

Modern Education Bill 2023

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Modern Education Bill 2023

Act no. , 2023

A Bill for

An Act to Strengthen Digital Education Systems for Enhanced Learning and Preparedness in the Post-COVID 19 Era; and for other purposes.

Second Reading Speech

Ms Madeline Hele (Port Macquarie—Minister for Education):

In early 2020, the COVID-19 pandemic shook the entire world to its core, and educational systems especially were struck hard. Australian students were thrown into a brand-new, uncertain digital system of learning that relied on technology. This Bill recognises that the COVID-19 pandemic has highlighted the urgent need for a strong digital framework in our schools with a comprehensive plan that aims to utilise technology to enhance teaching and learning experiences and ensure equitable access to quality education for all.

The Modern Education Act aims to improve learning burdens for students and reduce pressures on teachers, through the creation of a strong digital system for all New South Wales schools. Recognising the critical role of educators, a ‘teacher toolbox’ has been created and made a foundational element of this Bill, including mechanisms to address the mental health of educators, software training and the reduction of administrative burdens.

To close the gap in school inequalities and improve the management and communication of educational and administrative resources, the Education Committee is proud to announce the NESA Student+ Digital Platform. This platform has been created with the interests of high school students in mind. It is to be made compulsory for all government schools and heavily encouraged as an option for independent schools. Through this platform, subject accessibility is made a key part of the program's function, to truly make education equal state-wide.

This Bill also aims to address the education inequalities amongst regional and rural students, as well as students with low-socioeconomic backgrounds. Numerous funding mechanisms are to be provided to schools and families to ensure that all students in New South Wales can access the technology needed to effectively participate and flourish in a new, blended system of learning. Broadband and internet assistance is also a priority in addressing educational inequality, especially for regional and rural areas.

I would like to thank everyone on the Committee, as they demonstrated much commitment into creating this Bill; a Bill that works to recognise the potential of technology in our changing society, and its ability to transcend the barriers posed by distance, socioeconomic status and the COVID pandemic. I would like to also extend my immense gratitude to our amazing Taskie volunteer, Lani, who always supported and guided us through our bill-creating process. As Lead Sponsor, I firmly believe that this Bill represents a significant milestone in this state's journey towards an inclusive, innovative and resilient education system.

I commend the Bill to the House.

Explanatory Notes

The Unprecedented Nature of COVID-19 Lockdowns

The COVID-19 pandemic was an unprecedented disruption to teaching and learning for billions of students and teachers worldwide. The virus's unexpected arrival pushed education systems all across the world to immediately react and adapt to rapidly changing health and safety requirements. Strict social distancing measures, such as lockdowns and stay-at-home orders caused significant disruption to daily life, and inevitably led to the temporary closure of schools.

In 2020, schools in 190 systems around the globe moved to a period of learning from home as a result of the pandemic. As of the 23rd of March 2020, decisions were made in NSW to restrict non-essential activities, and consequently, this meant that while schools would continue to remain open, parents were encouraged to keep their children at home. The NSW Department of Education and the Education system as a whole had to alter its entire functioning in a matter of hours to respond to the fast paced decisions of government policymakers. These decisions marked the beginning of a move towards online learning and led to the first COVID-19 lockdown, with the intention of curbing the spread of COVID-19 state-wide. For these 6 weeks, students learnt from home and had minimal to no physical contact with other students. As of the 21st of April 2020, the NSW Government announced that NSW school students would gradually transition back to classrooms in Term 2. From week three of term two, every student would be attending school for one day a week, with a view to having all children back at school full-time by term three.

Whilst students began returning to normal full time school, schooling did not remain normal, as many students were still learning from home due to close contact with COVID-19, and due to the decision by many schools to continue uploading work digitally; teaching in person but using digital administration systems.

