



The Hon. Adrian Piccoli MP
Minister for Education

Mr David Blunt
Clerk of the Parliaments
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Blunt

I am writing regarding General Standing Committee No. 2 report Education Amendment (Ethics Classes Repeal) Bill 2011(Inquiry).

The NSW Department of Education and Communities welcomes the opportunity to act on the recommendations of the committee and has confidence that implementation of these recommendations will provide clear guidance to parents, teachers and school communities regarding the implementation of special education in ethics classes in New South Wales public schools.

Please find attached the Government's position on each of the recommendations of the committee, which has been prepared by the NSW Department of Education and Communities. The Department will provide further progress reports and implementation details as requested.

I hope this information is of assistance. For more information please contact Ms Cheryl Best, General Manager Learning and Development on (02) 9561 8919.

Yours sincerely

Adrian Piccoli MP
Minister for Education

*Received at 4.45 pm
Tuesday 4 December 2012*

**General Purpose Standing Committee No 2, Inquiry into the Education
Amendment (Ethics classes repeal) Bill 2011.
Analysis of Committee recommendations**

Recommendation 1

That the NSW Government:

- *Not seek to repeal section 33A of the Education Act 1990 that allows for special education in ethics classes in NSW government schools; and*
- *Continue to facilitate the delivery of Special Education in Ethics in NSW government primary schools as an option for students who do not attend Special Religious Education.*

Position:

Supported

Comment:

Issues raised in submissions and appearances before the committee included:

- the level of parental and community support for ethics classes
- the impact of ethics classes on attendance at special religious education classes
- concerns regarding pedagogy of the ethics classes
- moral concerns
- concerns about age appropriateness of the ethics curriculum
- concerns regarding the level of training of volunteer teachers
- lack of state-wide statistics regarding student attendance at ethics and special religious education classes.

The Committee came to a consensus that submissions predominantly expressed the view that ethics classes should continue. Supporters of the continuation of ethics classes included parent groups, lobby groups, principals' associations, school parents and citizens groups as well as the majority of special religious education providers.

A number of religious organisations and individuals do not support the continuation of ethics classes because they believe it diminishes the importance of special religious education, or they believe that ethics classes should be offered to all students, not just those not attending special religious education.

Actions:

Revision and updating of the policy and implementation procedures to support schools, providers and parents/caregivers in the ongoing implementation of ethics classes is currently being completed.

Advice to schools regarding appropriate ways to publish and promote ethics classes needs to recognise the sensitivities of both the proponents and opponents of ethics classes.

A *SchoolBiz* memorandum will be prepared on approval of the updated policy and procedures documents.

Recommendation 2

That the NSW Government maintains the current situation where neither providers of Special Education in Ethics or Special Religious Education receive direct financial support from the Government; and that the Department of Education and Communities publish on its website information advising that the provision of Special Education in Ethics and Special Religious Education are not government funded.

Position:

Supported.

Comment:

There have been public misconceptions regarding government funding of both special religious education and special education in ethics.

The Committee agreed that the current position of not providing funding for special religious education or special education in ethics should continue.

Dr John Kaye MLC, in a dissenting report, expressed support for Primary Ethics gaining the tax exemptions that apply to religious organisations.

Action:

A statement affirming that special religious education and special education in ethics do not receive government funding will be included in the revised implementation procedures and on the Department's special religious education and special education in ethics website.

Recommendation 3

That the Department of Education and Communities continue to review the age appropriateness of the Special Education in Ethics curriculum and teaching materials.

Position:

Supported

Comment:

The Department has worked with Primary Ethics, the approved provider of special education in ethics, as it develops its curriculum materials. A small group of primary school education specialists, through the NSW Curriculum and Learning Innovation Centre has provided advice regarding the age appropriateness of lesson activities.

The Department is not required to provide advice about age-appropriateness of lesson content to approved providers of special religious education.

Action:

The Department will continue to provide advice to Primary Ethics regarding the age appropriateness of curriculum content. Further modules produced by Primary Ethics will be reviewed by the Department.

