



Schools Assistance Regulations 2009¹

Select Legislative Instrument 2009 No. 132

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Schools Assistance Act 2008*.

Dated 24 June 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

JULIA GILLARD
Minister for Education

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Regulation 1.1

Part 1 Preliminary**1.1 Name of Regulations**

These Regulations are the *Schools Assistance Regulations 2009*.

1.2 Commencement

These Regulations are taken to have commenced on 1 January 2009.

1.3 Application

- (1) Parts 1 and 7 of these Regulations are taken to have applied on and after 1 January 2009.
- (2) The remainder of these Regulations apply on and after the day after these Regulations are registered.

Note These Regulations give effect to data collection and reporting requirements in the National Education Agreement. The MCEETYA *Measurement Framework for National Key Performance Measures*, as amended from time to time, sets out the key performance measures and the agreed assessment and data collection cycle that apply equally to government and non-government schools.

Data for some of the performance indicators contained in the National Education Agreement and the Framework may be derived from sources other than schools, such as survey collections.

1.4 Definitions

In these Regulations:

Act means the *Schools Assistance Act 2008*.

Catholic schools means Catholic systemic schools and Catholic non-systemic schools.

COAG means the Council of Australian Governments.

ICT means Information and Communications Technology.

language conventions means spelling, grammar and punctuation.

Regulation 1.4

MCEETYA means the Ministerial Council on Education, Employment, Training and Youth Affairs.

NAP means the National Assessment Program.

Note The NAP comprises the agreed assessments identified on the NAP web page and in the document titled *Measurement Framework for National Key Performance Measures*, both of which are available on the Internet at <http://www.mceetya.edu.au>.

NAPLAN means the National Assessment Program — Literacy and Numeracy.

PISA means the Programme for International Student Assessment.

Note PISA is an international assessment of 15 year old students in reading literacy, mathematical literacy and scientific literacy. It is conducted every 3 years by the Organisation for Economic Co-operation and Development.

TIMSS means the Trends in International Mathematics and Science Study.

Note TIMSS is an international assessment of students in Years 4 and 8 in mathematics and science. It is conducted every 4 years by the International Association for the Evaluation of Educational Achievement.

Regulation 2.1

Part 2 Funding agreements — national student assessments

2.1 National student assessments

- (1) For section 17 of the Act, the following national student assessments (as developed by MCEETYA and mentioned in the *Measurement Framework for National Key Performance Measures*, published by MCEETYA) are prescribed:
- (a) for all students in years 3, 5, 7 and 9 in all schools — the assessments for the student's year mentioned in table 1; and
 - (b) for students selected in a sample, in a school selected in a sample — the assessments mentioned in table 2.

Note The *Measurement Framework for National Key Performance Measures* mentions relevant standards and is available on the Internet at <http://www.mceetya.edu.au>.

- (2) Each assessment is prescribed for the years specified in the table for that assessment.

Table 1

Item	Assessment	Years
1	NAPLAN assessment in reading, writing and language conventions	2009, 2010, 2011, 2012
2	NAPLAN assessment in numeracy	2009, 2010, 2011, 2012

Table 2

Item	Assessment	Year(s)
1	PISA reading literacy assessment	2009, 2012
2	PISA mathematical literacy assessment	2009, 2012
3	TIMSS mathematics assessment, year 4	2010
4	TIMSS mathematics assessment, year 8	2010
5	NAP science literacy assessment, year 6	2009, 2012
6	PISA scientific literacy assessment	2009, 2012

Regulation 2.1

Item	Assessment	Year(s)
7	TIMSS science assessment, year 4	2010
8	TIMSS science assessment, year 8	2010
9	NAP civics and citizenship assessment, year 6	2010
10	NAP civics and citizenship assessment, year 10	2010
11	NAP ICT literacy assessment, year 6	2011
12	NAP ICT literacy assessment, year 10	2011

Regulation 3.1

Part 3 Funding agreements — national reports on the outcomes of schooling

3.1 Performance information

For paragraph 18 (1) (c) of the Act, the performance information specified in Schedule 1 is prescribed.