As of the 16th of June 2021, NSW began experiencing increasing local transmission of SARS-CoV-2 with the Delta (B.1.617.2) variant, which coincided with the last 2 weeks of school in term 2. From 25 June 2021, the Greater Sydney region entered another lockdown (stay-at-home orders), which flowed into the start of Term 3 on 12 July 2021 where school resumed via online teaching (but remained open for students who required onsite attendance), finishing on October 11, 2021. This secondary NSW lockdown lasted for a significantly longer period than the first, losing a complete school term to online learning.

The Impact of COVID-19 on Student Mental Health

The most prevalent consequence of these lockdowns can be seen in the detrimental effects on student wellbeing and mental health. A 2021 Mission Australia Report titled Clusters of COVID-19 Impact: Identifying the impact of COVID-19 on Young Australians in 2021, which was based on results from its survey of 20,000+ Australians aged 15-19, found that 62.3% of young people reported their education was negatively impacted by the pandemic,. The survey investigated the diverse groups of young people impacted most by the pandemic and found that gender-diverse young people, those that had experienced longer lockdowns (those in NSW and VIC) and students were most significantly affected. The report also found that students reported increased mental health impacts when education was negatively affected; 63% of full-time and 61% of part-time students recorded an effect of COVID-19 on their education. More young people currently studying reported negative implications of the pandemic across multiple domains than those not studying at all. Data also shows that gender-diverse

young people experienced a 67% impact on their education, and those living in NSW reported a 67% impact on their education accredited to COVID-19 restrictions. The report also contained suggestions for redress and solution to these impacts, including the development and funding of education and employment-related support programs for young people whose education was affected by the pandemic and the creation of an improved mental health support system to be implemented equally across secondary and tertiary schools across NSW.

The Experience of Teachers Throughout COVID-19

The consequences of the COVID-19 pandemic not only presented challenges for students, but also teachers in both primary and secondary settings in Australia. In NSW, where remote schooling lasted exceptionally long, teachers were negatively affected by an increase of work demands, including work complexity and hours. Many people lack technology skills, this is true too for teachers. The pandemic threw teachers who had never been formally trained in the use of digital platforms and online services into the deep end, and many quit because of it.

Furthermore, teacher well-being eroded, as teachers continued working and supporting their students during a time of community anxiety where they themselves might have been directly affected by the risks of contracting COVID-19. A March 2022 report published by the Australian Educational Researcher, comparing pre-pandemic and 2020 survey data from teachers in New South Wales, found that their morale and efficacy declined significantly during the 8 weeks of school closure, as the pressure to adapt to online teaching and learning also challenged their confidence. Words from Andrew, a teacher in a low social economic regional school, who felt that there were times when “I can’t help these kids” were echoed across the state.

If teachers are more confident and capable of integrating online services into their lessons, they will be better positioned to teach students in an ever-growing digital world. Additionally, occupational stressors will be alleviated due to better access to online teaching resources which will lead to less of an individual burden on teachers planning lessons from scratch. This Bill will relieve stress by providing teachers with the appropriate training to ensure that their workplace remains modern, so that teachers are not being left behind in a radical change for modernisation as seen during the COVID pandemic.

Digital Benefits of COVID-19 Lockdowns

For many, the COVID pandemic created gaps in terms of the quality in the delivery of curriculum aspects, most prominently seen through those in disadvantaged groups. This gap, especially in reference to students impacted in earlier years of learning, continues to inhibit the standards of results and achievements for many. This is largely due in part to a lack of access to technologies, a safe learning environment, or student’s individual abilities to remain concentrated for large periods of time on online platforms. However, the support given from schools towards teachers, who were attempting to adapt to a novel teaching style and classroom environments, also heavily influenced the success of online learning. Both lockdowns meant that state-wide, schools, teachers, students, and their families had to incorporate new methods of learning. Digital systems were used for setting and handing in work, video communication and more. Online learning, for many schools, provided a gateway to transition into a more consistent use of online platforms within the schooling environment. For students and teachers, this allowed for better availability of resources, a more streamlined communication approach, and a shift towards a norm of accessing information via online conferencing, as opposed to physical travel.

