

Select Committee on Home Schooling

Home Schooling in New South Wales

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Terms of reference

1. That a select committee be established to inquire into and report on home schooling in New South Wales, and in particular:
 - (a) The background of home schooling including comparison of practices with other jurisdictions in Australia and New Zealand
 - (b) The current context of home schooling in New South Wales including:
 - (i) outcomes of home schooling including in relation to transition to further study and work
 - (ii) financial costs
 - (iii) demographics and motivation of parents to home school their children
 - (iv) extent of and reasons for unregistered home schoolers
 - (v) characteristics and educational needs of home schooled children
 - (vi) comparison of home schooling to school education including distance education
 - (c) Regulatory framework for home schooling including:
 - (i) current registration processes and ways of reducing the number of unregistered home schoolers
 - (ii) training, qualifications and experience of authorised persons
 - (iii) adherence to delivery of the New South Wales Syllabuses
 - (iv) potential benefits or impediments to children's safety, welfare and wellbeing
 - (v) appropriateness of the current regulatory regime and ways in which it could be improved
 - (d) Support issues for home schooling families and barriers to accessing support
 - (e) Representation of home schoolers within Board of Studies, Teaching and Educational Standards (BOSTES)
 - (f) Any other related matter.
2. That the committee report by the last sitting day in November 2014.

These terms of reference were referred to the committee on 28 May 2014.¹

¹ Minutes, Legislative Council, No. 2092, Item 6, p 2546.

Committee membership

The Hon Paul Green MLC	Christian Democratic Party	<i>Chair</i>
Dr John Kaye MLC	The Greens	<i>Deputy Chair</i>
The Hon David Clarke MLC	Liberal Party	
The Hon Catherine Cusack MLC	Liberal Party	
The Hon Trevor Khan MLC	The Nationals	
The Hon Adam Searle MLC	Australian Labor Party	
The Hon Helen Westwood MLC	Australian Labor Party	

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Chair's foreword

This inquiry has been very valuable for a number of reasons. Firstly, it has provided a forum for home schoolers to voice their concerns about the regulation process and secondly, the information that has been provided to it, and which is on the public record, can help to debunk widespread myths about the home schooling community and their practices. A rich tapestry of personal experiences and testimonies by the home schooling community were submitted to this inquiry and I encourage readers to take the time to read these individual submissions which are now part of the public record. Personally, I have found it an enlightening inquiry and on behalf of the committee, I express our gratitude to all who participated, particularly those that provided evidence at the public hearings.

Home schooling is a unique educational pathway and one that is often not well understood. It allows for an individualised, flexible and interactive approach to education, with a parent, mostly the mother, taking on the teaching role. While many assume home schooling is simply the school experience replicated in the home environment, evidence to this inquiry has shown that it can actually be quite different. It can be child-directed, fluid and adaptive to a child's ability to learn, with opportunities for cross-age and cross-subject learning and active involvement in community based activities.

Although there is a lack of data in Australia about the demographics and outcomes of home schooling, this inquiry has highlighted the diversity of the home schooling community. It includes people from all walks of life, across varying religious, cultural, socio-economic and educational backgrounds. Like most parents, home schoolers are committed to their child's education, so much so that many have chosen to forgo a second income, and incur additional financial costs, so that they can take on the primary role of educating their child. Unfortunately, this report does not go as far as I had hoped it would in acknowledging the financial burden borne by home schooling families.

In terms of the regulation of home schooling, the Board of Studies, Teaching and Educational Standards (BOSTES) is empowered to determine whether applicants for home schooling can meet the registration requirements. As at December 2013, there were approximately 3,200 registered students for home schooling, although it is likely that more families are adopting this form of education but failing to register.

The registration requirements for home schooling are endorsed by the Minister for Education and outlined in the *Registration for Home Schooling in NSW – Information Package*. It was the recent review of this document which led to widespread criticism of the regulatory process, so much so that it culminated in a petition with over 10,000 signatures being submitted to the Parliament. The home schooling community objected to what they believed were fundamental changes to the registration requirements in the document.

After considering the evidence to this inquiry, the committee's view is that the current regulatory approach to home schooling can be enhanced. Various improvements can be made, as recommended in this report, such as provisional registration periods and longer periods of registration for more experienced home schoolers. In addition, the committee has recommended that the Department of Education and Communities investigate and report on the barriers to home schooled students accessing and being awarded with the Higher School Certificate. These reforms aim to maximise the educational opportunities for home schooled children, so as to promote positive outcomes in terms of academic performance, development and wellbeing.

