**INFORMATION NOTICE – REQUIREMENTS FOR ENROLMENT IN A STATE SPECIAL SCHOOL NOT SATISFIED**

*In accordance with sections 166 and 167 of the* [*Education (General Provisions) Act 2006* (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/2018-05-01/act-2006-039) (EGPA), *the Chief Executive of the Department of Education (DoE) (or delegated officer) is responsible for determining whether a prospective student satisfies the requirements for enrolment in a state special school.*

*To be eligible for enrolment in a state special school, all criteria outlined in the* [*Special school eligibility (“person with a disability” criteria)*](https://education.qld.gov.au/student/Documents/special-school-eligibility-policy.docx)policy *must be met, and the relevant special school must be able to cater for the educational needs of the prospective student in accordance with section 166 of the EGPA.*

*An Information Notice is required to be given to the applicant where the requirements for enrolment in a state special school are not satisfied in accordance with section 167 of the EGPA.*

*This Information Notice sets out the decision-maker’s decision, the material considered by the decision-maker, the decision-maker’s findings of fact and reasons for the decision. The applicant, if dissatisfied with this decision, can make an internal review application within 30 school days of receiving this Information Notice to have the decision reviewed.*

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| **Applicant’s details** | | | | |
| **Surname:** | |  | **Given names:** |  |
| **Home address:** | |  | **Contact number:** |  |
| **Prospective student’s details** | | | | |
| **Surname:** (as per birth certificate) | |  | **Given names:** (as per birth certificate) |  |
| **EQ ID Number:** | |  | **AIMS ID:** |  |
| **Proposed special school** | | | | |
| **Special school** |  | | | |