A further benefit is the development of ICT skills from an early age in students, which was considered crucial in the approach of the modern world, specifically in a workforce that is overwhelmingly shifting

towards technological systems. Additionally, online learning created a pathway for increased independence in young people, as education became heavily reliant on student's self-motivation due to the lack of direct teacher supervision. Online learning, which was a direct result of the COVID-19 restrictions, hindered the success of many students, but enhanced it for others, creating the potential for many future benefits.

Increasing Social Divide as a Result of COVID-19

Despite the range of potential benefits blended learning offers, there are clear inequalities amongst the population that will be exacerbated as a result of the inclusion of technology. A major concern is resource availability, in particular amongst families from a low socioeconomic status, with the Across/UNSW Sydney Poverty & Inequality Partnership Report, "Poverty in Australia 2022", revealing that there are 3.3 million people living below the poverty line of 50% of median income, including 761,000 children (16.6%). This will pose a challenge in ensuring equal education for all children as many of those in poverty may be unable to afford the necessary technological resources such as laptops to facilitate their education. A report from Finder highlights the current extent of this issue in that 1 in 7 families fail to be able to provide their children with necessary technology resources for school. Further, Alison Covington, founder and managing director of Good360 highlighted that, "COVID-19 has increased the digital divide, the people who benefit from the digital age and people who don't," exposing a clear issue which will be perpetuated because of blended learning.

Our Goals Moving Forward

While the World Health Organisation has stated COVID-19 is no longer an international public health emergency, the Minister's 2022/2023 statement of expectations included to "report on the organisation's response to COVID-19 and identify improvements worth implementing long term". This Bill seeks to advance this by implementing strategies to navigate the issues that have arisen and address our post-COVID learning environment. Some solutions that will be proposed in the Bill are similar to what NESA has started to work on to address the balance of education standards post COVID-19, with the main aims to be prioritising supporting student learning and creating flexible system that caters to individual needs, as well as helping and supporting teacher to take the leap into the ever growing world of online education and blended learning.

The Youth Legislature of New South Wales enacts—

Part 1 Preliminary

1 Name of Act

This Act is the *Modern Education Act 2023*.

2 Commencement

- (1) The Act commences at the start of the 2025 NSW School Year, 30 January 2025.
- (2) Part 5 commences at the start of the 2024 NSW School Year, 29 January 2024.

3 Relationship with other Acts and laws

This Act prevails to the extent of an inconsistency with another Act or law.

4 Objects

The objects of this Act are to establish—

- (1) mandatory NSW Education staff mental health development days once per school term,
- (2) NSW Department of Education School Mental Health Evaluation Forms are sent to teachers,
- (3) a statewide shared online administrative portal of the name NESA Student+ which will—
 - (a) function as a collaboration space for teachers across the state to share resources such as teaching templates,
 - (b) provide teachers with an AI system to assist in the creation of teaching plans,
 - (c) centralise school administrative matters,
 - (d) provide a means to study all NESA HSC Courses through an NSW Statewide HSC Subject Availability Program,
- (4) increased funding to NSW Schools for the provision of technological devices to their students,
- (5) a digital kids voucher worth \$250 to be distributed to Australian families prior to each school semester in order to be spent on technological devices and tools,
- (6) a low-income family tech subsidy to provide technological devices to disadvantaged people, and
- (7) additional funding towards improving broadband and internet quality for regional and rural schools.

5 Definitions

The dictionary in Schedule 1 defines words used in this Bill.

Note— The *Interpretation Act 1987* also contains definitions and other provisions that affect the interpretation of this Bill.

Part 2 Teacher Toolbox

Division 1 Mental Health Support for Teachers

6 Mental Health Support for Teachers

- (1) There shall be an online counselling and mental health support service available for all teachers on the NESA Student+ system.
- (2) There shall be a 24-hour online chat option, and a phone call option from 7am to 6pm.