3.2 Performance information — student characteristics

- (1) For paragraph 18 (1) (c) of the Act, performance information for the performance measures mentioned in items 101, 201, 301, 401, 402, 403, 404, 501 and 502 of Schedule 1 must be in a form that enables the publication of the information for the relevant program year disaggregated by the following characteristics of students:
- (a) sex;
 - (b) Indigenous status;
 - (c) socio-economic background;
 - (d) language background;
 - (e) geographic location;
 - (f) disability.

Note It is expected that the definition of **disability** for paragraph (f) will be prescribed at a later date.

- (2) In subregulation (1):
- (a) the characteristics of sex, Indigenous status, socio-economic background and language background are as described in the *2009 Data Standards Manual — Student Background Characteristics*, published by MCEETYA, as in force when these Regulations commence; and
 - (b) the characteristic of geographic location is as approved by MCEETYA at its meeting in July 2001.

Note The *2009 Data Standards Manual — Student Background Characteristics* is available on the Internet at <http://www.mceetya.edu.au>.

Regulation 3.4

3.3 Performance information — measures for student attendance

- (1) For paragraph 18 (1) (c) of the Act, performance information for the performance measure mentioned in Division 1 of Part 7 of Schedule 1 must be in a form that enables the publication of the information for the relevant program year disaggregated by the following characteristics of students:
 - (a) school sector;
 - (b) school grade;
 - (c) sex;
 - (d) Indigenous status.
- (2) For subregulation (1), each of the following is a *school sector*:
 - (a) Catholic schools;
 - (b) other non-government schools.
- (3) For subregulation (1), each of the following is a *school grade*:
 - (a) all ungraded primary school students;
 - (b) all ungraded secondary school students;
 - (c) each of years 1 to 10.
- (4) For subregulation (1), the characteristics of sex and Indigenous status are as described in the *2009 Data Standards Manual — Student Background Characteristics*, published by MCEETYA, as in force when these Regulations commence.

Note The *2009 Data Standards Manual — Student Background Characteristics* is available on the Internet at <http://www.mceetya.edu.au>.

3.4 Reporting periods

The Minister may, in writing, determine a period to which a report that includes performance information mentioned in Schedule 1 must relate.

Regulation 5.1

Part 5 Funding agreements — reporting to parents etc.

5.1 Student reports

- (1) For paragraphs 20 (3) (d) and (e) of the Act, and subject to subregulation (2), a report of a student's achievement must include, for subjects studied, an assessment against achievement levels defined by the education authority or school, being levels:
 - (a) labelled as A, B, C, D or E (or on an equivalent 5 point scale); and
 - (b) clearly defined against specific learning standards.
- (2) The Minister may approve a different form of student report for this regulation.
- (3) The report must be provided at least twice in a program year.

Note The *Privacy Act 1988* and the related Information Privacy Principles should be consulted to ensure that the information reported does not interfere with an individual's privacy.

Part 6 Funding agreements — publication by schools of information relating to schools

6.1 Information relating to schools

- (1) For subsection 21 (1) of the Act, and subject to subregulation (2), the following information for a school is specified:
- (a) contextual information about the school, including the characteristics of the student body;
 - (b) teacher standards and qualifications (as mandated in the relevant jurisdiction);
 - (c) workforce composition, including Indigenous composition;
 - (d) student attendance at school, including:
 - (i) the rates of attendance for the whole school and for each year level; and
 - (ii) a description of how non-attendance is managed by the school;
 - (e) senior secondary outcomes, including the percentage of year 12 students:
 - (i) undertaking vocational training or training in a trade; and
 - (ii) attaining a year 12 certificate or equivalent vocational education and training qualification;
 - (f) student outcomes in standardised national literacy and numeracy testing;
 - (g) parent, student and teacher satisfaction with the school;
 - (h) post-school destinations;
 - (i) school income broken down by funding source.

Note 1 Under subsection 21 (1) of the Act, the information must relate to the school for a program year.

Regulation 6.1

Note 2 Subsection 24 (1A) of the Act provides that a funding agreement must not require a report to include any information that would identify a particular donor as a funding source of any non-government school or non-government body.

Note 3 It is expected that the definition of ***school income broken down by funding source*** for paragraph (i) will be prescribed at a later date.

