

# Changes to student-intake day

## Fact sheet: NSS-FS14

This fact sheet provides information about changes to the relevant student-intake day under the *Education (Accreditation of Non-State Schools) Act 2017* (the "Act"). All references to an Act in this document refer to the Act unless otherwise stated.

### Relevant student-intake day

The following definitions apply to student-intake day:

- The 'relevant student-intake day', for a school, means the student-intake day for a type of education or a year of schooling provided at the school (section 34 of the Act).
- As defined in Schedule 1 of the Act, the 'student-intake day':
  - for a type of education means the first day of education of students at the school for the type of education under the school's accreditation; and
  - for a year of schooling means the first day of education of students at the school for the year of schooling under the school's accreditation.

Under section 18 of the Act, a governing body may apply for accreditation of a school (**Accreditation Application**). Section 19(2) requires that the governing body propose a student-intake day for each type of education and year of schooling it seeks in its Accreditation Application.

Under section 21 of the Act, the Non-State Schools Accreditation Board ('Board') must consider and decide an Accreditation Application, including approving a student-intake day.

The relevant student-intake day as approved by the Board for a type of education must be within 4 years after the day the application is made (section 19(3) of the Act).

A school accredited to offer a type of education must commence operations on the student-intake day for the type of education [section 15 of the Act].

The governing body of an accredited school must not provide a type of education at the school before the relevant student-intake day for the type of education, as doing so constitutes an offence under section 75 of the Act.

### Establishment phase school

As defined in Schedule 1 of the Act, a school may be an 'establishment phase school' if the school is accredited to provide education for a year of schooling at a site, but is yet to provide education for the year of schooling at the site.

This information is to be provided at time of application for a new school, new type of education, new site or new year(s) of schooling for the Board's consideration.

#### **For example:**

A school may be accredited to provide primary education from 24 January 2022. The school commenced operations with the preparatory year and years 1 to 3 on 24 January 2022, year 4 from 23 January 2023, year 5 from 22 January 2024 and year 6 from 28 January 2025. The school is in the establishment phase for years 4 to 6.

The definition of establishment phase school also extends to a school that was approved to commence a year of schooling on the relevant student-intake day for the type of education, but did not commence the year of schooling on that day.

#### **For example:**

A school may be accredited to provide primary education in the preparatory year to year 6 from 24 January 2022. The school commences with the preparatory year to year 4, but does not commence years 5 and 6. The school is considered to be in the establishment phase for years 5 and 6.

## Change day

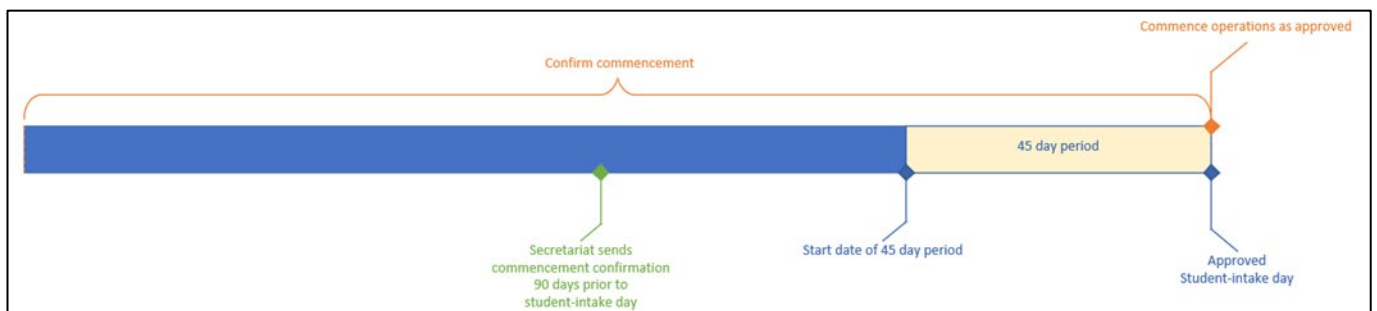
Under section 39 of the Act, a governing body of an accredited school may apply to the Board to change an attribute of accreditation of the school.

If a governing body makes an application to add a new site or add year(s) of schooling to an existing site, if approved, the Board will also approve the student-intake day(s) for the year(s) of schooling at the new or existing site, and also a 'change day' under section 40 of the Act.

The change day is defined as the day before which the change must have effect (section 40(5)(b) of the Act).

As set out in section 44 of the Act, if a change is not given effect before the approved *change day*, the change is of no effect and is removed from the attributes of accreditation. Specifically, the Board's approval of the new site or additional year(s) of schooling ceases to have effect if the change is not given effect before the change day.

