Prospective Student Full Name

C/o Mr/Mrs/Ms/Miss Parent Full Name

Address Line 1

SUBURB QLD 4XXX

Dear Prospective Student First Name

**RE: PROPOSED EXCLUSION FROM ALL QUEENSLAND STATE SCHOOLS EXCEPT SCHOOLS OF DISTANCE EDUCATION**

On date month year I provided a show cause notice under section 159 of the *Education (General Provisions) Act 2006* (the Act), proposing to refuse your enrolment at School Name.

The information about your behaviour that I considered in giving this notice leads me to believe that I may also need to exclude you permanently/until date in full from all Queensland state schools except schools of distance education.

**Show cause**

I have not made a decision about excluding you at this time. By means of this show cause notice, I invite you to make a written submission to me showing why you should not be excluded permanently/until date in full from all Queensland state schools except schools of distance education.

In reaching this preliminary decision I have given proper consideration to relevant human rights, including your right to education, and consider that my decision is compatible with human rights.

I have given you this show cause notice proposing your exclusion under section 306 of the Act.

**Grounds**

I am proposing to exclude you under section 309 of the Act on the following ground:

* Your attendance at all Queensland state schools except schools of distance education would pose an unacceptable risk to the safety or wellbeing of other students or staff of the schools.

**Material facts, evidence and other material**

I have listed the evidence and other material I used in forming my preliminary view in **Attachment 1**.

I have outlined your individual circumstances and listed the material facts relied on in forming my preliminary view in **Attachment 2**.

**Reasons for my preliminary view**

* You have an extensive history of violent behaviour against other students at the schools you have previously attended.
* Much of your violent behaviour was of a serious nature and included both random and premeditated physical violence that resulted in injury to other students.
* Your extensive history of violent behaviour without any indication of remorse means you are a high risk of engaging in the same type of behaviour at any school you attend with other students.
* Given the above, your attendance at all Queensland state schools except schools of distance education, would pose an unacceptable risk to the safety or wellbeing of other students or staff of the schools.
* Accordingly, it is my preliminary view that I should exclude you from all Queensland state schools except schools of distance education and I now invite you to show cause why you should not be excluded.

**Your education while I make my decision**

Mr/Mrs/Ms/Miss Regional Case Manager Full name will continue to be your regional case manager to assist and support you to access an educational program. I encourage you to contact Mr/Mrs/Ms/Miss Regional Case Manager Surname on (07) #### ####.

**Submission against my proposed decision (show cause)**

You (or someone on your behalf) may write to me to provide relevant additional information for me to consider in making my final decision. For example, explaining why you should not be excluded from certain Queensland state schools (being all state schools except schools of distance education), and responding further to the allegations made against you. This is called making a submission. The submission must be made to me within **14 days** of being given this notice. More information about how to do this is in **Attachment 2**.

I will consider any information you provide to me before making a final decision, and communicating that decision to you and your parents.

I suggest that you take this opportunity to give me an explanation of the underlying reasons for your offending behaviour and explain to me why, if you were to attend the schools, you would not pose an unacceptable risk to the safety or wellbeing of students or staff of the schools.

If you or someone representing you does not make a submission, under s.309(2) of the Act, I will be required to exclude you from certain Queensland state schools (being all state schools except schools of distance education).

**Questions about my proposed decision**

If you need help to understand the reasons for the proposed decision, please ask your parents or case manager to discuss this with you.

Yours sincerely

**FULL NAME**

**Director-General**

 / /

Ref: #########

Enc: Attachment 1: Evidence and other material supporting the decision

 De-Identified copies of documents used to make decision

 Attachment 2: Individual circumstances and material facts

 Attachment 3: Exclusion certain state schools or all state schools - Submission to show cause

**Attachment 1: Evidence and other material**

**Preliminary evidence or other material supporting the facts**

* Chapter 8, Part 1, Divisions 1 and 2 and Chapter 12, Part 3, Division 5 of the *Education (General Provisions) Act 2006* (the Act).
* *Human Rights Act 2019* (Qld).
* Departmental procedure: *Refusal to enrol – risk to safety or wellbeing.*
* Departmental procedure: *Student discipline.*
* Your *OneSchool Enrolment History.*
* Your *OneSchool Student Profile* dated date in full to date in full.
* School Name’s *Student Code of Conduct.*
* Statements of Students A and B dated XXX.
* Statement of Staff Member A dated XXX.
* Your own statement dated XXX.
* CCTV/film footage taken on XXXX by a camera overlooking the entrance to class room XXX (not attached). If you wish to view the footage you will need to make an appointment to view it at the school.
* All other relevant materials – e.g. Previous exclusion notices, screenshots of social media contacts, letters, reports, notes of contact with police etc.
* The Principal of School Name’s referral of your enrolment application dated date in full, including: XXX
* *Refusal to Enrol – Show Cause* notice regarding your enrolment application at School Name, dated date in full.
* The Regional Director’s referral to the Director-General that you be excluded from all Queensland state schools except schools of distance education dated date in full, including:
* the Principal of School Name’s referral of your enrolment application to the Director-General, dated date in full;
* the Regional Director’s advice supporting/not supporting the Principal’s referral as well as supporting that you be excluded from all Queensland state schools except schools of distance education, dated date in full;
* advice from School Name regarding your enrolment during date range;
* your application for enrolment to School Name, dated date in full;
* Meeting Minutes, dated date in full;
* Principal of School Name’s letter to your parent advising of the referral of your enrolment application to the Director-General, dated date in full;
* Principal of School Name’s completed *Behaviour Risk Assessment* *Tool – safety or wellbeing,* dated date in full, subsequent to the Stakeholder Meeting on date in full.

