



## ENROLMENT POLICY AND PROCEDURE

### 1. INTRODUCTION

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- 1.1 These enrolment procedures have been developed to provide Redeemer Lutheran College, Biloela with practical guidance when assessing enrolment applications in the context of anti-discrimination laws, including the Disability Standards for Education 2005.
- 1.2 All steps taken to comply with these procedures should be documented in writing, including records of discussions with parent(s)/guardian(s).
- 1.3 Examples contained in these procedures are provided for illustrative purposes only. Each Application for Admission should be considered on its own merits. It is strongly recommended that Redeemer Lutheran College, Biloela consider seeking legal advice in circumstances where a prospective student has, or may have a disability or another attribute under anti-discrimination laws (for example religious/cultural beliefs).
- 1.4 The Application for Enrolment Form and the Enrolment Contractual Agreement have been drafted to comply with unfair terms provisions in the Australian Consumer Law. The unfair terms provisions apply to consumer contracts which include a contract for provision of educational services between a school/college and a parent or guardian if the contract is in a standard form.
- 1.5 A term of an enrolment contract is void if it is unfair. Examples of unfair terms in an enrolment contract include a term that;
  - (a) requires the parent to continue paying fees if the school decides to stop providing education to the child without any reason;
  - (b) requires the parent to pay additional fees if it does not abide by the terms of the contract such as a penalty for not providing full disclosure of a child's behavioural issues;
  - (c) restricts the right of the parent to sue the school if the school is negligent.

### 2. DEFINITIONS

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#### Direct discrimination

- 2.1 Direct discrimination is when a person treats a person with an attribute less favourably than another person without the attribute is treated in similar circumstances. In determining whether direct discrimination has occurred the fact that the person with the impairment may require special services or facilities is irrelevant.

#### Indirect discrimination

- 2.2 Indirect discrimination on the basis of an attribute happens if a person imposes or proposes to impose a term:
  - (a) with which a person with an attribute does not or is not able to comply;
  - (b) with which a higher proportion of people without the attribute comply or are able to comply;
  - (c) and that is not reasonable.

### **Discrimination in the area of education**

- 2.3 An education authority must not discriminate:
- (a) in failing to accept a person's application for admission as a student; or
  - (b) in the way in which a person's application is processed; or
  - (c) in the arrangements made for, or the criteria used in, deciding who should be offered admission as a student; or
  - (d) in the terms on which a person is admitted as a student.

### **Disability/impairment**

- 2.4 Disability (or impairment) means:
- (a) the total or partial loss of the person's bodily functions, including the loss of a part of the person's body; or
  - (b) the malfunction, malformation or disfigurement of a part of the person's body; or
  - (c) a condition or malfunction that results in the person learning more slowly than a person without the condition or malfunction; or
  - (d) a condition, illness or disease that impairs a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour; or
  - (e) the presence in the body of organisms capable of causing illness or disease; or
  - (f) reliance on a guide, hearing or assistance dog, wheelchair or other remedial device; whether or not arising from an illness, disease or injury or from a condition subsisting at birth, and includes an impairment that:
    - (g) presently exists; or
    - (h) previously existed but no longer exists.

### **Religious belief and religious activity**

- 2.5 Religious activity means engaging in, not engaging in or refusing to engage in a lawful religious activity.
- 2.6 Religious belief means holding or not holding a religious belief.

### **Other protected attributes**

- 2.7 Unlawful discrimination can also apply when a person is discriminated against because of, but not limited to, sex, gender identity, age, relationship status, race/ethnicity, sexuality and pregnancy.

## **3. ENROLMENT POLICY**

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- 3.1 Redeemer Lutheran College, Biloela which is owned and operated by the Lutheran Church of Australia Queensland District offers its program in Christian education to all applicants regardless of ethnic origin, gender, religion or disability, provided that:
- (a) through enrolment procedures parents/guardians seeking enrolment for their child/children undertake to support willingly and freely the stated purposes of Redeemer Lutheran College, Biloela; and
  - (b) adequate space and resources are available, including the resources to support any special needs of the child/children.