Also, to ensure that home schoolers are valued and involved in decision making, the report recommends that home schooling representatives are included on a consultative committee to be established to provide input on the development, implementation or review of any policies affecting the home schooling community. It is my concern that if the Government, through the BOSTES, continues to miss opportunities to engage with the home schooling community, it will only be to the detriment of educational outcomes for our children.

It is my hope that the inquiry and this report will provide the foundation for renewed co-operation between the BOSTES and the home schooling community and that more home schooling families who currently are not registered will be encouraged to do so. I urge all to seize this opportunity to move forward and to focus on building a regulatory system that best meets the needs of home schooled children. As Chair, my goal throughout the inquiry has been to try and maximise the educational opportunities that exist for all children in our state.

I acknowledge my fellow committee members for their engagement with and contribution to the inquiry. While various members held quite different and often quite strong views on certain issues, all members were united in being focused on seeking to achieve what they believed to be the best outcomes for home schooled children. I also express my gratitude to the committee secretariat for their hard work, guidance and professionalism.

Finally, I wish to reiterate my thanks to those who provided information to this inquiry, particularly those members of the home schooling community who came forward to express their views.



Hon Paul Green MLC
Chair

Summary of recommendations

- Recommendation 1** **6**
 That relevant provisions of the *Education Act 1990* be amended to ensure the practice of home schooling is referred to as non-institution based education.
- Recommendation 2** **16**
 That the Board of Studies, Teaching and Educational Standards commission research into ‘unschooling’ as an educational approach used by some members of the home schooling population, with a focus on whether this approach achieves acceptable education outcomes for the child.
- Recommendation 3** **22**
 That the Minister for Education write to the Federal Minister responsible for the Australian Bureau of Statistics, recommending that the Census form be amended to capture more information relevant to identifying the extent of home schooling within Australia.
- Recommendation 4** **33**
 That the Board of Studies, Teaching and Educational Standards review their registration forms and include a mandatory provision of the reason as to why an applicant has decided to home school their child, with this data being extracted and reviewed annually.
- Recommendation 5** **41**
 That the Board of Studies, Teaching and Educational Standards pursue opportunities for home schooling students to participate in NAPLAN testing, except in cases where it has been demonstrated that a student has a learning difficulty, disability or other special need.
- Recommendation 6** **41**
 That the Board of Studies, Teaching and Educational Standards undertake further research into the outcomes of home schooling in three years’ time.
- Recommendation 7** **57**
 That the Minister for Education review the registration requirements for home schooling so as to allow students from 4.5 years to 19 years to be registered for home schooling.
- Recommendation 8** **60**
 That the Minister for Education undertake a comprehensive review of the requirements and registration process for home schooling, in order to improve rigour, consistency and transparency and further work with stakeholders to ensure this outcome.
- The committee believes that the outcomes of the review should include a registration system that incorporates the following features:
- an interim registration period of between six (as the minimum) and 12 months to be imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling
 - on expiry of an interim registration period, an additional registration period for the balance of the child’s primary or secondary education (whichever is relevant) to be

imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling at the end of the interim registration period

- the requirement that applicants renew their registration for home schooling if their child is transitioning from primary to secondary education, such that the applicant has to demonstrate that they continue to meet the registration requirements
- a requirement that applicants participate in at least annual 'home support visits' in circumstances where they have been granted a registration period for the balance of their child's primary or secondary education, with the purpose of this visit to ensure that the family is delivering an educational program that meets the syllabus requirements and child's needs
- that applicants be provided with written reasons in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling
- the ability for applicants to be able to apply for an external review of a decision, if dissatisfied after an initial review, in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling.

Recommendation 9**61**

That the Board of Studies, Teaching and Educational Standards review the roles of staff involved in the regulation of home schooling, so as to create a new position of an Assessment and Support Officer, whose primary purpose is to provide guidance and support to home schooling applicants, to ensure they are providing an educational program that meets the syllabus requirements and child's needs.

Recommendation 10**75**

That the Board of Studies, Teaching and Educational Standards develop and commit to a professional development and training policy for all staff involved in the regulation of home schooling, with regular involvement from representatives of the home schooling population.

Recommendation 11**80**

That the NSW Government investigate mechanisms to identify children who are not receiving compulsory education.

Recommendation 12**101**

That the Board of Studies, Teaching and Educational Standards Board establish a consultative group to:

- oversee consultation between the BOSTES and home schooling population
- provide input to and review the design and implementation of home schooling policies and procedures
- provide ongoing advice and assistance to the BOSTES.