## Confirming commencement



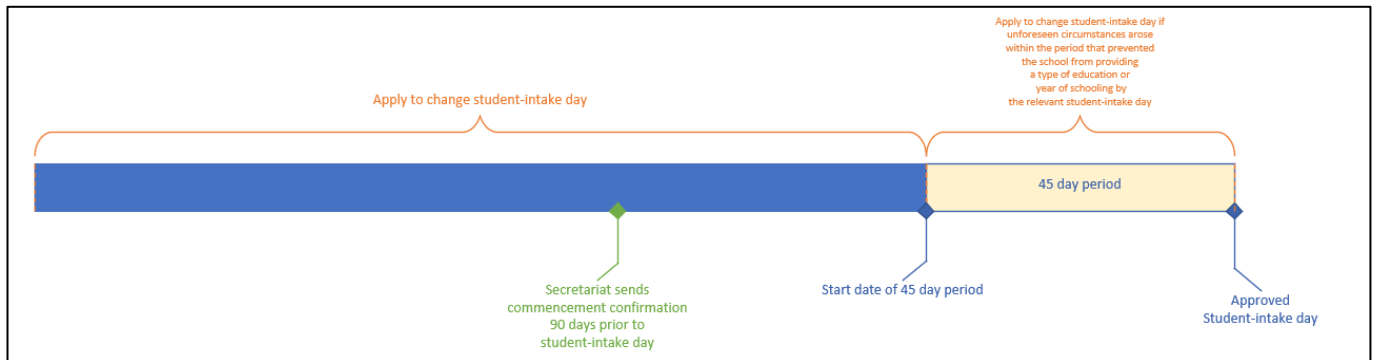
The Board Secretariat writes to governing bodies at least 90 days before the relevant student-intake day to confirm commencement of the school, site or year(s) of schooling.

Governing bodies are asked to confirm that the school, site or year/s of schooling will commence as approved by the Board in the Accreditation Application (or other application if relevant).

Governing bodies are also asked to confirm that all relevant land use and building approvals are in place when confirming commencement for a new school or new site.

## New school or new type of education

### Change to student-intake day



An approved new school will have one or two student-intake day(s) for the type(s) of education the school is approved to provide under its accreditation. Each type of education may have its own relevant student-intake day. The school may also be in the establishment phase for certain years of schooling that are to commence later than the initial relevant student-intake day for the type of education. This is discussed further in the [‘New years of schooling’ section below](#).

An existing school may also be approved to add a type of education. For example, a school accredited to provide primary education may have been approved to add secondary education to their accreditation. This new type of education will have a new relevant student-intake day. The school may also be in the establishment phase for subsequent years of schooling.

#### **For example:**

A school may be approved to commence operations for primary education on 24 January 2023. This is the relevant student-intake day for primary education. The school may then be approved to provide secondary education from 28 January 2025. This is the relevant student-intake day for secondary education.

If unforeseen circumstances arise that prevent the school from opening, or commencing the new type of education, and therefore from complying with the accreditation criteria by the student-intake day, the governing body must apply to change the student-intake day for the type of education under section 35 of the Act.

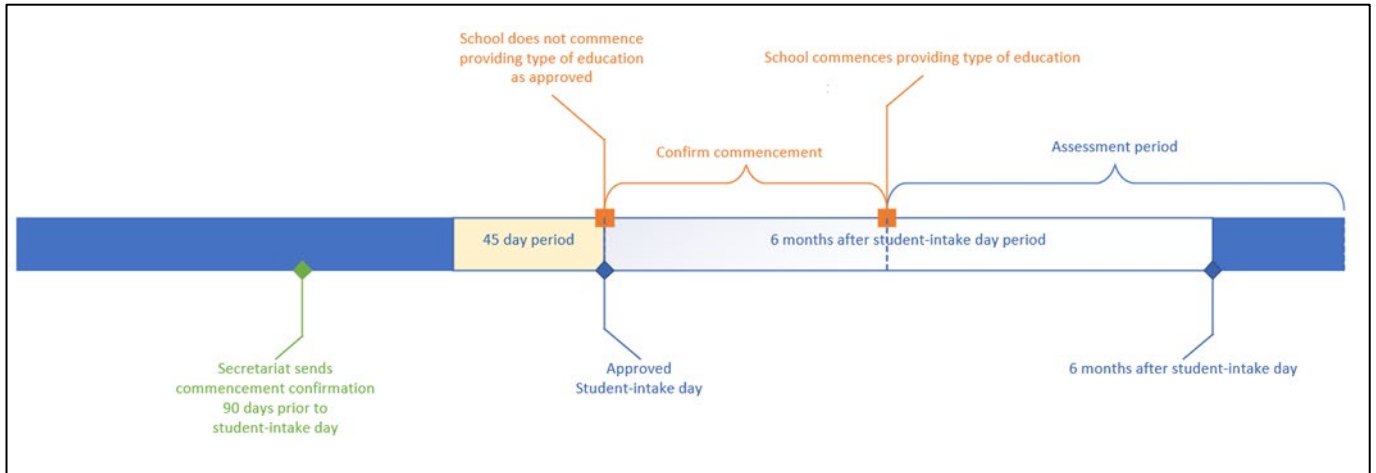
The governing body can do so by using the Board approved form [CSID-F Change to relevant student-intake day](#).