Recommendation 4

That the Department of Education and Communities, in the revised Religious Education Implementation Procedures and the new Special Education in Ethics procedures, require all providers to post their curriculum outlines and curriculum scope and sequence documents online, and that all relevant curriculum information be presented in the order in which it is taught.

Position:

Supported

Comment:

For 2012, the Department commenced a process of requiring special religious education providers and Primary Ethics to provide the Department with an online link to curriculum overviews as part of their annual assurance process.

The majority of providers have provided the Department with a link to curriculum materials for 2012.

Action:

A statement of requirement is being included in the Department's policy and implementation procedures.

Recommendation 5

That the Department of Education and Communities establish an open and transparent expression of interest process to allow other organisations to apply to deliver Special Education in Ethics in NSW government primary schools before 2014.

Position:

Supported

Comment:

The Department has worked with key stakeholders to develop a clear process for organisations to apply for approved provider status, for both special religious education and special education in ethics.

Action:

The Department is preparing appropriate documents for approval.

Recommendation 6

That the Department of Education and Communities collect and publish data annually on the number of students participating in Special Education in Ethics, Special Religious Education and for those students who do not attend either.

Position:

Supported, in principle.

Comment:

Concern was raised that there is no adequate data on the number of students participating in special education in ethics, special religious education and non-special religious education classes.

The General Manager, Learning and Development in appearing before the committee, highlighted the difficulty in collecting this data when the responsibility for holding this data is at the local, individual school level. The fluidity of data was also noted.

For the purposes of the inquiry, special religious education and ethics coordinators in each region provided data on ethics classes only. There was some discrepancy between the data provided by the Department and Primary Ethics regarding the number of students attending special education in ethics classes. There was also discrepancy between the figures provided by Primary Ethics and the NSW Inter-Church Commission on Religious Education in Schools (ICCOREIS) regarding the number of students opting out of special religious education.

Religious providers affirmed that, according to anecdotal feedback, the introduction of special education in ethics has had little or no impact on the number of students attending special religious education classes.

The Committee noted that a conservative estimate, made in lieu of concrete data, suggests that approximately 60 000 primary school students do not attend either special religious education or special education in ethics.

The Committee agreed that the Department should collect data on students attending special education in ethics, special religious education and non-special religious education classes.

Whilst the Department currently collects information on enrolment forms regarding a student's religion, it does not have a process in place to collect centralised data about

the number of students attending a particular special religious education or special education in ethics' class. The introduction of Learning and Business Management Reform (LMBR) may provide an opportunity for collection of such data.

Action:

The Department will work with the Learning Management and Business Reform project to investigate ways of collecting data.

Recommendation 7

That the Department of Education and Communities include in its revised Religious Education Implementation Procedures recommendations to schools regarding what constitutes adequate supervision for students and for activities that those students not attending Special Religious Education or Special Education in Ethics can be meaningfully engaged in, during that timeslot.

Position:

Supported

Comment:

Special education in ethics was developed in response to parental concerns regarding the activities that children not attending special religious education were able to undertake during that timeslot.

A number of submissions to the committee suggested that the Government had not fully implemented recommendation 42 of the Rawlinson Report (1980), the last formal review of religious education in public schools. Recommendation 42 of this report stated:

That pupils withdrawn from SRE be provided with opportunities for purposeful secular learning which should, however, be of such a nature as to avoid conflict of choice, either for the parents or for the pupils receiving Special Religious Education.

Action:

Additional information has been drafted for inclusion in the revised implementation procedures. The Department website for special religious education and special education in ethics will include a variety of suggestions and ideas for teachers.

Recommendation 8

That the Department of Education and Communities ensure that the revised Religious Education Implementation Procedures and Special Education in Ethics Implementation Procedures are effectively communicated to and implemented by principals once they are finalised.

Position:

Supported

Comment:

The Department is currently reviewing its policies in response to the Local Schools, Local Decisions initiative. Given the legislative imperative for special religious education and special education in ethics, it is anticipated that the updated policy will be published on the Department's policy website.