That the consultative group be chaired by the Executive Director of Regulation and Governance from the Board of Studies, Teaching and Educational Standards Board. Membership of the consultative group to include at least four home schooling representatives and at least four others nominated by BOSTES for their knowledge and expertise in primary and secondary education and the education of children with disabilities.

- Recommendation 13** 123
That the Board of Studies, Teaching and Educational Standards continue with consultation with the home schooling population and ensure that this happens on a regular basis.
- Recommendation 14** 124
That the Board of Studies, Teaching and Educational Standards undertake a review of the *Registration for Home Schooling in NSW – Information Package*, in consultation with key stakeholders, with this review to be finalised by June 2016.
- Recommendation 15** 124
That the Board of Studies, Teaching and Educational Standards ensure that any registration assessment recognise that educational experiences outside of the home can be valuable and incorporated into an educational program, subject to these activities contributing to syllabus outcomes
- Recommendation 16** 130
That the Board of Studies, Teaching and Educational Standards develop, in consultation with stakeholders, a strategy that promotes membership of home schooling organisations to applicants of home schooling.
- Recommendation 17** 148
That the Department of Family and Community Services review their policies and systems, with the objective of identifying and improving the collection and reporting of data related to child protection matters within the home schooling population.
- Recommendation 18** 161
That the Minister for Education investigate and report on the barriers to home schooling students participating in and being awarded a Higher School Certificate.
- Recommendation 19** 161
That the Department of Education and Communities review their policies to ensure that home school students can access and participate in Hospital School Programs.
- Recommendation 20** 162
That the Department of Education and Communities investigate and report on the impacts of home schooling students accessing schools, either on a part time basis, or for particular components, on schools educational delivery and child protection and safety.
- Recommendation 21** 171
That the Board of Studies, Teaching and Educational Standards provide information to home schooling applicants about options that exist for financial assistance.
- Recommendation 22** 171
That the Board of Studies, Teaching and Educational Standards and the Minister for Education take whatever action is necessary to ensure students registered for home schooling receive a student card for the purpose of obtaining student concessions.

Recommendation 23

173

That the Board of Studies, Teaching and Educational Standards identify and develop, in consultation with parents and students, additional resources that may provide assistance to home schoolers in providing quality educational programs.

Recommendation 24

176

That home schooling organisations be encouraged to develop and implement strategies that promote increased support for home schooling parents and students.

Chapter 1 Introduction

This chapter provides an overview of the establishment of the Select Committee on Home Schooling and its terms of reference. It also describes the way in which the inquiry was conducted and provides an outline of the structure of this report.

Conduct of the inquiry

Background

- 1.1 Prior to the Select Committee into Home Schooling being established, a petition with over 10,000 signatures was presented to the Legislative Assembly on 29 May 2014.² The petition requested improvements to be made to the home schooling registration process and was presented by Mr Chris Holstein MP, Member for Gosford. A copy of the front page of the petition is included in Appendix 5.
- 1.2 The Minister for Education responded, on behalf of the NSW Government, to the concerns raised in the petition.³ The issues were also discussed in the Legislative Assembly on 14 August 2014.⁴

Establishing the committee

- 1.3 On 28 May 2014 a motion was moved by the Hon Fred Nile MLC and passed by the Legislative Council for the establishment of the Select Committee on Home Schooling⁵.
- 1.4 The committee was comprised of seven members as set out on page v. The resolution establishing the committee identified the Hon Paul Green MLC as Chair of the committee and Dr John Kaye as Deputy Chair.

Terms of reference for the Inquiry

- 1.5 The committee was established to inquire into and report on home schooling in New South Wales, including the current registration process, outcomes and comparison of practices with other jurisdictions, both interstate and internationally.
- 1.6 The full terms of reference are set out on page iv.

² *Hansard*, Legislative Assembly, 29 May 2014, Item 25 p 29463.

³ Correspondence from The Hon Adrian Piccoli MP, Minister for Education, to the Clerk of the Legislative Assembly, providing a government response to the petition, 26 June 2014.

⁴ *Votes of Proceedings*, Legislative Assembly, 14 August 2014, Item 2322 p 2322.

⁵ *Minutes*, Legislative Council, 28 May 2014, p 2546.

Reporting date

- 1.7 The Legislative Council resolved on 28 May 2014 that the committee report by the last sitting date in November 2014.