The application needs to be lodged at least 45 days before the relevant student-intake day (“45 Day Period”) unless unforeseen circumstances arise within the 45 Day Period that prevent the school from providing the type of education by that student-intake day.

If the Board is unable to decide the application by the relevant student-intake day, the failure is taken to be a decision of the Board to refuse the application. In the application the governing body will need to provide sufficient information so that the Board can be satisfied that unforeseen circumstances prevented the school from opening or commencing as approved. Otherwise the application to change the student-intake day may be refused by the Board.

For completeness, the Board notes the application must be lodged before the relevant student-intake day and cannot be otherwise lodged retrospectively.

## School or type of education does not commence as approved, but within 6 months of approved student-intake day



If a school or type of education does not commence as approved on the student-intake day for a type of education, the school has six months to commence providing the type of education or otherwise the Board may show cause the governing body to provide reasons why the accreditation should not be cancelled. Refer to [School does not commence as approved, and is still not operating 6 months after the approved student-intake day](#) for further details.

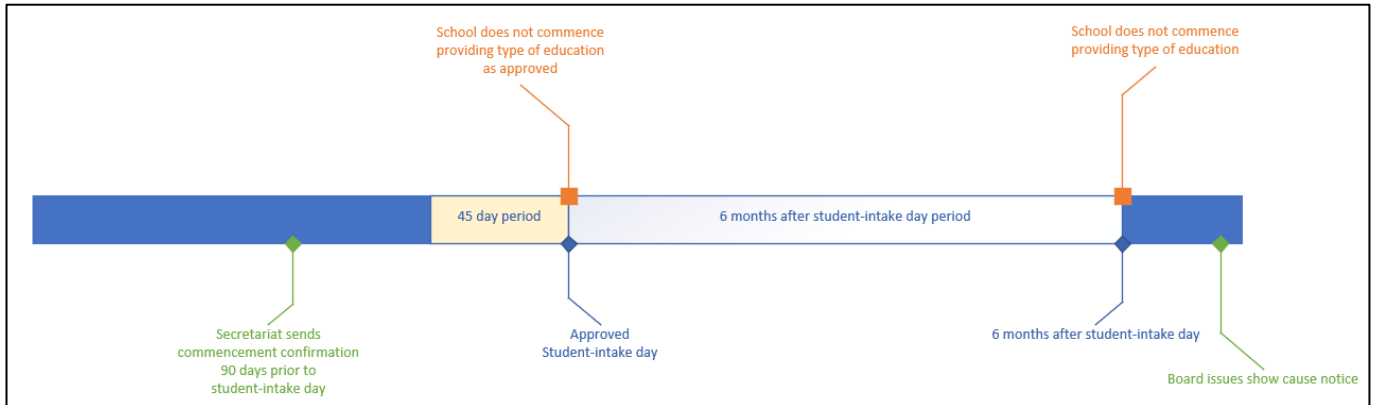
Before the school commences the type of education, the governing body is to notify the Board to confirm commencement, including that all necessary land and building approvals are in place (as discussed above in the [Confirming commencement](#) section).

Once commenced, the initial assessment will be scheduled based on the first day of education of students at the school for the type of education under the school's accreditation.

The initial assessment must commence on or after the assessment day for a type of education.

Assessment day, for a type of education generally means the day that is at least 60 days after and within 6 months after the student-intake day for the type of education (section 30 of the Act).

## School or type of education does not commence as approved, and has not commenced as at 6 months after the relevant student-intake day



If the school or type of education does not commence operations within 6 months of the relevant student-intake day, the Board may issue a show cause notice proposing to cancel the school's accreditation for a type of education on the grounds that the school has not provided a type of education for at least 6 consecutive months (section 66(h) of the Act).

The governing body may make an accepted representation in writing in response to the show cause notice issued by the Board.

