**Notice to parent/student: Preliminary view on proposed flexible arrangement involving an alternative education provider**

**\*\*This notice is to be provided to parent/student if the authorised entity decides not to grant a flexible arrangement. It should be printed on school letterhead. DELETE THIS NOTE BEFORE PRINTING \*\***

{Insert date}

{Insert name of parent OR student if independent or in the compulsory participation phase}

{Insert address}

{Insert suburb}QLD {Insert postcode}

Re: Preliminary view to not approve a flexible arrangement involving an alternative education provider

Dear {insert name of parent OR student as appropriate}

I refer to the proposed flexible arrangement dated {insert date} for {insert student’s name/you} at {insert school name}.

I am writing to inform you of my preliminary view.

For the purposes of s.182 and s.183 of the *Education (General Provisions) Act 2006* (the Act), a reference in s.182 to the authorised entity is to be read as a reference to the chief executive of the Department of Education. I am the chief executive’s delegate.

**My preliminary view**

I have formed the preliminary view that the proposed flexible arrangement should not be approved as I am not presently satisfied that it would be appropriate, having regard to the criteria outlined in s.182 and s.183. A copy of s.182 and s.183 of the Act is enclosed for your reference.

**Preliminary material considered**

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

{Insert details of all relevant information taken into account – see examples below. Note – the Act, procedure and application should always be part of the consideration.}

* Chapter 9, Part 2 of the Act.
* Department of Education procedure: *Flexible arrangements involving an alternative education provider*.
* [*Human Rights Act 2019* (Qld)](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005)
* The completed *Flexible arrangement with an alternative education provider plan* with signed agreement from all parties involved.

The following are examples only and is not an exhaustive list:

* Written assessment prepared by {insert name} of the student’s educational needs and the learning outcomes that the proposed flexible arrangement is intended to achieve dated {insert date}.
* Specialist records in respect of the child’s diagnosed disability of {insert details}.
* Information from the alternative education provider that is relevant to the criteria outlined in ss.182 and 183 of the Act, namely {e.g. course/program information}.
* List any other documents considered in making the preliminary view, including, for example, OneSchool attendance records, report cards, previous school enrolment records (state/non-state/interstate/overseas/home education), certificates of achievement, any documents regarding age, ability and development of student (e.g. OneSchool student profile, Individual Education Plans etc.)

A copy of the material outlined above is attached to this letter for your consideration.

{NOTE: any personal information of other students (or the parents of other students) must be redacted from the materials before they are given.}

**Preliminary findings of fact**

On the basis of this material, my preliminary findings of fact are as follows:

{Detail all relevant findings of fact below.}

The following are examples only and is not an exhaustive list:

* {Insert name of parent OR student if independent} submitted a*Flexible arrangement with an alternative education provider plan* dated {insert date}.
* {Insert name of student} is {of compulsory school age OR in the compulsory participation phase}.
* The proposed flexible arrangement is for {insert name of student/you} to study/attend {insert education program} at {insert education provider}, for {insert number} hours per day/week/etc.
* The proposed flexible arrangement is to commence on {insert date} and end on {insert date}.
* The arrangement was proposed by the {parent/student/school} following meetings between the {insert student/parent} and {insert teaching staff name} on {insert date}.
* The alternative education provider has agreed to the proposed flexible arrangement and signed the *Flexible arrangement with an alternative education provider plan* on {insert date}.
* You confirmed your agreement to the proposed flexible arrangement on {insert date} by signing the plan OR email/letter.
* {Insert name of student/you} would like to study {insert subject name}.
* {Insert name of student}’s/Your academic performance and needs assessment have identified a requirement for an adjustment to be made to {insert student’s name}’s/your education program.
* {Insert student’s name/You} has/have a history of behaviour issues evidenced by {insert details}, and meetings with the guidance officer on {insert dates} have recommended they/you attend a behaviour management program.
* {Insert student’s teacher/s name/s} have/has assessed the proposed flexible arrangement for {insert student’s name/you} against the criteria in s.182 of the Act (the criteria in s.182(2),(3),(5) and (6) apply to state schools as a consequence of s.183(2)).

