any other legislation, the statutory definitions prevail.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>ACE website</td>
<td>The NESA Assessment Certification Examination website (<a href="ace.nesa.nsw.edu.au">ace.nesa.nsw.edu.au</a>).</td>
</tr>
<tr>
<td>boarding facilities</td>
<td>Facilities, including overnight accommodation, provided by the school itself or under contractual arrangement for students enrolled at the school. This excludes accommodation provided for day pupils away from school premises during a brief school trip and ‘home stay’ accommodation.</td>
</tr>
<tr>
<td>campus</td>
<td>A campus is part of a school where that part is located at a different site and used for the delivery of courses as described by Parts 1, 3, 7 and 8 of the Education Act for the provision of amenities for teachers and students participating in those courses or for the provision of boarding facilities.</td>
</tr>
<tr>
<td>Community Services</td>
<td>Government agency responsible for Family and Community Services (formerly Department of Community Services (DoCS)).</td>
</tr>
<tr>
<td>complaint</td>
<td>A grievance, expression of dissatisfaction or formal allegation.</td>
</tr>
<tr>
<td>compulsory years of schooling</td>
<td>From the age of six (6) years to the age at which a child completes Year 10 of secondary education (subject to the participation requirements of section 21B(3) of the Education Act) or the age of seventeen (17) years, whichever occurs first.</td>
</tr>
<tr>
<td>corporal punishment</td>
<td>The application of physical force to punish or correct the student, but not including the application of force to prevent personal injury to, or damage to or the destruction of property of, any person (including the student).</td>
</tr>
<tr>
<td>curriculum guidelines</td>
<td>Guidelines developed by NESA and approved by the Minister.</td>
</tr>
<tr>
<td>Department</td>
<td>NSW Department of Education.</td>
</tr>
<tr>
<td>direct on-site supervision</td>
<td>Direct on-site supervision occurs when a qualified teacher acts as a supervisor and provides advice on the quality and appropriateness of pedagogy and student behaviour management strategies to a member of staff who is working towards the standard of professional teacher competence. The supervisor is on the same school site but does not need to be present for every lesson of the teacher being supervised.</td>
</tr>
<tr>
<td><strong>distance education</strong></td>
<td>The delivery of courses of study by a school to students enrolled in the school during which the students and teachers are not regularly in the presence of each other but communicate with each other in writing, by print or by electronic or other means.</td>
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<tr>
<td><strong>exclusion</strong></td>
<td>The act of preventing a student's admission to a number of schools.</td>
</tr>
<tr>
<td><strong>expulsion</strong></td>
<td>The permanent removal of a student from one particular school.</td>
</tr>
<tr>
<td><strong>external provider</strong></td>
<td>Any organisation that the school has entered into an arrangement with to deliver a specific course of study that is part of the curriculum as described by Parts 1, 3, 7 and 8 of the Education Act to a student or students enrolled at the school.</td>
</tr>
<tr>
<td><strong>Inspector</strong></td>
<td>An officer of NESA, employed or appointed under section 104 of the Education Act to enable NESA to exercise its functions under section 102 of the Education Act.</td>
</tr>
<tr>
<td><strong>Minister</strong></td>
<td>Minister for Education, New South Wales.</td>
</tr>
<tr>
<td><strong>NESA</strong></td>
<td>NSW Education Standards Authority</td>
</tr>
<tr>
<td><strong>‘on-site’ supervisor</strong></td>
<td>Person who supervises a distance-education student's tests, examinations and/or assessment tasks. ‘On-site’ supervisors may be family or community members who have not had any teacher training.</td>
</tr>
<tr>
<td><strong>outside tutor</strong></td>
<td>A person other than a teaching staff member of the school, whom the school has approved to deliver a specified course that is part of the curriculum as described by Parts 1, 3, 7 and 8 of the Education Act to students enrolled in the school.</td>
</tr>
<tr>
<td><strong>policy</strong></td>
<td>An official statement of the system/school's goals or objectives in an area of school governance which outlines the associated procedures, activities or other key elements in a way that demonstrates how these goals or objectives are to be achieved.</td>
</tr>
<tr>
<td><strong>principal</strong></td>
<td>The most senior member of the teaching staff of a school, with responsibility for the effective and efficient day-to-day operations of the school, including compliance with the Education Act.</td>
</tr>
<tr>
<td><strong>procedural fairness</strong></td>
<td>Application of the 'hearing rule' and the 'right to an unbiased decision' when implementing policies and procedures where decisions are to be made which affect the rights of others.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>reportable conduct</td>
<td>Conduct or behaviour which must be reported to the Ombudsman pursuant to the Ombudsman Act 1974 including child sexual assault and sexual misconduct.</td>
</tr>
<tr>
<td>‘residential school’ sessions</td>
<td>Periods of time when students and teachers are in the presence of each other at the same physical location to undertake learning activities related to the educational program provided by the school including a specific focus on the personal and social development of students.</td>
</tr>
</tbody>
</table>
| responsible person for a school           | ▪ the proprietor of the school and, if the proprietor is a corporation, each director or person concerned in the management of the school, or  
▪ a member of the governing body of the school, or  
▪ the principal of the school.                                                                                                                  |
| risk management                           | A management plan for assessing the potential for harm and taking action towards minimising the risk of harm. This may include a plan for responding to serious incidents and emergencies.                                                                       |
| safe environment                          | One where the risk of harm is minimised and students are secure. ‘Harm’ relates not only to dangers in the built environment but also refers to violence, physical threats, verbal abuse, threatening gestures, sexual harassment and racial vilification.       |
| School Registration Committee             | A standing committee of the NSW Education Standards Authority pursuant to section 11 of the Education Standards Authority Act 2013 and, under delegation pursuant to section 12 of the Act, exercising the functions of NESA in relation to the registration process for the NSW government schooling system. |
| serious incident                          | An event which:  
▪ causes disruption to a school, or  
▪ creates significant danger or risk that could traumatically affect individuals within the school, or  
▪ impacts on the effective operation of the school.                                                                                                    |
| supportive environment                    | An environment that facilitates and enhances the social, academic, physical and emotional development of students.                                                                                                                                                  |
| suspension                                | A temporary debarment of a student from all of the classes that a student would normally attend at a school                                                                                                                                                    |
| Vocational Education and Training (VET) course | A course that has been approved by both NESA and Australian Skills Quality Authority (ASQA) for teaching in schools. Students receive credit towards both their HSC and an industry training qualification. See the ACE website for more details. |
7 Appendix – Information about other Legislation

NESA’s responsibilities derive from the Education Act.

Over and above this Act, however, schools and systems must be cognisant of a range of Commonwealth and State legislative requirements with which they may need to comply.

It is the responsibility of all NSW schools and systems to ensure that the requirements of relevant legislation are understood and met, as appropriate.

At the time of publishing this Manual, the following Acts and regulations were considered relevant points of reference for schools and systems. This list of Acts is not exhaustive and the information should be checked with the appropriate source to ensure accuracy, relevance and currency.

- *Privacy Act 1988 (Cth)* (legislation.gov.au)
- *Environmental Planning and Assessment Act 1979 (NSW)* (legislation.nsw.gov.au)