7 Resources on Mental Health Support

Online guides, like ones featured on the KidsHelpline website, will be available on specific issues faced by teachers.

8 Operation of Mental Health Support

The mental health support tool will operate as an extension of the NSW Department of Education.

Division 2 Teacher upskilling and evaluation

9 Mandatory State-wide Staff Mental Health Development Days

- (1) Once every term, all schools, including public, private, and independent schools, will have a day where all members of school staff come together and participate in a seminar led by school leadership, to discuss mental health issues in teachers, and mechanisms of getting and providing support.
- (2) The program of this shall be designed and distributed by NSW Department of Education.

10 School Mental Health Evaluation Forms

Every term, all teachers in NSW, from all schools, will be sent a survey by the NSW Department of Education, asking for an evaluation of their school workplace and employers' response to and treatment of mental health for staff.

11 Teacher's Tech Guide

- (1) Teachers from all NSW Schools, including public, private and independent schools will be provided access to an online collection of videos and visual guides on NESA Student+ containing simple instructions and information on how to use the new proposed system.
- (2) Videos and guides will be provided in numerous languages to enhance accessibility.
- (3) The guides as mentioned in clause 11(2) shall be created by NSW Department of Education.

Division 3 Reducing administrative burden

12 Digital Teacher Collaboration Space

- (1) On NESA Student+, there will be a space where teachers teaching the same subject can upload familiar resources for the relevant topics, so time is saved in a teacher's day when finding and uploading online resources.
- (2) Resources will be organised by grades, subjects and topics.

13 Teacher Templates

- (1) Standard lesson planning templates will be made that may be uploaded to NESA Student+.

- (2) These resources will be organised by grades, subjects and topics.
- (3) Teachers from different schools can also all upload their lesson plans to the collaboration space to make creating lesson plans easier.

14 AI Teaching Tool

- (1) A small AI body shall be available on NESA Student+ and is built on the curriculum and syllabus requirements.
- (2) The tool works to assist teachers in generating brief lesson plans and learning intentions.

Part 3 NESA Student+

15 Constitution of NESA Student+

There is constituted by this Act an online administrative portal of the name NESA Student+

16 Management of NESA Student+

NESA Student+ is subject to the control and direction of NSW Education Standards Authority in the exercise of its functions.

17 Students to be enrolled

- (1) All NSW high school students are to be automatically enrolled in NESA Student+ as through their school and provided a unique student number and password.
- (2) Students have the opportunity to change their password.

18 NESA Student+ requirements

The access to and use of NESA Student+ is to be made compulsory for all public schools and optional for all independent schools.

19 Principal objectives of NESA Student+

- (1) The principal objectives of NESA Student+ are to—
 - (a) improve resource and subject access to combat disproportionate educational opportunities; and
 - (b) provide a state-wide administrative portal to streamline administrative workloads.

20 Objectives not to be limited

This section does not limit any other objectives of NESA Student+ to be outlined by NESA.

21 Functions of NESA Student+

- (1) NESA Student+ has functions under the education and teaching legislation in relation to—
 - (a) outline the provision of the NSW Statewide HSC Subject Availability Program; and
 - (b) create a streamlined online access to all resources that, concomitant with the NSW Statewide HSC Subject Availability Program, will assist in the teaching and learning of the curriculum of any NESA Board Developed Courses; and

(c) centralise administrative matters across the entire public school education and teaching sector to be available to parents, students, teachers, and school executive such as—

- (a) teacher and student communication; and
- (b) class resources; and
- (c) the publication of student reports; and
- (d) school calendar; and
- (e) attendance; and
- (f) sport Selection; and
- (g) student timetables; and
- (h) school payments; and
- (i) permission notes.

22 Functions not to be limited

The core functions of NESA Student+ does not limit any other functions of NESA Student+ to be provided on a school-by-school basis.

23 Responsibility of resources

- (1) Resources are to be uploaded by the Head of Faculty at each school.
- (2) Subject specific resources will be located and accessible to any student enrolled in the given course, either through their school or through the NSW Statewide HSC Subject Availability Program.