- 3.2 It is the intention of the College Council of Redeemer Lutheran College, Biloela that no family genuinely seeking a Christian education should be denied a place at the college solely for financial reasons. In such cases special fee arrangements can be negotiated with the Principal.
- 3.3 It is required that children enrolled in *Preparatory* turn five (5) between the 1<sup>st</sup> July and 31<sup>st</sup> December the year prior to beginning Preparatory or between 1<sup>st</sup> January and 30<sup>th</sup> June in the year enrolled at Preparatory.
- 3.4 Enrolment applications will be accepted at any time in the years prior to the year-of-entry, however processing of applications for the *Preparatory* intake will begin by the end of May in the year prior to commencement.
- 3.5 Enrolment priorities will be determined from time to time by Redeemer Lutheran College, Biloela.
- 3.6 Priorities may include the following in whatever order is determined.
- Children who are members of Redeemer Lutheran Congregation, Biloela;
  - Children who are members of Christian churches, other than Lutheran;
  - Children who have no association with a Christian church;
  - Siblings and children of former students;
  - The order in which applications are received in each priority area;
  - The resources available to meet any special needs of the child/children.
- 3.7 When applications exceed the number of available places, the following order of preference shall normally apply.
1. Siblings and children of past students, children of Lutheran church workers and children of staff;
  2. Members of the congregation and other Lutheran Congregations;
  3. Transfers from other Lutheran Schools;
  4. Other applicants, giving consideration to such factors as:-
    - a) Active family participation in the worship life of a Christian church; *supported where possible by a reference from a minister*
    - b) Acceptance of, sympathy and support for the school's fundamental aims and objectives;
    - c) The time of application.
- 3.8 Notwithstanding the above order of preference, no student shall be regarded as having automatic right of acceptance.

#### **Required information from parents/guardians about a potential student**

- 3.9 Redeemer Lutheran College, Biloela will require knowledge of a potential student's additional social/emotional, behavioural or additional learning or support needs that are pertinent to the student (i.e. speech/language, occupational therapy, psychologist or audiologist) and/or other current medical issues (such as allergies, asthma, diabetes and information about any other physical or psychological impairment) for the purposes set out in clauses 3.10 and 3.11 below.
- 3.10 Redeemer Lutheran College, Biloela will require this information for the purposes of caring for their student's needs and ensuring they can monitor any particular issues once the student commences at Redeemer Lutheran College, Biloela. This information should be restricted to any medical information/condition that the college would need to monitor.
- 3.11 This information is required to assess if the Redeemer Lutheran College, Biloela has the capacity to provide the appropriate level of support and/or facilities for the student. This information should

only be used in the decision making process for selecting a student for enrolment in accordance with the enrolment procedures set out below.

- 3.12 The residency status and/or country of birth of a potential student should not be used in the decision making process for selecting a student for enrolment unless it is relevant to immigration laws or learning needs of the child (e.g. if non English speaking).

The college can only accept students on Visa's where the Visa conditions allow for the student to be enrolled at a non CRICOS registered school.

Under existing visa restrictions, the College will accept overseas students on visa subclass 500 under the following conditions:-

- The applicant is a dependent under another family member's Student visa;
- Acceptance of overseas students will be at the discretion of the Principal using the College's Enrolment Policy Terms and Conditions;
- Fees will be charged at the Principal's discretion using the current Queensland Governments 'Temporary Residents Admissions Centre – Fee Structure and Exemption Criteria' as a guideline;

- 3.13 While the Redeemer Lutheran College, Biloela's learning environment may benefit from an approximate equal number of boys and girls at each year level the decision about the student's enrolment should not be based on a student's gender or identified gender.

- 3.14 A potential student's family situation, medical background, learning support requirements and social background should not affect Redeemer Lutheran College, Biloela's decision to accept student's enrolment unless:

- (a) There has been a thorough and documented consideration/assessment of what special services/equipment/devices would be required to meet the potential student's needs and if there are any reasonable adjustments that can be made (including the costs and other effects of meeting the student's needs or making reasonable adjustments) ;
- (b) Redeemer Lutheran College, Biloela has consulted with the potential student's parents/guardians about the potential student's needs and any reasonable adjustments;
- (c) After considering the potential student's needs and consultation with the parents/guardians it has been determined that the Redeemer Lutheran College, Biloela cannot meet the potential student's needs, cannot make any reasonable adjustments and/or it would cause unjustifiable hardship to make the reasonable adjustments; and
- (d) the reason why Redeemer Lutheran College, Biloela would not be able to provide those services are thoroughly documented and communicated to the potential student's parents/guardians.