The Board will consider all accepted representations submitted in response to any show cause notice.

If, after considering the accepted representations, the Board no longer believes a ground exists to cancel the accreditation, the Board will give notice to the governing body that it will not take any further action in relation to the show cause notice.

Alternatively, if after considering the accepted representations, the Board:

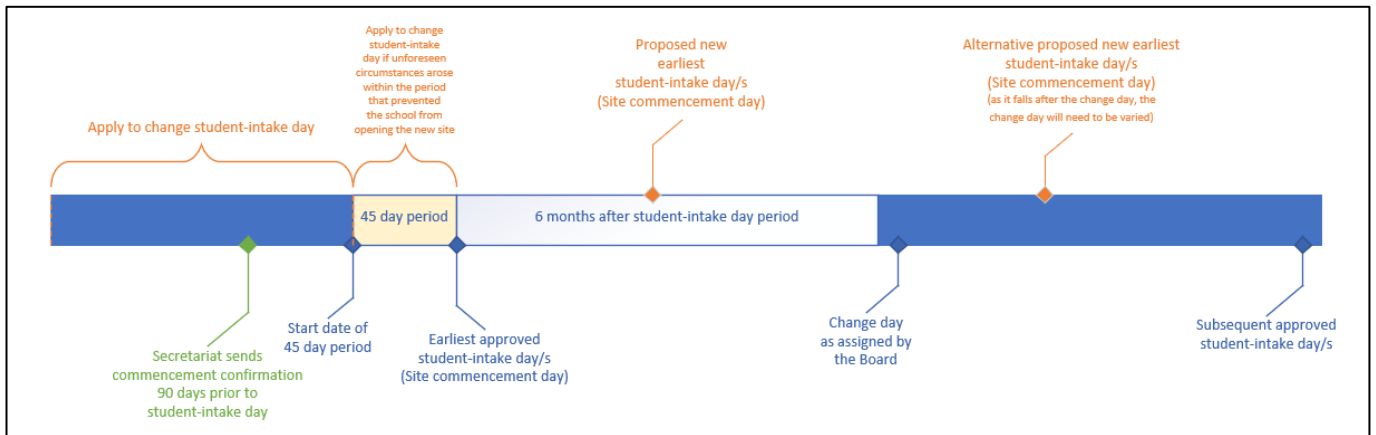
- a) still believes a ground exists to cancel the school's accreditation; and
- b) believes cancellation of the school's accreditation is warranted,

the Board may decide to cancel the school's accreditation.

The Board's decision to do so does not take effect until the last day to apply for a review of the decision, or if an application is made to review the decision, the day that application is decided or otherwise dealt with.

## New site

### Change to student-intake day



An approved new site may have one or more approved student-intake day(s) for the year(s) of schooling that the school is approved to provide at the new site. The earliest approved student-intake day(s) will mark the commencement of the site.

#### **For example:**

A school may be approved to commence operations at the approved site for Years 7 to 9 on 24 January 2022. This is the earliest student-intake day for the site for those years of schooling. They may then be approved to commence year 10 from 23 January 2023, year 11 from 22 January 2024 and year 12 from 28 January 2025.

If unforeseen circumstances arise that prevent the school from opening the new site, and as a result the school cannot comply with its accreditation criteria from the relevant student-intake day, the governing body must apply to change the student-intake day for the year(s) of schooling to a new proposed student-intake day by way of an application under section 35 of the Act.