A copy of this material is attached for your consideration. Some of these documents may have been de-identified to protect the privacy of others.

**Attachment 2: Individual circumstances and material facts**

**Your Individual Circumstances**

* You are ## years old (DOB: date).
* You applied for enrolment at School Name on date.
* Your *OneSchool Student Enrolment Profile* indicates the following (list as recorded on OneSchool):
* Medical Conditions *(List all recorded conditions, examples below)*:
* Attention Deficit Hyperactivity Disorder;
* Dysgraphia; and
* Asthma.
* Personalised Learning *(List all recorded items, example below)*:
* DDA Disability:Nationally Consistent Collection of Data (NCCD) disability record under the category of *Cognitive* requiring a *Supplementary* level of adjustment to access and participate in your education.
* Support Provisions *(List current recorded strategies and/or plans, examples below)*:
* Targeted Support (Humanities), Semester X, start date (date in full) to end date (date in full);
* Numeracy Intervention from start date (date in full) to end date (date in full); and
* Risk Management Plan, dated date in full.

**Preliminary material facts relied on to make the decision**

* You were previously enrolled at School(s) Name(s) from date range.
* On date the Principal of School Name referred your enrolment application through the Regional Director, # Region to the Director-General in accordance with section 156(2) of the Act.
* The referral outlined the Principal’s reasons for referring the application to the Director-General for a decision on whether your enrolment should be refused and included supporting documentation as listed in the *Material facts and evidence* section above.
* On date in full having considered all of the materials and evidence provided with the referral of your enrolment application, I gave your parent, Parent Name, a show cause notice setting out my preliminary view that your enrolment at School Name should be refused. Through this show cause process your parent was given an opportunity to submit further relevant information showing why your enrolment should not be refused.
* On date in full, the Regional Director, # Region, having considered all of the materials and evidence provided in relation to your enrolment application, supported/did not support that I consider excluding you from Queensland state schools except schools of distance education.
* Insert full details of prospective student’s behaviour (both at school and outside of school) that gives rise to the concern they pose an unacceptable risk to others – split it into serious matters and less serious matters and particularise all behaviour/incidents by date and location. The prospective student’s full behavioural history at all schools they attended must be considered – highlight suspensions/exclusions and particular behaviour of note (e.g. similar behaviours, sexualised behaviour/violent behaviour in the past).
* Insert here information about the prospective student’s disability diagnosis (if any) and the full supports the schools have put in place to support the prospective student and to deal with their behavioural issues – has the prospective student had an FBA done? Are there individualised plans? etc.
* Insert here general behavioural supports if disability in and of itself is not an issue.
* Insert here information about the individual circumstances of the prospective student that may explain or mitigate the prospective student’s behaviour (e.g. relevant family issues, the prospective student being in care etc.) and how these circumstances have been considered.
* Insert information about any risk assessments/reports on the risk the prospective student may pose to others (e.g. by the *Mater Family and Youth Counselling Service*).
* Your extensive history of aggressive, violent behaviours towards other students, including both planned and random violent assaults, suggests you have a propensity for violence towards other students.
* While I make no findings about what is ultimately causing you to behave in the ways described above, it is my preliminary view that there is a risk that if you are enrolled at any Queensland state school except a school of distance education, where you would have direct contact with other students, you would continue to engage in the violent, threatening, aggressive behaviours described above.
* Accordingly, it is my preliminary view that –
	+ your attendance at all Queensland state schools except schools of distance education would pose an unacceptable risk to the safety or wellbeing of other students or staff of the schools; and
	+ you should be excluded permanently/until date in full from all Queensland state schools except schools of distance education.
* I invite you to show cause as to why you should not be excluded permanently/until date in full from all Queensland state schools except schools of distance education.

**Attachment 3: Guide to making a submission to the Director-General**

**What is a submission?**

If you do not agree with the decision made by the Director-General you can give reasons why the decision should not be made.

**Who can make a submission?**

* Students or their parents/guardian can make a submission.
* Someone can help prepare a submission with your permission (e.g. solicitor, social worker).
* If you need help making the submission you can also contact the case manager.
* If you want to make a submission by talking to someone about your reasons rather than writing a letter please contact the case manager.
* If you wish to obtain further details about the Director-General’s decision please contact the case manager.