**Reasons for my preliminary view**

I formed my preliminary view for the following reasons:

{Detail the reasons for the preliminary view below.}

The following are examples only and is not an exhaustive list:

* In respect of criterias.182(2)(c)(i), I am not satisfied that the proposed arrangement is appropriate having regard to the student’s/your individual needs and circumstances because:
	+ given {insert student’s name}’s/your age, it would not be suitable for them/you to be in an environment with adult learners.
* In respect of criterias.182(2)(c)(ii), I am not satisfied that the proposed arrangement is appropriate having regard to what I consider is most likely to achieve the best learning outcomes for the student/you because:
	+ the subject, {insert subject name}, is already offered at this school.
	+ {insert subject name} is not an authority subject and would impact on their/your eligibility requirements to obtain an ATAR rank, which is used for entrance to tertiary education.
	+ the alternative education provider has not demonstrated the ability to deliver a course and assess student competence against learning outcomes.
* In respect of criterias.182(3)(a)(ii), the student is/you are of compulsory school age and I do not believe that the arrangements have been discussed with the student/you to an appropriate extent having regard to their/your age and relevant circumstances.
* In respect of criterias.182(3)(b)(ii), the student is/you are in the compulsory participation phase and is/are not independent and I do not believe that the arrangements have been discussed with the parents to an appropriate extent in the circumstances.

Given my preliminary findings of fact outlined above, I am not presently satisfied that the proposed arrangement is appropriate.

I have considered the human rights engaged in connection with my preliminary view in accordance with the *Human Rights Act (2019)*. While some rights may be limited, I believe they are limited in a way that is reasonable and justifiable and I consider my view to be compatible with human rights.

This is not my final decision. I invite you to consider my preliminary view and make any submission to me you consider necessary. Your submission should be made in writing (email is acceptable) and received by me within 10 school days of the date of this letter.

I will not make a final decision until the 10 school day period is exhausted. I will consider any written submission you make to me before the end of that time.

If I do not receive a submission from you within this time, I will proceed to make my decision based on the information presently in my possession.

Yours sincerely

**{INSERT NAME}**

{Insert name of authorised entity}

{Insert position title of authorised entity}

**{Insert name of school if applicable}**

DATE: \_\_\_/\_\_\_/\_\_\_

Ref:

COPY: Parent (if appropriate)

Principal/s (if applicable)

**Extracts from the *Education (General Provisions) Act 2006***

**182 Flexible arrangements—non-State school**

(1) The authorised entity for a non-State school may approve arrangements for a student enrolled at the school that are to apply to the student instead of participation in the school’s educational programs in the usual way.

(2) The authorised entity may approve the arrangements only if—

(a) a teacher has prepared written assessments of—

(i) the student’s educational and other needs; and

(ii) the learning outcomes that the arrangements are intended to achieve; and

(iii) the suitability of each provider for the arrangements; and

(b) the authorised entity has considered—

(i) the written assessments prepared under paragraph (a); and

(ii) how, and by whom, the student’s participation in the arrangements is to be monitored; and

(iii) how, and by whom, each provider’s involvement in the arrangements is to be monitored and its effectiveness evaluated; and

(c) the authorised entity is satisfied the arrangements are appropriate, having regard to—

(i) the student’s individual needs and circumstances; and

(ii) what the authorised entity considers is most likely to achieve the best learning outcomes for the student; and

(iii) the desirability, unless it would be inappropriate in all the circumstances, of the arrangements requiring the student’s participation at a level that is equivalent to full-time participation in the school’s educational programs in the usual way; and

(iv) any other matter prescribed under a regulation.

(3) However, the authorised entity must not approve the arrangements unless—

(a) if the student is of compulsory school age—

(i) a parent of the student has given written agreement to the arrangements; and

(ii) the authorised entity has discussed the arrangements with the student to the extent the authorised entity considers appropriate, having regard to the student’s age and other relevant circumstances; or

(b) if the student is in the compulsory participation phase—

(i) the student gives written agreement to the arrangements; and

(ii) the authorised entity has discussed the arrangements with the student’s parents to the extent the authorised entity considers is practicable and appropriate in the circumstances.

(4) The non-State school’s governing body must keep, for at least 5 years after the arrangements stop applying to the student—

(a) the written assessments prepared under subsection (2)(a); and

(b) a record of the authorised entity’s consideration of the matters stated in subsection (2)(b); and

(c) the written agreement obtained under subsection (3).

(5) Subsection (3)(a)(i) does not apply if the authorised entity is satisfied it would be inappropriate in the circumstances to require the written agreement of a parent.

*Example—*

It may be inappropriate to require a parent’s written agreement if the student is living independently of his or her parents.

(6) In this section—

***authorised entity***, for a non-State school, means—

(a) the school’s governing body; or

(b) a staff member of the school given written authorisation by the governing body for this section.

***provider***, in relation to arrangements for a student, means an entity directly involved in providing a program to the student under the arrangements.

***student*** means a student who is of compulsory school age or in the compulsory participation phase

**183 Flexible arrangements—State school**

(1) The chief executive may approve arrangements for a student enrolled at a State school that are to apply to the student instead of participation in the school’s educational programs in the usual way.

(2) Section 182(2), (3), (5) and (6), except the definition *authorised entity*, apply to the chief executive and the student as if—

(a) a reference to the authorised entity were a reference to the chief executive; and

(b) a reference to the non-State school were a reference to the State school.