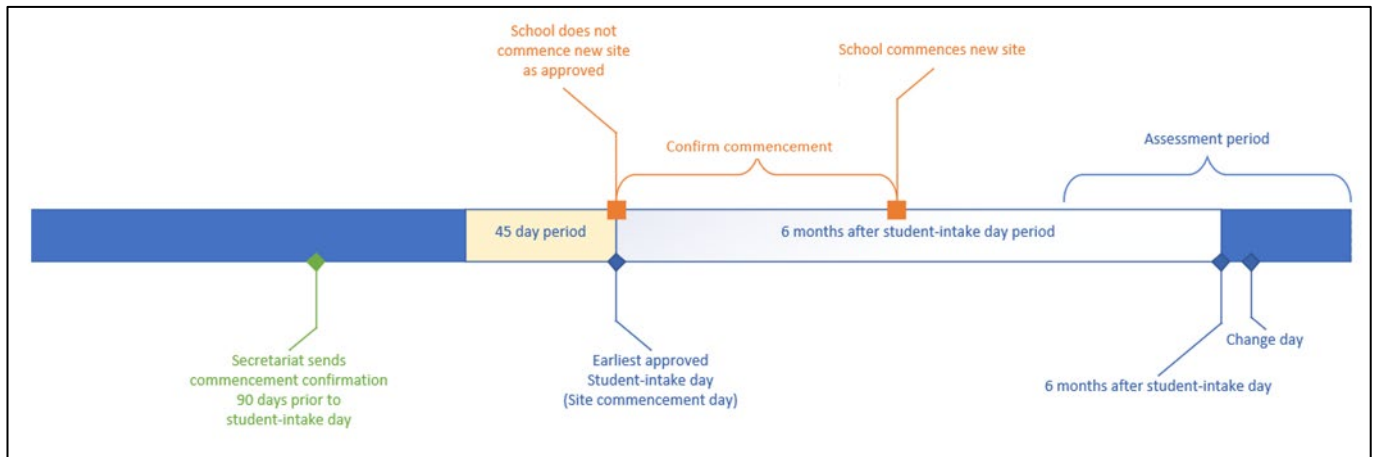
The governing body can make an application under section 35 of the Act using the Board approved form [CSID-F Change to relevant student-intake day](#). This application needs to be lodged before the 45 Day Period unless unforeseen circumstances arise within the 45 Day Period that prevent the school from providing a year of schooling by the relevant student-intake day.

The commencement of the site also has a change day associated with the approved change. If the new relevant student-intake day(s) fall after the approved change day, the Board may need to also vary the change day. The change day only relates to the earliest student-intake day(s) for the site. Once the site has commenced, it is no longer relevant for subsequent student-intake day(s).

Just like for a new school or type of education, it is imperative that an application to change student-intake day(s) at a new site is lodged with enough time for the Board to decide the application before the student-intake day(s) and that the application includes sufficient information regarding the unforeseen circumstances that prevented the site from commencing.

The application must be lodged before the student-intake day(s) and cannot be lodged retrospectively.

## Site does not commence as approved, but within 6 months of approved student-intake day



If a site does not commence as approved on the earliest approved student-intake day(s) for the years of schooling at the new site, the school has six months to commence providing education at the site or otherwise the Board may issue a show cause notice under sections 65 of the Act depending on the circumstances of the school.

If the Board issues a show cause notice, the governing body may need to provide reasons by way of accepted representations as to why the accreditation should not be amended by removing the site from the accreditation of the school. Refer to [Site does not commence as approved, and is still not operating 6 months after the approved student-intake day](#) for further details. Please note, if the change day for the site is within 6 months of the earliest relevant student-intake day, the site has to commence by the change day rather than 6 months after the student-intake day or otherwise the change is of no effect.

The Board will consider all accepted representations submitted in response to any show cause notice.

If, after considering the accepted representations, the Board no longer believes a ground exists to amend the accreditation, the Board will give notice to the governing body that it will not take any further action in relation to the show cause notice.

Alternatively, if after considering the accepted representations, the Board:

- a) still believes a ground exists to amend the school's accreditation by removing or amending a relevant attribute of accreditation; and
- b) believes amendment of the school's accreditation by removing or amending the relevant attribute of accreditation is warranted,

the Board may decide to amend the school's accreditation by removing or amending a relevant attribute of accreditation (in this case, the relevant site).

The Board's decision to do so does not take effect until the last day to apply for a review of the decision, or if an application is made to review the decision, the day that application is decided or otherwise dealt with.

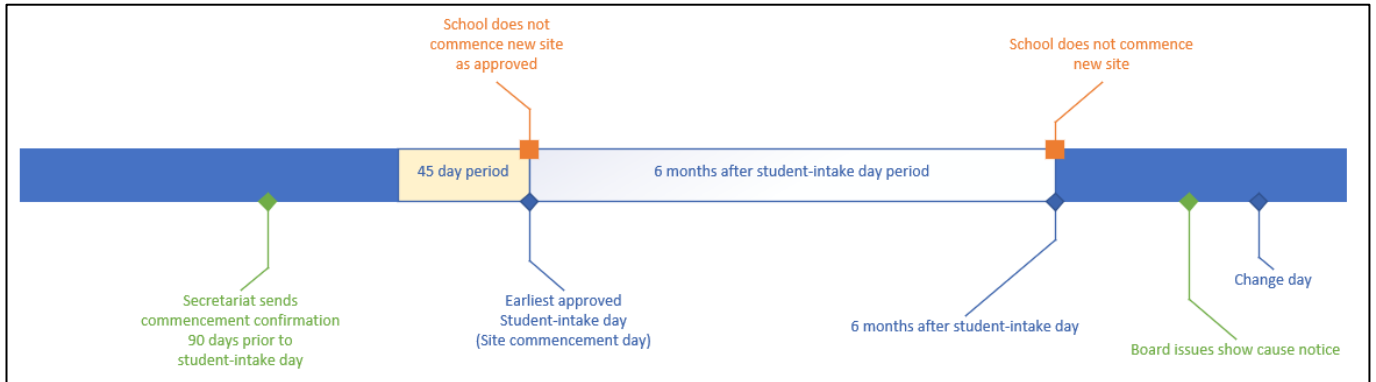
Before the site commences the years of schooling, the governing body is to notify the Board to confirm commencement, including that all necessary land and building approvals are in place.