**What should I include in my submission?**

Your submission should explain why your attendance at the schools would not be a risk to others students or staff of the schools. In your submission you can talk about:

1. the process used by the Director-General;
2. any problems you have with the information mentioned in the letter from the Director-General;
3. the fairness of the decision; and
4. any new information about the incident or any outcomes of programs undertaken, court hearings etc.

An example of a submission is shown on the next page. This is just a guide. Yours may look different.

The submission must be given to the Director-General **within 14 days** from when you are given this notice. If you want more time to prepare the submission, you must contact the Director-General in writing within five school days to request more time.

**What happens with the information I provide?**

Any information you provide in this submission will be used by the Director-General to make a final decision about excluding you from certain state schools or all state schools and may be passed on to other departmental staff.

**Where should I send my submission?**

You should send your submission to:

**Director-General**

**Department of Education**

**PO Box 15033**

**CITY EAST QLD 4002**

Or you may email: Behaviour.Central@qed.qld.gov.au

**EXAMPLE:**

**Exclusion certain state schools or all state schools - Submission to show cause**

|  |  |
| --- | --- |
| Name in full: |  |
| Date of letter from Director-General: |  |

Reasons for submission:

Other information and facts in support of the submission:

Signature of person making the submission: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Mr/Mrs/Ms/Miss Parent Full Name

# Street

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Parent surname

**RE: PROPOSED EXCLUSION OF PROSPECTIVE STUDENT FULL NAME FROM ALL QUEENSLAND STATE SCHOOLS EXCEPT SCHOOLS OF DISTANCE EDUCATION**

Please find attached a copy of the letter sent to Prospective Student Full Name.

I have decided to propose Prospective Student First Name’s exclusion from all Queensland state schools except schools of distance education. I have made this decision in accordance with section 306 of the *Education (General Provisions) Act 2006*.

The reasons for my decision are outlined in the attached letter to Prospective Student First Name, including information about how to make a submission against this decision and details about how Prospective Student First Name will be supported in continuing their educational program.

Mr/Mrs/Ms/Miss Regional Case Manager Full Name # Region has been assigned as regional case manager to assist and support Prospective Student First Name to access an educational program. I encourage you to contact Mr/Mrs/Ms/Miss Regional Case Manager Surname on (07) #### ####.

If you wish to discuss my decision you may like to contact Mr/Mrs/Ms/Miss Regional Director Full Name, Regional Director, # Region on (07) #### ####.

Yours sincerely

**MR/MRS/MS/MISS FULL NAME**

**Director-General**

 / /

Ref: ##/#####

Enc: Copy of notification letter sent to student

Mr/Mrs/Ms/Miss Regional Director Full Name

EdEdcation House

30 Mary Street Brisbane 4000

PO Box 15033 City East

Queensland 4002 Australia

**Website**: www.dete.qld.gov.au

Regional Director

Region Name

Department of Education

# Street

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Regional Director Surname

**RE: PROPOSED EXCLUSION OF PROSPECTIVE STUDENT FULL NAME FROM ALL QUEENSLAND STATE SCHOOLS EXCEPT SCHOOLS OF DISTANCE EDUCATION**

Please find attached a copy of the letter sent to Prospective Student Full Name.

I have decided to propose Prospective Student First Name’s exclusion from all Queensland state schools except schools of distance education. I have made this decision in accordance with section 306 of the *Education (General Provisions) Act 2006*.

The reasons for my decision are outlined in the attached letter to Prospective Student First Name.

Mr/Mrs/Ms/Miss Regional Case Manager Full Name # Region has been assigned as regional case manager to assist and support Prospective Student First Name to access an educational program. Mr/Mrs/Ms/Miss Regional Case Manager Surname can be contacted on (07) #### ####.

Yours sincerely

**MR/MRS/MS/MISS FULL NAME**

**Director-General**

 / /

Ref: ##/#####

Enc: Copy of notification letter sent to student

Mr/Mrs/Ms/Miss Regional Case Manager Full Name

Region

Department of Education

# Street

SUBURB QLD 4###

Dear Mr/Mrs/Ms/Miss Regional Case Manager Surname

**RE: PROPOSED EXCLUSION OF PROSPECTIVE STUDENT FULL NAME FROM ALL QUEENSLAND STATE SCHOOLS EXCEPT SCHOOLS OF DISTANCE EDUCATION**

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I have decided to propose Prospective Student First Name’s exclusion from all Queensland state schools except schools of distance education. I have made this decision in accordance with section 306 of the *Education (General Provisions) Act 2006*.

The reasons for my decision are outlined in the attached letter to Prospective Student First Name.

You have been assigned as regional case manager to assist and support Prospective Student First Name in accessing an educational program. I ask that you make contact to explore suitable options to support the continuation of an educational program.

Yours sincerely

**MR/MRS/MS/MISS FULL NAME**

**Director-General**

 / /

Ref: ##/#####

Enc: Copy of notification letter sent to student