All objections to enrolments will be thoroughly documented including the reasons for the rejection and the process undertaken (which should be in accordance with the enrolment procedure) in reaching the decision.

## **4. ENROLMENT PROCEDURE**

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### **Application**

- 4.1 The parent(s)/guardian(s) apply for enrolment of a prospective student by completing and submitting the enrolment application form, which contains questions about the prospective student's educational needs and other aspects of the prospective student's circumstances.

- 4.2 Redeemer Lutheran College, Biloela acknowledges receipt of the enrolment application form in writing to the parent(s)/guardian(s).
- 4.3 Redeemer Lutheran College, Biloela must ensure that a prospective student with a disability or other barrier (e.g. parents have limited English) is able to apply for enrolment at Redeemer Lutheran College, Biloela on the same basis as a prospective student without a disability or barrier.



### **Checklist**

- 4.4 Has the prospective students parent(s)/guardian(s) been advised to contact Redeemer Lutheran College, Biloela if they have any barriers to completing the enrolment process?
- Is information about the enrolment process accessible to prospective students and their parent(s)/guardian(s)?
  - Has Redeemer Lutheran College Biloela acknowledged receipt the application for admission or enrolment form in writing to the prospective student's parent(s)/guardian(s)?
  - If requested, can information about the enrolment process be made available in different formats (e.g. in a different language or electronically) within a reasonable timeframe?
  - Is sufficient information about entry requirements, choice of courses and educational settings accessible to prospective students and their parent(s)/guardian(s)?
  - Where applicable, has the College received copies of visa and passports?

### **Assessment of Application**

- 4.5 Once Redeemer Lutheran College, Biloela has received a completed enrolment application form and associated documentation, it is necessary to assess the application to determine if any additional information is required.
- 4.6 If the enrolment application reveals potential learning, physical or other disabilities or barriers to attendance at Redeemer Lutheran College, Biloela it will be necessary to obtain more information to determine the educational and physical needs of the prospective student and whether Redeemer Lutheran College, Biloela can accommodate those needs.
- 4.7 The College has a right to request further information (including medical and other records) and/or an interview from parents/guardians and/or request that the potential student undergoes any relevant assessment to determine the potential student's additional educational and/or physical/emotional/mental needs.



### Checklist

- Have the parent(s)/guardian(s) supplied all relevant information and supplied copies of required documentation?
- Has Redeemer Lutheran College, Biloela requested further information from the parents about the potential student's additional educational and/or physical/emotional/mental needs.
- Have the parent(s)/guardian(s) been advised that a failure to provide relevant information, including supporting documentation, or providing false/misleading information may result in the application for enrolment being rejected?
- Have the parent(s)/guardian(s) notified Redeemer Lutheran College, Biloela of any potential learning, physical or other disability suffered by the prospective student?

### Example

An enrolment application identifies that a prospective student has difficulty staying focussed for extended periods of time. There is no additional information provided about whether this issue is linked to a disability.

Further information should be sought from the prospective student's parent(s)/guardian(s) about whether the behaviour is linked to a disability or not. Importantly, Redeemer Lutheran College, Biloela should not make assumptions about whether a child has a disability. Further information should also be sought about the extent of the child's issues and what may need to be done to accommodate those issues.

If a disability is identified Redeemer Lutheran College, Biloela can request that the prospective student's parent(s)/guardian(s) provide further documentation and or information about the disability such as a doctor's report.

### Example

Through the enrolment process a parent has informed the college that their child can not comply with the uniform policy because the child's religious beliefs requires them to wear alternative clothing.

The college can request further information about the requirement to wear the alternative clothing and if necessary can request documentation to show that the child is required to wear the particular clothing as part of their religious beliefs (such as a letter from the child's religious body) before making a decision about allowing the child to wear the alternative clothing.

The school/college should not base its decision not to accept the child for enrolment at the school because they wish to wear alternative clothing due to the child's religious beliefs.

The college does not have to simply agree to this request. Each request should be assessed in light of the uniform policy on a case by case basis.