Once commenced, the new site assessment will be scheduled based on the day the school starts to operate at the new site.

The new site assessment must commence on or after the assessment day in relation to the provision of education at the new site to decide whether the school is complying with the accreditation criteria.

Assessment day, for a new site means the day that is at least 60 days after and within 6 months after the day the school starts to operate the new site (section 32 of the Act).

## Site does not commence as approved, and is still not operating 6 months after the approved student-intake day



If the school does not commence operations at the new site within 6 months of the approved student-intake day, the Board may issue a show cause notice proposing to amend the school's accreditation on the grounds that the school did not start to provide education for the year of schooling by the day that is 6 months after the student-intake day for the year of schooling (section 65(c) of the Act).

The governing body may make accepted representations in response to the show cause notice to issued by the Board.

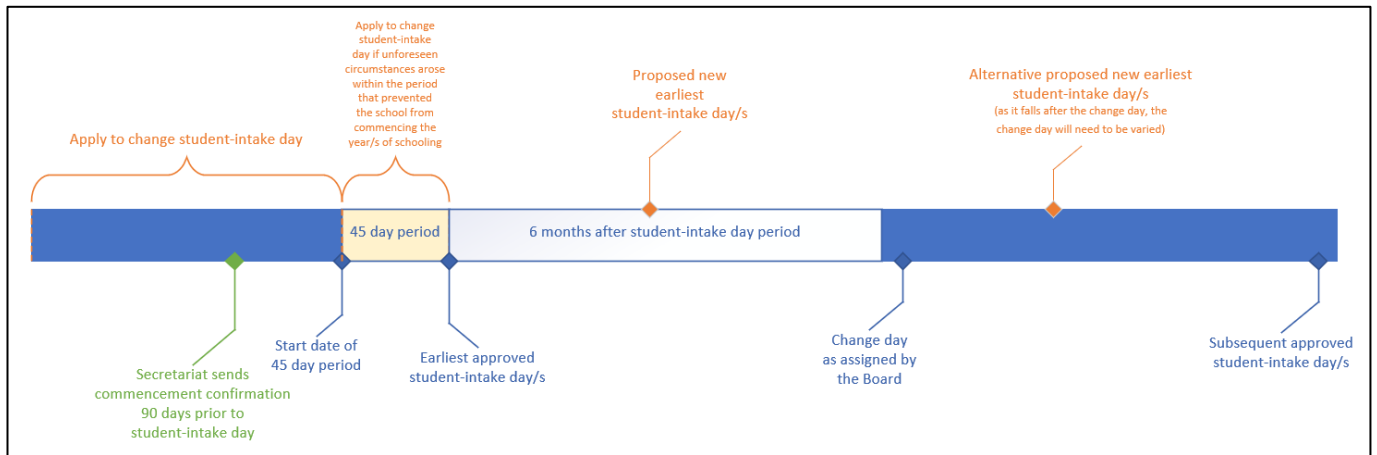
In the interim, if the relevant change day has passed, the change is of no effect and the site no longer applies to the school.

Alternatively, the school's governing body may advise the Board that an attribute of accreditation (in this case the site) no longer applies to the school by submitting [ANLA-F Attribute of accreditation no longer applying](#) at any point in time before the effective date on which the relevant attribute no longer applies to the school (section 46(1) of the Act).



## New years of schooling

### Change to student-intake day



A school may be an establishment phase school and be approved to commence certain years of schooling after the initial relevant student-intake day approved for the school or the site.

#### For example:

A school may be accredited to provide primary education from 24 January 2022. The school commenced operations with the preparatory year and years 1 to 3 on 24 January 2022, year 4 from 23 January 2023, year 5 from 22 January 2024 and year 6 from 28 January 2025. The school is in the establishment phase for years 4 to 6.