Part 4 HSC Subject Availability Program

Division 1 Program Overview

24 Establishment of the HSC Subject Availability Program

Where subjects are not offered at a student's school, they may participate in the course online through online guides and modules, made up of presentations, quizzes and lecture-style videos hosted on the NESA Student+ platform.

25 Students can enrol on NESA Student+

Students can enrol into and learn these subjects through NESA Student+.

26 Eligibility

- (1) Students are eligible to participate in the HSC Subject Availability Program if—
 - (a) The subject they wish to study is not offered at their current educational institution; and
 - (b) They have an average school attendance above 75%.

- (2) Schools cannot exclude a student from participating in these programs if they meet the necessary criteria.

27 Availability to students

- (1) The program shall be available to students in Stage 6.
- (2) The school may permit a student, however, to accelerate young students to the program at their discretion.

28 Limitation of Courses

- (1) Only NESA Developed Courses are available through this program.
- (2) NESA Endorsed Courses, which do not contribute to an ATAR, must be offered by their individual institution.
- (3) Language-based subjects are subject to the availability of qualified teachers.

Division 2 Ensuring Online Participation

29 Students to report fortnightly

- (1) Students will be required to submit course work fortnightly to ensure regular completion and class involvement.
- (2) Without limiting clause 29(1), exceptions include—
 - (a) a medical exemption with a medical certificate,
 - (b) long-term projects, where students will be required to submit evidence of progress in lieu of completed assignments, or
 - (c) exceptions otherwise negotiated by the student at the discretion of their online teacher.

30 Failure to submit course work

Failure to submit course work on at least three separate occasions risks a student's place in the course and their ability to include it as part of their HSC.

31 Determination of participation

- (1) Students at risk of exclusion from a course are to have a meeting to determine the future of the student's participation online.
- (2) The student, at least one guardian and at least 2 executives from the student's school, and the student's online teacher must be present at this meeting.

32 Real time sessions

- (1) Students must participate in a real time session with their online teacher at least 2 times each school term as a requirement of satisfactory course completion.
- (2) This may be either through a video conference system, or via phone call, or in person where feasible.

33 Group Sessions

- (1) Group sessions are to be organised over video conference and in person locations at online teacher discretion.
- (2) Any student unable to attend group sessions must organise individual session or alternative arrangements with their online teacher.

34 Qualification of real time sessions

- (1) Each real time session must be at least one hour long to qualify as sufficient time of course completion.
- (2) Where this is unfeasible, alternatives are to be negotiated in liaison with the student's school principal and the student's online teacher.

Division 3 Online Subject Limits

35 Limit of units

Students may not complete more than 4 units of HSC courses through the HSC Subject Availability Program

36 HSC Minimum Requirements

Students must ensure that their course selections meet the HSC minimum requirements.

Part 5 Resource and Funding Assistance

Division 1 NSW School Tech Fund Increase

37 Provision of technological devices

- (1) NSW Schools will be given increased funding to assist in the provision of technological devices for students.
- (2) This includes providing the appropriate tablets and laptops needed to support the proposed standard system.

38 Allocation to individual schools

The amount of funding required by each school will be measured through the standard Resource Allocation Model (RAM), and the Schooling Resource Standard (SRS) for independent, religious, and private schools.

39 Rural and Regional Internet and Broadband Assistance

- (1) Public, private, and independent schools in regional and rural areas will be able to apply for additional funding to improve their broadband and internet quality through the NSW Department of Education.
- (2) A school will be declared as regional or rural according to the Schooling Resource Standard and its SRS loadings scheme.

Division 2 Payment assistance for NSW families

40 Digital Kids Voucher

- (1) Vouchers worth \$250 each will be distributed per child aged 5 to 18 and enrolled in schools.

- (2) These vouchers will be eligible at selected technological retailers for the purchase of digital tools for learning including, but not limited to, tablets, laptops, headphones, keyboards, digital stationary.
- (3) The vouchers will be distributed at the start of each school semester.