### Consultation

- 4.8 If Redeemer Lutheran College, Biloela has been notified about a prospective student's disability, Redeemer Lutheran College, Biloela must consult with the prospective student's parent(s)/guardian(s) about whether the disability may affect the prospective student's enrolment at Redeemer Lutheran College, Biloela.



### Checklist

- Has Redeemer Lutheran College, Biloela consulted with the prospective student's parent(s)/guardian(s) in relation to the prospective student's disability?
- Is additional information about the disability and the prospective student's educational and/or physical needs required?
- Has the prospective student's parent(s)/guardian(s) been advised of the process that will be followed in determining whether to offer the prospective student a place at Redeemer Lutheran College, Biloela and the expected timeframe for each part of that process?

### Consideration of reasonable adjustments

4.9 Redeemer Lutheran College, Biloela must consider any reasonable adjustments that may be implemented to ensure that the prospective student can seek admission to Redeemer Lutheran College, Biloela on the same basis as a prospective student without a disability, taking into account:

- (a) the prospective student's disability;
- (b) the views of the prospective student or their parent(s)/guardian(s);
- (c) the effect of the adjustment on the prospective student, including the effect on the prospective student's:
  - (i) ability to achieve learning outcomes;
  - (ii) ability to participate in courses or programs; and
  - (iii) independence;
- (d) the effect of the proposed adjustment on anyone else affected, including Redeemer Lutheran College, Biloela staff and other students; and
- (e) the costs and benefits of making the adjustment.

4.10 Before making an adjustment for the prospective student Redeemer Lutheran College, Biloela must consult with the prospective student's parent(s)/guardian(s) about:

- (a) whether the adjustment is reasonable;
- (b) the extent to which the adjustment would allow the prospective student to:
  - (i) apply for enrolment at Redeemer Lutheran College, Biloela;
  - (ii) participate and use Redeemer Lutheran College, Biloela's facilities and services;
  - (iii) participate in learning experiences;
  - (iv) access support services; and
  - (v) participate in learning activities;
 on the same basis as a student without a disability; and
- (c) whether there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the prospective student.

4.11 Redeemer Lutheran College, Biloela is not required to implement adjustments that are not reasonable.

- 4.12 What is considered a reasonable adjustment will depend on the needs of the particular prospective student and should be considered on an individual basis. However, some adjustments which may be considered include:
- (a) removal of physical barriers (e.g. ramps);
  - (b) provision of course materials in different formats (e.g. electronically);
  - (c) provision of interpreters (e.g. Auslan/sign language);
  - (d) alternative assessments; and
  - (e) provision of a private room to sit examinations.
- 4.13 It is important not to make assumptions about the needs of a prospective student with a disability. If necessary, obtain an independent assessment about the prospective student's needs. Parent(s)/guardian(s) must be advised at the commencement of the enrolment process if they will be responsible for the cost of an independent assessment.
- 4.14 If Redeemer Lutheran College, Biloela is assessing whether an adjustment to the course or program in which the prospective student proposes to be enrolled in is reasonable, Redeemer Lutheran College, is entitled to maintain the academic requirements of the course or program and other requirements or components that are inherent in or essential to its nature.
- 4.15 Reasonable adjustments must be provided in a reasonable time.





### Checklist

- Does Redeemer Lutheran College, Biloela have all relevant information regarding the nature of the prospective student's disability?
- Is it necessary to obtain an independent assessment of the prospective student's needs?
- Has Redeemer Lutheran College, Biloela notified the prospective student and/or their parent(s)/guardian(s) about who to contact in the event that they have any grievances arising from the prospective student's preferred reasonable adjustment and the adjustment recommended by an independent assessor?
- Has Redeemer Lutheran College, Biloela sought the views of the prospective student and/or their parent(s)/guardian(s) about adjustments required by the prospective student?
- Have reasonable adjustments previously been made for the prospective student for example at the prospective student's previous school? Does the college have information about what those adjustments were?
- Has Redeemer Lutheran College, Biloela considered and documented the effect of the adjustments on the College, the prospective student, other students and staff? Examples:
  - Will the proposed adjustments meet the learning needs of the prospective student?
  - Will the proposed adjustments detrimentally affect the learning needs of other students?
  - Will individual attention and teacher-time be adequate and equitably shared among all students? If not, what additional support is required (e.g. specialist services, teacher-aide, reduction in class size)?
- Has Redeemer Lutheran College, Biloela consulted with the prospective students parent(s)/guardian(s) about the timeframe for implementing the adjustments?
- Will the proposed adjustment need to be changed over the period of the prospective student's education?
- Have the parent(s)/guardian(s) been provided with an updated timeframe (if relevant)?