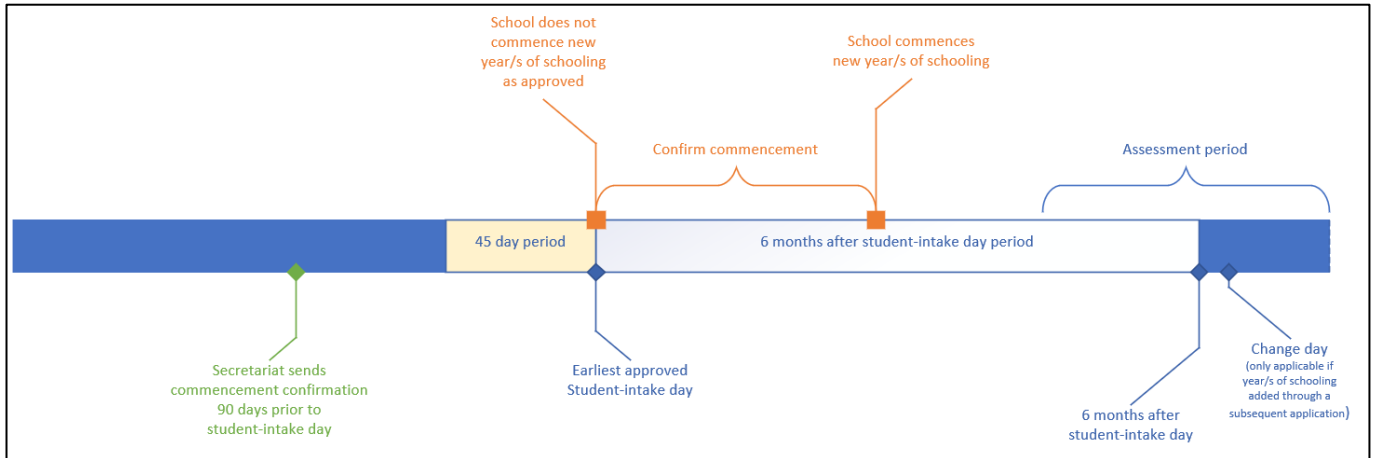
If unforeseen circumstances arise that prevent the school from commencing a year of school as approved, and therefore from complying with the accreditation criteria by the student-intake day, the governing body must apply to change the student-intake day for the year of schooling to a new proposed student-intake day using the approved form [CSID-F Change to relevant student-intake day](#). This application needs to be lodged at least 45 days before the student-intake day (the 45 Day Period unless unforeseen circumstances arise within the period that prevent the school from providing a year of schooling by the student-intake day).

If the year(s) of schooling was/were added after the initial new school application through a change to accreditation attributes application, the new year(s) of schooling will have a *change day* associated with the approved change. If the new student-intake day(s) will be after the approved change day, the Board may need to also vary the change day. The change day only relates to the earliest student-intake day(s) for year(s) of schooling added through the application. Once the earliest year/s of schooling has/have commenced, it is no longer relevant for subsequent student-intake day(s).

As with a new school or a new site, it is imperative that an application to change student-intake day(s) for years of schooling under section 35 of the Act is lodged with enough time for the Board to decide the application before the student-intake day/s and that the application includes sufficient information regarding the unforeseen circumstances that prevented the years of schooling from commencing.

Where unforeseen circumstances do not arise, the application must be lodged at least 45 days before the student-intake day(s) and cannot be lodged retrospectively.

## School does not commence new year/s of schooling as approved, but within 6 months of approved student-intake day



For a school that is an establishment phase school, if a year of schooling does not commence on the approved student-intake day(s) for the year(s) of schooling and has not done so by the day that is six months after the student-intake day the Board may issue a show cause notice to the governing body.

As set out above, the governing body will then be required to provide reasons by way of accepted representations as to why the accreditation should not be amended by removing the year/s of schooling from the accreditation of the school. Refer to School does not commence new year/s of schooling as approved, and is still not operating 6 months after the approved student-intake day for further details.

The Board will consider all accepted representations submitted in response to any show cause notice.

If, after considering the accepted representations, the Board no longer believes a ground exists to amend the accreditation, the Board will give notice to the governing body that it will not take any further action in relation to the show cause notice.

Alternatively, if after considering the accepted representations, the Board:

- still believes a ground exists to amend the school's accreditation by removing or amending a relevant attribute of accreditation; and
- believes amendment of the school's accreditation by removing or amending the relevant attribute of accreditation is warranted,

the Board may decide to amend the school's accreditation by removing or amending a relevant attribute of accreditation (in this case, the relevant year of schooling).

The Board's decision to do so does not take effect until the last day to apply for a review of the decision, or if an application is made to review the decision, the day that application is decided or otherwise dealt with.