41 Low-Income Family Tech Subsidy

- (1) Low-socioeconomic families can apply for a government subsidy for tablets and laptops.
- (2) The amount of the subsidy is based on a calculation of the parents/carers' total income per annum, after tax.
- (3) Based on the current economic state of NSW and the cost of living pressures, the cut off for the subsidy will be any family that has a total income of \$100,000 or more.
- (4) This price is to be reviewed and adjusted annually according to the economic state of the time.
- (5) Families wanting this subsidy shall apply through the NSW Department of Education Website.

Schedule 1 Dictionary

section 5

a small AI body means a language processing chatbot powered by artificial intelligence, akin to Chat GPT

administrative workloads mean the abundance of tasks that do not directly contribute to teaching, such as filling out paperwork, recording grades, and conducting assessments.

ATAR means the Australian Tertiary Admission Rank, a number between 0.00 and 99.95 that indicates a student's academic percentile relative to their cohort nationally which acts as the main criteria for Australian domestic university admission.

attendance means the presence of a student within regular school hours and includes attending scheduled classes during scheduled hours.

broadband means the wide-bandwidth data transmission that transports multiple signals at a wide range of frequencies enabling messages to be sent simultaneously and quickly.

class resources mean any resources that assist in the conduction of teaching and learning, such as digital worksheets and textbooks, educational videos and practice examinations.

Digital Kids Voucher means a voucher system distributed to eligible parents at the beginning of each school semester, akin to the NSW Creative Kids and Active Kids Vouchers.

disproportionate educational opportunities means the differing opportunities provided to students across the state through their school, often on the grounds of factors such as socio-economic factors, level of school, race or gender.

external tutor means a person who gives individual, or in some cases small group instruction on school courses, often paid to assist students in need.

group sessions means that students enrolled in the online programs from the same region meeting online or an appropriate local meeting place with the online teacher at least twice in a school term to complete a session of revision.

guardian means a carer of a dependent minor, with the legal rights and responsibilities of the child.

Head of Faculty means the manager of administrative and educational parts of a school, often a headmaster/mistress or principal.

HSC means the Higher School Certificate which is the credential awarded to students who officially complete the final year of NSW secondary schooling.

HSC students means students completing their final year of secondary schooling in NSW.

independent Schools means a non-government school that has an extent of its own autonomy to create its own rules and expectations for its students and community.

low-income family means families whose annual income does not exceed eighty percent of the median income for the area with adjustments for the size of the family.

NSW Department of Education means the state provider of public education through primary and secondary.

NSW Education Standards Authority means the NSW authority with the responsibility for the establishment and monitoring of school standards.

permission notes means a signed letter of consent from a guardian allowing their child to participate in a specific action.

preliminary students means students who are undertaking the first year of their NESA course, often those in year 11.

public schools mean schools which are state-funded.

Resource Allocation Model (RAM) means the needs-based funding model which allocates the NSW public education budget for every school.

school calendar means a shared calendar between teachers, students and parents detailing school events.

school payments means the payment provided to a school by student's guardians, often school fees.

Schooling Resource Standard means the system which estimates how much total funding a school needs to meet its students' educational needs, used by public and independent schools.

sport selection means the system by which students select their sport choices for mandatory physical activity.

SRS Loading Scheme means the system by which the Schooling Resource Standard offers additional funding for student priority cohorts and disadvantaged schools.

state-wide administrative portal means a digital platform that will be shared across all schools in NSW.

student timetables means the way by which a student's class schedule is visually displayed.

subsidy means a state government expenditure targeted towards a specific group.

subject means the NESA course student study.

teacher and student communication means the channel by which teachers communicate to their students, often for the purpose of sharing information.

the publication of school reports means a school's provision of access to a student's own report card, which details their results in their subjects.

video conference system means a digital platform used as a channel for two or more parties to communicate visually and audibly.