On approval of the updated policy and implementation procedures documents, a number of avenues will be used to inform schools and parents/caregivers, including a media release, items in *SchoolBiz*, Regional Director's meetings and through communication with regional contacts.

Action:

A communication strategy will be developed to disseminate information about the updated policy and implementation procedures documents.

Recommendation 9

That the Department of Education and Communities require and monitor Special Religious Education and Special Education in Ethics providers to ensure that they have in place a system of accredited initial and ongoing training for their voluntary teachers that includes training in classroom management and child protection issues and that this information is published on the providers' websites.

Position:

Supported

Comment:

There was concern expressed to the Committee that adequate training for volunteers who deliver special education in ethics was not provided. There was also some suggestion professional teachers should teach both special religious education and special education in ethics, rather than volunteers.

The Committee acknowledged the contribution made by volunteers and highlighted the fact that the Department has no role in monitoring the adequacy of training for volunteer teachers of special religious education or special education in ethics. They identified classroom management, curriculum knowledge and child protection training as necessary for adequate preparation.

The Committee recommended the Department require special religious education and special education in ethics providers to implement a system of accredited initial and ongoing training for their teachers, and that the Department monitor providers' compliance with this requirement.

With the exception of requiring an annual assurance, the Department's capacity to monitor training is limited.

The inclusion of a training statement on the annual assurance will provide a monitoring mechanism, along with spot visits to training days of organisations.

Action:

The Department will monitor training via the annual assurance process for approved providers of special religious education and special education in ethics.

Recommendation 10

That the Minister for Education investigate the inclusion of philosophy in New South Wales secondary schools as part of the development of the Australian Curriculum.

Position:

Investigation supported

Comment:

A statement was made in the submission of Dr Philip Cam, University of NSW that New South Wales was the only state that did not have a philosophy option in its secondary school curriculum.

Responsibility for NSW syllabus development lies with the Board of Studies NSW.

The Board of Studies currently does not provide a philosophy course. Individual schools may develop their own School Developed Board Endorsed Course in Philosophy.

Action:

To be followed up with Board of Studies NSW.

Recommendation 11

That the Department of Education and Communities ensure that the revised Religious Education Implementation Procedures and the Special Education in Ethics implementation procedures include the requirement for the provision of departmental approved fact sheets for parents at the time of enrolment that include information on the available options of Special Religious Education, procedures for opting out of Special Religious Education and the option of choosing Special Education in Ethics where available, and how to access curriculum information for these options.

These fact sheets should be available on the departmental website and individual school websites.

Position:

Supported

Comment:

The Committee noted concerns with the amount of information provided by schools to parents and caregivers to allow them to make informed decisions about their children's education in the area of special religious education and special education in ethics.

The Committee could not establish if parents have enough information to make informed decisions for their children. The Committee proposed that fact sheets be made available to parents on enrolment of their children.

The Department is currently in consultation with members of the Department's Consultative Committee on Special Religious Education regarding the format and content of fact sheets.

Individual providers of special religious education and special education in ethics are also able to liaise with individual schools regarding provision of information at student orientation days or enrolment days.

Action:

The Department will develop and publish on its website fact sheets for school use. Schools will be encouraged to include information regarding special religious education and special education in ethics at the local level on the school's website.

Recommendation 12

That the Department of Education and Communities ensure that the revised Religious Education Implementation Procedures and the Special Education in Ethics (SEE) implementation procedures include templates of letters that can be provided to schools for their use to:

- *Advise parents/carers of the various Special Religious Education (SRE) classes available for year groups each year*
- *Advise parents/carers of any changes in organisation and/or availability of any new SRE classes*

- Offer parent/carers of non-SRE students the option to attend SEE classes (advice should be clear to principals that this letter should only be distributed to parents/carers of potential non-SRE students only after an 'opt out' decision by parents/caregivers has been communicated to the school)
- SRE and SEE letter templates should differ in appearance to avoid confusion for parents/carers.