- (2) The Minister may approve a different form of information for this regulation.
- (3) The information mentioned in subregulations (1) and (2) is the minimum information required, and this regulation does not prevent a school from making other information available.
- (4) For subsection 21 (2) of the Act, a school must:
 - (a) make the information publicly available on the Internet; and
 - (b) make arrangements to provide the information, on request, to a person who is responsible for a student and is unable to access the Internet.

Note The *Privacy Act 1988* and the related Information Privacy Principles should be consulted to ensure that the information reported does not interfere with an individual's privacy.

Regulation 7.1

Part 7

**Grants for targeted
expenditure — literacy,
numeracy and special
learning needs**

7.1 School grant amounts

For subsection 98 (2) of the Act, the base assistance amount for the 2009 program year is \$146 258 955.

Schedule 1 Performance information

(regulation 3.1)

Part 1 Measures for English literacy

- 101 The percentage of students in each of years 3, 5, 7 and 9 at each level of proficiency in the NAPLAN assessment in each of reading, writing and language conventions, including specific reference to the national minimum standards.
- 102 The percentage of students achieving at or above the standard in the PISA reading literacy assessment for 2009 and 2012.

Part 2 Measures for numeracy and mathematics

- 201 The percentage of students in each of years 3, 5, 7 and 9 at each level of proficiency in the NAPLAN assessment in numeracy, including specific reference to the national minimum standards.
- 202 The percentage of students achieving at or above the standard in the PISA mathematical literacy assessment for 2009 and 2012.
- 203 The percentage of students achieving at or above the standard in the TIMSS mathematics assessment, year 4, for 2010.
- 204 The percentage of students achieving at or above the standard in the TIMSS mathematics assessment, year 8, for 2010.

Part 3 Measures for science

- 301 The percentage of students achieving at or above the standard in the NAP science literacy assessment, year 6, for 2009 and 2012.
- 302 The percentage of students achieving at or above the standard in the PISA scientific literacy assessment for 2009 and 2012.

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- 303 The percentage of students achieving at or above the standard in the TIMSS science assessment, year 4, for 2010.
- 304 The percentage of students achieving at or above the standard in the TIMSS science assessment, year 8, for 2010.

Part 4 Measures for civics and citizenship

- 401 The percentage of students achieving at or above the standard in civic knowledge and understanding in the NAP civics and citizenship assessment, year 6, for 2010.
- 402 The percentage of students achieving at or above the standard in citizenship participation skills and civic values in the NAP civics and citizenship assessment, year 6, for 2010.
- 403 The percentage of students achieving at or above the standard in civic knowledge and understanding in the NAP civics and citizenship assessment, year 10, for 2010.
- 404 The percentage of students achieving at or above the standard in citizenship participation skills and civic values in the NAP civics and citizenship assessment, year 10, for 2010.

Part 5 Measures for ICT literacy

- 501 The percentage of students achieving at or above the standard in the NAP ICT literacy assessment, year 6, for 2011.
- 502 The percentage of students achieving at or above the standard in the NAP ICT literacy assessment, year 10, for 2011.

Part 6 Measures for vocational education and training in schools

- 601 School students undertaking vocational education and training (with new apprenticeships and traineeships disaggregated) as part of their senior secondary school certificate in a calendar year as a proportion of all school students undertaking a senior secondary school certificate in that year.

- 602 School students enrolled in a senior secondary school certificate in a calendar year who have completed at least 1 vocational education and training unit of competency/module, as a proportion of all school students undertaking a senior secondary school certificate in that year.

Part 7 Measures for student attendance

Division 1 Information

- 701 The number of actual student days during the period to which a report relates as a percentage of the number of possible student days during the period.

Division 2 Definitions

- 702 In item 701:

actual student days means the total number of school days attended by students.

possible student days means the total number of school days that could be attended by students.

student means a full-time student who:

- (a) is:
 - (i) an ungraded primary school student; or
 - (ii) an ungraded secondary school student; or
 - (iii) in any of years 1 to 10; and
- (b) is enrolled for the entire duration of the period to which a report relates.

Note Under regulation 3.4, the Minister may determine the period to which the information must relate.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.