Please note, if there is a change day for the years of schooling, as they were added subsequently through a Change of attributes of accreditation application, and the change day is within 6 months of the earliest approved student-intake day, the year(s) of schooling has/have to commence by the change day rather than 6 months after the student-intake day or otherwise the change is of no effect.

Before the school commence(s) the years of schooling, the governing body is to notify the Board to confirm commencement.

Once commenced, the establishment phase assessment will be scheduled based on the day the school starts to operate in the year(s) of schooling.

The establishment phase assessment must commence on or after the assessment day.

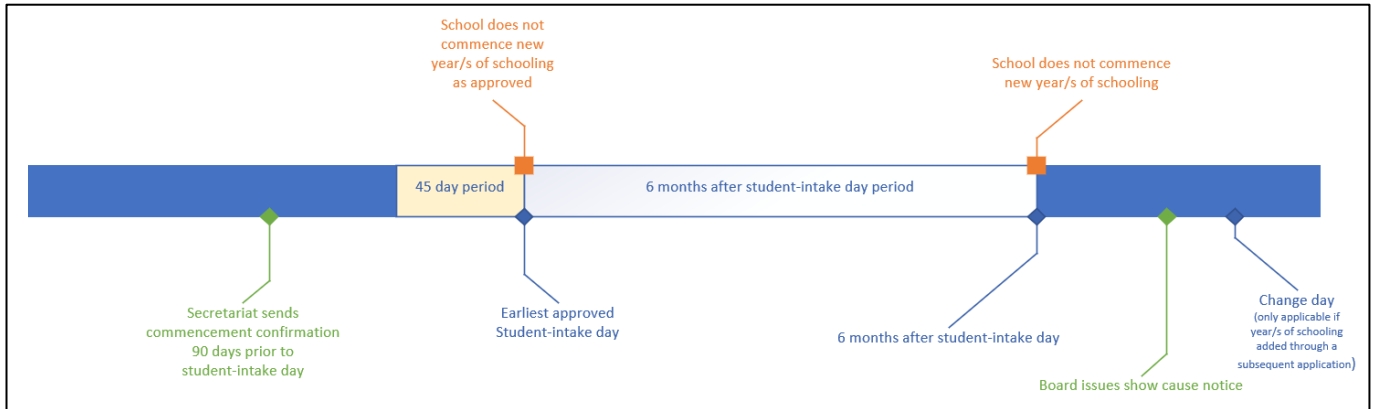
Assessment day, for a new year/s of schooling generally means the day that is at least 60 days after the student-intake day for the year of schooling and within 6 months after the latest student-intake day for the years of schooling for the sector of schooling within which the school has started to operate (section 31 of the Act).

As defined in Division 3 of the Act, 'sector of schooling' means any of the following groups of years of schooling:

- Preparatory year to year 3
- Years 4 to 6
- Years 7 to 10
- Years 11 and 12.

Alternatively, the school's governing body may advise the Board that an attribute of accreditation (in this case the year(s) of schooling) no longer applies to the school by submitting [ANLA-F Attribute of accreditation no longer applying](#) before the effective date on which the relevant attribute no longer applies to the school (section 46(1) of the Act).

## School does not commence new year(s) of schooling as approved, and is still not operating 6 months after the approved student-intake day



If the school does not commence operations in the new year(s) of schooling within 6 months of the relevant student-intake day, the Board may issue a show cause notice proposing to amend the school's accreditation on the grounds that the school did not start to provide education for the year of schooling by the day that is 6 months after the student-intake day for the year of schooling (section 65(c) of the Act).

The governing body may make accepted representations about the show cause notice to the Board.

The Board will consider all accepted representations submitted in response to any show cause notice.

If, after considering the accepted representations, the Board no longer believes a ground exists to amend the accreditation, the Board will give notice to the governing body that it will not take any further action in relation to the show cause notice.

Alternatively, if after considering the accepted representations, the Board:

- a) still believes a ground exists to amend the school's accreditation by removing or amending a relevant attribute of accreditation; and
- b) believes amendment of the school's accreditation by removing or amending the relevant attribute of accreditation is warranted,

the Board may decide to amend the school's accreditation by removing or amending a relevant attribute of accreditation (in this case, the relevant year of schooling).

The Board's decision to do so does not take effect until the last day to apply for a review of the decision, or if an application is made to review the decision, the day that application is decided or otherwise dealt with.

Otherwise, if there is change day associated with the new year/s of schooling and the change day has passed in the meantime, the change is of no effect and the year/s of schooling no longer apply/ies to the school.