To be completed during an internal review when there is a preliminary view that the requirements for enrolment in a state special schools are not met. This letter provides an opportunity for the applicant to provide further evidence that may support the prospective student’s enrolment in a state special school.

This letter is used by the Regional Director.

The letter is emailed and posted to the applicant with all materials considered.

Dear [parent/s name]

Thank you for your application for internal review of the decision to refuse enrolment of [student name] in [name of state special school].

The Director-General has delegated reviewing the decision under section 392 of the [*Education (General Provisions) Act 2006* (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/2018-05-01/act-2006-039) (the Act) to me.

**My preliminary view**

I have considered your application carefully, and my preliminary view is that the requirements for enrolment in a state special school are not met. This would mean that [student name] is not eligible to enrol in [name of state special school].

This is not my final decision.

This letter is to give you the opportunity to consider my preliminary view, and ensure I have all the evidence available when I make my final decision. You can provide any submissions that you would like me to consider. Information on how to make a submission is set out at the end of this letter.

**Material considered**

In forming my preliminary view, I considered the following materials:

* Sections 155, 156, 166, 167, 390 to 392 and Chapter 8, Division 3 of the Act
* [*Special school eligibility (“person with a disability” criteria)*](https://education.qld.gov.au/student/Documents/special-school-eligibility-policy.docx) policy

# [*Enrolment in state primary, secondary and special schools*](https://ppr.qed.qld.gov.au/pp/enrolment-in-state-primary-secondary-and-special-schools-procedure)procedure

# [*State special school enrolment (additional requirements)*](https://ppr.qed.qld.gov.au/pp/state-special-school-enrolment-additional-requirements-procedure)procedure

# [*Application for student enrolment*](https://ppr.qed.qld.gov.au/attachment/application-for-student-enrolment-form.pdf) formdated *[insert date]*

* [*State special school enrolment parent consent and information*](https://ppr.qed.qld.gov.au/attachment/state-special-school-enrolment-parent-consent-and-information-form.docx)form dated [insert date]
* [*Enrolment application principal referral*](https://ppr.qed.qld.gov.au/attachment/enrolment-application-principal-referral-form-oneschool.docx)form *(for students not currently enrolled in Queensland state special school)* dated [insert date]
* [*Education Adjustment Program (EAP) outcome (temporary attendance finalisation)*](https://ppr.qed.qld.gov.au/attachment/education-adjustment-program-eap-outcome-temporary-attendance-finalisation-form.docx) form dated [insert date] (if relevant)
* [*Application for internal review of special school enrolment ineligibility*](https://ppr.qed.qld.gov.au/attachment/application-for-internal-review-of-special-school-enrolment-ineligibility.docx) dated [insert date].
* Any AIMS or OneSchool records
* Insert all other documents used to make decision

A copy of all materials considered in making my decision is attached for your consideration.

**Preliminary findings of fact**

In consideration of the material mentioned above, I made the following preliminary findings of fact:

* To be eligible to enrol in a State special school, the prospective student must satisfy the following enrolment requirements as per s166 of the Act:
	+ The prospective student is a ‘person with a disability’; and
	+ The special school is able to cater for the educational needs of the prospective student.
* The [*Special school eligibility (‘person with a disability’ criteria)*](https://education.qld.gov.au/student/Documents/special-school-eligibility-policy.docx) *policy* sets out the criteria to be considered in deciding whether a person is a ‘person with a disability’ in accordance with s165 (2) of the Act.
* The [*Special school eligibility (‘person with a disability’ criteria)*](https://education.qld.gov.au/student/Documents/special-school-eligibility-policy.docx) *policy* provides that the prospective student **must meet the following criteria**:
1. the person has a disability as defined by the [*Disability Discrimination Act 1992*](https://www.legislation.gov.au/Series/C2004A04426)(Cwlth) (DDA); and
2. the person has a *severe disability* which includes an *intellectual disability;* and
3. the person is unlikely to attain the levels of development of which the person is capable unless the person receives special education; and
4. the person’s educational program is best delivered in a special school taking into account the appropriateness of this placement for the individual concerned.

***Criterion 1***

I [am/am not satisfied] that [insert prospective student’s name] meets Criteria 1 of the Special school eligibility policy: The person has a disability as defined by the [*Disability Discrimination Act 1992*](https://www.legislation.gov.au/Series/C2004A04426)(Cwlth) (DDA), because:

* [example text: [insert prospective student’s name] has been diagnosed as having xxx, which means they have a disability for the purposes of the DDA.
* [insert prospective student’s name] has not been diagnosed as having a disability as defined by the DDA.

***Criterion 2***

I [am/am not satisfied] that [insert prospective student’s name] meets Criterion 2 of the Special school eligibility policy: The person has a severe disability that includes an intellectual disability, because:

* Insert reasons

***Criterion 3***

I am/am not satisfied that [insert prospective student’s name] meets Criteria 3 of the Special school eligibility policy: The person is unlikely to attain the levels of development of which the person is capable unless the person receives special education, because:

* [example text: [insert prospective student’s name] requires an educational program appropriate to the needs of his disability and additional to, or otherwise different from, educational programs and services generally available to persons of the relevant age who are not persons with a disability.

***Criterion 4***

I [am/am not] satisfied that [insert prospective student’s name] meets Criterion 4 of the Special school eligibility policy: The person’s education program is best delivered in a special school taking in to account the appropriateness of this placement for the individual concerned, because:

* [example of text please delete: [insert prospective student’s name] has demonstrated a range of knowledge and skills that are above those typically achieved by a student in Prep whose educational program is best delivered in a special school. With support from a familiar adult [insert prospective student’s name]
* [insert prospective student’s name] does not have the range of complex support needs typical of a student whose program is best delivered in a special school. He does not require:
	+ a health management plan to be in place as he is described as medically stable and he has been seizure free since September 2017
	+ assistance with mobility
	+ assistance with personal hygiene, he can toilet independently
	+ an alternative communication system or access to specialised assistive technology.

**Reasons for my preliminary view**

I have made my decision for the following reasons:

* To be eligible to enrol in a State special school, a prospective student must satisfy the requirements for enrolment in a special school in accordance with s166 of the Act.
* As I am not presently satisfied that [insert prospective student’s name] meets all four of the criteria in the Special school eligibility (‘person with a disability’ criteria) policy, I am not satisfied that [insert prospective student’s name] is a ‘person with a disability’ as that term is defined in s.165 of the Act.
* I am therefore not presently satisfied that [insert prospective student’s name] meets the requirements for enrolment in a special school and in accordance with s.167(2) of the Act I will likely be obliged to decide to refuse [insert prospective student’s name] enrolment at the school.

**This is not my final decision**

I have not made my final decision at this time. I am sending this letter to give you an opportunity to consider my preliminary view, evidence, findings and reasons, and to provide any further information you wish me to consider before I make my decision.

If you wish to provide further information please forward to me by no later than [insert date]. I will consider any further information provided before I make a decision. If you do not provide further information then I will proceed to make my decision based on the information currently in my possession.

Your submission should be made to:

[insert name] Region

[insert Regional Director email or PO box details]

Yours sincerely

|  |
| --- |
|       |
| Regional Director  |

Cc: Principal, [name of state special school]

Regional staff as relevant [please specify]