### Example

An enrolment application is received from a prospective student that is profoundly deaf.

Redeemer Lutheran College, Biloela must consider reasonable adjustments that can be made so that the prospective student can participate in activities and courses on the same basis as students without a disability.

An independent assessment of the prospective student's needs recommends the provision of a sign language teacher to interpret for the prospective student, which is consistent with the views of the prospective student's parents.

If Redeemer Lutheran College, Biloela should then consult with the prospective student's parent(s)/guardian(s) about the possible implementation of the sign language teacher for their child, such as benefits, timeframes, costs and practicalities of the provision of teacher.

## Unjustifiable hardship

- 4.16 Redeemer Lutheran College, Biloela will not be required to implement an adjustment that is otherwise reasonable if the implementation of that adjustment will impose an unjustifiable hardship on Redeemer Lutheran College, Biloela.
- 4.17 In determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including:
- the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned (this includes other students and staff);
  - the effect of the disability on persons concerned;
  - the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; and
  - the availability of financial and other assistance.



### Checklist

- What resources (financial and other) are required to make the reasonable adjustments?
- What additional funding, if any, is available to assist the prospective student?
- If Redeemer Lutheran College, Biloela makes the reasonable adjustments, can it continue to provide high quality education to all students while remaining financially viable?
- What are the positive learning and social outcomes for the prospective student, other students and teachers?
- Have similar reasonable adjustments previously been made by Redeemer Lutheran College, Biloela?
- Are the parent(s)/guardian(s) willing to contribute to the cost of any reasonable adjustments?
- Can Redeemer Lutheran College, Biloela demonstrate the process used to assess whether it has the resources (financial or otherwise) to accommodate the reasonable adjustments (e.g. financial records and estimate of costs)?

### Example

An independent assessment of a prospective student who is profoundly deaf has recommended that a sign language teacher be provided.

Redeemer Lutheran College, Biloela must then consider who will fund the provision of a sign language teacher for that student and the effect the presence of the sign language teacher may have on the other students. Consider the following:

- The recurring cost of a sign language teacher will be \$40,000 per year.
- Some funding (\$10,000) is available and the prospective student's parents have agreed to pay \$5,000 per year towards the cost. The net recurring cost will then be \$25,000 per year.
- Other students and teachers may benefit from learning sign language skills.

## Notification of decision

- 4.18 Once a decision has been made about whether an enrolment application at Redeemer Lutheran College, Biloela is accepted or rejected, the prospective student's parent(s)/guardian(s) should be advised of the decision in writing (including reasons for the decision) as soon as reasonably practicable.
- 4.19 The notice should also provide the prospective student's parent(s)/guardian(s) with details of who they should contact if they are unhappy with Redeemer Lutheran College, Biloela's decision.
- 4.20 If an enrolment application is accepted Parents/Guardians are to complete and both sign the Enrolment Contractual Agreement and return to the College to finalise enrolment.
- 4.21 Changes to guardianship arrangements after enrolment will require the resigning of an Enrolment Contractual Agreement.



### Checklist

- Have the parent(s)/guardian(s) been notified in writing of Redeemer Lutheran College, Biloela's decision to reject the enrolment application, including reasons for the rejection?
- Was the written notification provided to the parent(s)/guardian(s) in a reasonable time?
- Have the parent(s)/guardian(s) been advised of who to contact if they are unhappy with Redeemer Lutheran College, Biloela's decision?

Developed and Reviewed	College Chairman	Principal	Due for Review
July 2012 (Approved by College Council)	Gavin Lotz	Jenni Krenske	January 2014
February 2018	Gavin Lotz	Jenni Krenske	January 2020
February 2020	Gavin Lotz	Sandra Wass	February 2022
23/03/2022	Gavin Lotz	Eureka Coetzee	March 2024