To be completed when the delegated decision-maker forms preliminary view that the requirements for enrolment in 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 the state special school.

The letter is emailed **and** posted to the applicant with all materials considered attached. All documentation must also be posted.

**Subject: PRELIMINARY VIEW – Refused enrolment in a state special school**

Dear

Thank you for your application for [insert name of student] to enrol in [insert name of state special school]. The state special school principal has referred your application to me for consideration under Chapter 8, Division 3 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).

I am the chief executive’s delegated decision-maker for the purpose of deciding whether the enrolment requirements set by section 166(1) of the Act are satisfied.

**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 and I should refuse enrolment of [insert name of student] in [insert name of state special school].

This is not my final decision.

I am writing to give you the opportunity to consider my preliminary view and to provide any additional information or submissions you might like me to consider before I make my final decision. Information about how to make a submission is provided at the end of this letter.

**Materials considered when forming my preliminary view**

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

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

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

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

* [Application for student enrolment](https://ppr.qed.qld.gov.au/attachment/application-for-student-enrolment-form.pdf) dated [dd/mm/yy]
* [State special school enrolment parent consent and information form](https://ppr.qed.qld.gov.au/attachment/state-special-school-enrolment-parent-consent-and-information-form.docx) dated [dd/mm/yy]
* [Enrolment application principal referral form](https://ppr.qed.qld.gov.au/attachment/enrolment-application-principal-referral-form-oneschool.docx)dated [dd/mm/yy]
* [Education Adjustment Program (EAP) outcome (temporary attendance finalisation) form](https://ppr.qed.qld.gov.au/attachment/education-adjustment-program-eap-outcome-temporary-attendance-finalisation-form.docx) dated [dd/mm/yy] (if appropriate)
* Any AIMS or OneSchool records
* List ALL other documents used to make the decision

A copy of all materials considered in making my preliminary view 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) policy](https://education.qld.gov.au/student/Documents/special-school-eligibility-policy.docx) 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) policy](https://education.qld.gov.au/student/Documents/special-school-eligibility-policy.docx) 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 prospecitve 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 text: [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 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, materials considered to date, findings and reasons, and to provide any further submissions or materials you wish me to consider before I make my final decision.

If you wish to provide further submission or information, please forward these to me by no later than [insert date]. I will consider any further submissions or materials you provide before I make my final decision. If you do not provide further submission or information, I will proceed to make my decision based on the materials currently in my possession.

Your submission should be made to:

[insert name] Region

Senior Guidance Officer

[insert email or postal address details]

or

Yours sincerely

|  |
| --- |
|  |
| Senior Guidance Officer |

Cc: Principal, [insert name of state special school]

Central/Regional staff as relevant (please specify)