Position:

Supported

Comment:

The provision of information at school level has been contentious in some school communities. The Department's current position allows schools to advise the school community via a school newsletter or website that classes in ethics are available to students who have been exempted from attending special religious education.

A specific letter of offer of position in a class can only be provided to parents of exempted students.

A dissenting committee report by Dr John Kaye MLC on behalf of the Greens Party states:

The Greens strongly support the fundamental direction of the report and in particular: Recommendation 1 that the ethics provisions in the Education Act 1990 (the Act) not be repealed. However we strenuously disagree with four aspects of the majority report:

1. *The requirement in Recommendation 12 that schools must offer Special Education in Ethics (SEE) in a second letter addressed only to parents of children who have opted out of Special Religious Education (SRE). This two-stage process is irrational. It is designed to deliberately disadvantage SEE and it would impose an unnecessary and punitive administrative burden on schools. A simpler model based on a single layered form would satisfy section 33A of the Act.*
2. *The absence of a recommendation that the Minister for Education write to the Commonwealth Assistant Treasurer supporting Deductible Gift Recipient (DGR) status for organisations that develop and deliver SEE materials. Scripture providers have access to DGR status while ethics providers do not.*
3. *The absence of a requirement that religious organisations and their affiliates be prohibited from providing SEE and that potential suppliers of SEE be required to demonstrate a commitment to becoming system-wide provider of philosophical ethics.*
4. *The failure of the report to recommend that the Department of Education and Communities (the Department) develop an open and transparent process to determine which religious organisations and their affiliates are permitted to deliver SRE in NSW government schools.*

The Department's current approach is appropriate, if not always understood by school communities. The revised implementation procedures will make this message clearer.

Action:

The Department will require schools to provide letters offering the option of special education in ethics, if available, to be sent to parents/caregivers of students not attending special religious education.

Draft letters have been developed by the Department.

Recommendation 13

That the Department of Education and Communities ensure that the Learning Services team of the NSW Curriculum and Learning Innovation Centre be adequately staffed and resourced to enable 'in servicing' of school leadership teams with regard to providing support for the implementation of Special Religious Education and Special Education in Ethics.

Position:

Supported, with reporting lines adjusted to reflect the Schools Portfolio realignment.

Comment:

A Senior Education Officer level 1 position is currently provided to support special religious education and special education in ethics. This position has been maintained in the functional realignment of the Office of Public Schools within the Early Learning and Primary Education Directorate.

Action:

State Office staffing support for special religious education and special education in ethics will be maintained as part of the realignment of State Office functions.

Recommendation 14

That the Department of Education and Communities (DEC) commission an independent review of both Special Religious Education (SRE) and Special Education in Ethics (SEE) in NSW government schools to be conducted by appropriately qualified early childhood educational reviewers in 2014-2015 that includes the following:

- *Survey of the nature and extent of SRE and SEE*
- *DEC Implementation Procedures for SRE and SEE including: parent/carer choice through the enrolment process and opting out; approval of SRE and SEE providers by DEC; authorisation of volunteer teachers and curriculum by providers*
- *Development of complaints procedures and protocols*
- *SRE and SEE providers training structures*
- *Registration of SRE and SEE Boards, Associations and Committees*
- *New modes of patterns of delivery using technology*
- *Pedagogy, relevance and age appropriateness of teaching and learning across all primary grades in a variety of demographics*
- *Need for annual confirmation by parents/carers on SRE choice or opting out*

- *Review of activities and level of supervision for students who do not attend SRE or SEE.*

Position:

Supported

Comment:

It was suggested that the current inquiry was conducted very early in the implementation of special education in ethics, considering classes commenced in 2011.

A number of submissions called for a thorough review of both special religious education and special education in ethics in the future.

The Committee supported the view that there should be a review of special education in ethics in the future, with a focus on curriculum and delivery issues raised in this inquiry.

In recognition that there has not been a review of special religious education for over 30 years, the Committee proposed that special religious education also be reviewed.

Action:

The incoming Director, Early Learning and Primary Education and the Director, Centre for Educational Statistics will be briefed about the Inquiry and alerted to the 2014 Review.