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| **Decision** |
| I am the Chief Executive’s delegate for the purposes of section 167 EGPA.  In accordance with section 167 EGPA I have decided to refuse [student name]’s enrolment in [name of state special school] *(please see details below outlining my decision-making process)*.  **Delegate**   |  |  |  |  | | --- | --- | --- | --- | | **Position:** | **Name:** | **Signature:** | **Date:** | |
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| **Materials considered** |
| In arriving at this decision, the following material was considered: (Please record and attach all materials sighted and information considered. If new material has been obtained during the decision-making process, this needs to have been provided to the parent and for them to have had the opportunity to provide comment. This has to occur before the decision-maker makes the final decision.)  *Section 166 (1) of the EGPA*  *Chapter 8 Division 3 of the EGPA*  [*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) form dated [dd/mm/yy]  [*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 (and associated attachments listed separately) dated [dd/mm/yy]  [*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 a Queenslad state special school)* (and associated attachments) dated [dd/mm/yy]  Additional information provided in response to the preliminary view listed seperately dated [dd/mm/yy]  [*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  [*State special school enrolment decision-making guidelines*](https://ppr.qed.qld.gov.au/attachment/state-special-school-enrolment-decision-making-guidelines.docx)  [Include any other additional materials considered] |
| **Findings of fact** |
| **In considering the materials, I made the following findings of fact:**  Your [*Application for student enrolment*](https://ppr.qed.qld.gov.au/attachment/application-for-student-enrolment-form.pdf) form dated [dd/mm/yy] sought enrolment for [student name] in [name of state special school].  In order to be eligible for enrolment in a state special school all criteria outlined in the [*Special school eligibility (“person with a disability” criteria)*](https://education.qld.gov.au/student/Documents/special-school-eligibility-policy.docx)policy must be met, and as decision-maker, I must also be satisfied, in accordance with section 166(1)(b) of EGPA, that the relevant special school is able to cater for the educational needs of the prospective student.  My findings in respect of these matters are:  ***Special school eligibility (“person with a disability” criteria)* policy**   1. ***The person has a disability as defined by section 4 of the*** [***Disability Discrimination Act 1992* (Cwlth)**](https://www.legislation.gov.au/Series/C2004A04426) **(DDA).**   I am not satisfied that the prospective student has a disability that falls within the definition of the term as it is defined in the [*Disability Discrimination Act 1992* (Cwlth)](https://www.legislation.gov.au/Series/C2004A04426) because [provide detailed reasons for the decision or if necessary as outlined in an attached document detailing the reasons]  AND  Given my finding above, it is not necessary for me to consider Criteria 2 – 4 below or section 166(1)(b) of the EGPA.   1. ***The person has a severe disability, which includes an intellectual disability.***   ***2 (a) – Severe Disability***  I am not satisfied that the prospective student has a severe disability because [provide detailed reasons for the decision or if necessary as outlined in an attached document detailing the reasons]  AND  Given my finding above, it is not necessary for me to consider Criteria 2 (b) (Intellectual disability) – 4 below or section 166(1)(b) of the EGPA.  ***2(b) - Intellectual Disability***  I am not satisfied that the prospective student has an intellectual disability because:  The departmental verifier-intellectual disability has determined that the prospective student does not have an intellectual disability for the purposes of the [*Special school eligibility (“person with a disability” criteria)*](https://education.qld.gov.au/student/Documents/special-school-eligibility-policy.docx) policy; and /or  The departmental verifier-intellectual disability has not determined the prospective student has an intellectual disability for the purposes of the [*Special school eligibility (“person with a disability” criteria)*](https://education.qld.gov.au/student/Documents/special-school-eligibility-policy.docx) policy; and /or  The evidence provided does not support that the student is likely to be verified in the EAP category of intellectual disability. A verification request has not been submitted.  AND  Given my finding/s in respect of Criterion 2(b), it is not necessary for me to consider Criteria 3 - 4 below or section 166(1)(b) of the EGPA.  [provide detailed reasons for the decision or if necessary as outlined in an attached document detailing the reasons]   1. ***The person is unlikely to attain the levels of development of which the person is capable unless the person receives special education.***   I am not satisfied that the prospective student is unlikely to attain the levels of development of which they are capable unless they receive special education, because [provide detailed reasons for the decision or if necessary as outlined in an attached document detailing the reasons]  AND  Given my finding in respect of Criterion 3, it is not necessary for me to consider Criterion 4 below or section 166(1)(b) of the EGPA.   1. ***The person’s educational program is best delivered in a special school taking into account the appropriateness of this placement for the individual concerned.***   I am not satisfied that the prospective student’s educational program is best delivered in a special school (taking into account the appropriateness of this placement for the individual concerned), because [provide detailed reasons for the decision or if necessary as outlined in an attached document detailing the reasons]  AND  Given my finding/s in respect of Criterion 4, it is not necessary for me to consider section 166(1)(b) of the EGPA.  **Section 166(1)(b) of the EGPA:**  I am not satisfied that the relevant special school is able to cater for the educational needs of the prospective student, because [provide detailed reasons for the decision or if necessary as outlined in an attached document detailing the reasons] |
| **Reasons for the decision** |
| The decision was made for the following reasons:   * Given the material considered and my findings of fact I am not satisfied that the prospective student is a person with a disability for the purposes of section 166(1)(a) of the EGPA; and/or * Given the material considered and my findings of fact I am not satisfied that for the purposes of section 166(1)(b) of the EGPA that the special school identified in the application is able to cater for the educational needs of the prospective student.   Given my findings in respect of section 166(1)(a) of the EGPA, I must by section 167(2) of the EGPA decide to refuse the application for enrolment of the prospective student in [name of state special school]. |
| **Right to internal review** |
| If you are not satisfied with my decision you may make an application for an internal review of this decision within 30 school days after you are given this notice.  Your application must contain enough information to enable the Chief Executive (or delegate) to decide upon the application for review. A copy of [*Application* *for internal* r*eview of special school enrolment ineligibility*](https://ppr.qed.qld.gov.au/attachment/application-for-internal-review-of-special-school-enrolment-ineligibility.docx) has been attached for you to complete if you choose to make an application.  Your application should be made to: (Insert address details of review delegate) |