Submissions

- 1.8 The committee invited submissions by a media release announcing the inquiry sent to all New South Wales media outlets and also via twitter.
- 1.9 The committee wrote to key stakeholders inviting them to make a submission to the inquiry. The closing date for submissions was 8 August 2014, however, the committee continued to accept submissions after this date.
- 1.10 The committee received 276 submissions to this inquiry. Of these submissions, the majority came from home schooling families and organisations. A list of submissions is set out in Appendix 1 and the submissions are available on the committee's website.
- 1.11 The committee noted that a number of submissions were from multiple members of the same family or network, for example, the home schooling parent, child, and in some cases, a relative. Similarly, some individuals provided a submission as a representative of an organisation, in addition to providing a submission individually.
- 1.12 The committee would like to thank all those who participated in the inquiry, whether by making a submission, giving evidence or attending the public hearings.

Public hearings

- 1.13 The committee held three public hearings on 5 September 2014, 8 September 2014 and 7 October 2014.
- 1.14 Witnesses at the public hearings included representatives from the NSW Government, home schooling organisations and individuals. A full list of witnesses who appeared at hearings is included in Appendix 2.
- 1.15 Transcripts of all of the hearings are available on the committee's website www.parliament.nsw.gov.au/homeschooling. In addition, a list of all tabled documents from the hearings is listed in Appendix 3. A list of witnesses who provided answers to questions on notice during the hearings and/or supplementary questions is provided in Appendix 4.

Procedural issues

- 1.16 A large number of inquiry participants inquired about keeping all or part of their submission confidential as they were concerned about being identified. The committee secretariat concluded that in some cases this concern arose because a child was being home schooled but was not registered with the Board of Studies, Teaching and Educational Standards.

- 1.17 The secretariat also liaised with a number of people about various ways of engaging with the Inquiry given requests for anonymity. In one instance, an organisation called Hear Our Voices Australia was established, to provide anonymous case studies, sourced from a number of registered and unregistered home schooling families.
- 1.18 An in-camera teleconference hearing was held with a representative from Hear Our Voices Australia. The committee agreed to later publish the transcript from this hearing, following a request from the organisation's representative.

Report structure

- 1.19 Chapter 2 of this report provides information about the practice of home schooling, including the diversity of approaches to education within the home schooling community, as well as demographic information. It also outlines the common motivations for home schooling.
- 1.20 Chapter 3 explores the outcomes of home schooling, particularly in terms of students' academic performance, employment and social development.
- 1.21 Chapter 4 examines the regulation of home schooling in New South Wales, including compulsory schooling requirements and the registration process. It also considers syllabus and curriculum requirements and the role of Authorised Persons in the regulatory process.
- 1.22 Chapter 5 provides information on the regulatory approaches taken in other jurisdictions within Australia and internationally. It also looks at a number of reforms proposed by inquiry participants, including representation of the home schooling community on the Board and arguments in favour of establishing a new independent regulatory body.
- 1.23 In Chapter 6, recent changes to the *Registration for Home Schooling in NSW – Information Package* are explored. In particular, it considers a number of aspects, such as the nature of the changes, their level of significance, the consultation process and the impact of the changes on the home schooling community.
- 1.24 In Chapter 7, a number of issues related to the safety, wellbeing and protection of home schooled children are examined, including school connectedness, socialisation and the role of mandatory reporters. This chapter also considers whether home schooled children are more at risk in comparison to their school counterparts.
- 1.25 In the final chapter, Chapter 8, the financial costs of home schooling is discussed, in addition to the resources and support provided to home schooling families.

Chapter 2 What is home schooling?

This chapter provides background information about the context of home schooling in New South Wales. It starts by exploring the definition of home schooling, including the statutory definition provided by the *Education Act 1990*. This chapter also compares home schooling to other forms of education, including education provided by government and registered non-government schools and distance education. Following this, the common methods of home schooling are discussed, as is the demographics and motivation of parents to home school their child.

Definition

- 2.1 Home schooling is an educational option in New South Wales, as parents can choose to enrol their child in a government or registered non-government school or distance education, or alternatively, they can seek registration with the Board of Studies, Teaching and Education Standards (BOSTES) for home schooling.⁶
- 2.2 The definition of home schooling in New South Wales is outlined in the *Education Act 1990*, which defines it as ‘schooling in the child’s home, other than distance education provided by a government or registered non-government school in which the child is enrolled’.⁷
- 2.3 Although home schooling occurs across all Australian states and territories, only New South Wales, the Australian Capital Territory and Queensland provide a statutory definition.⁸ In addition, only New South Wales and Victoria use the term home schooling, with most other states and territories employing the term home education in their legislation and policy framework.
- 2.4 In a journal article published in the *International Journal of Law and Education*, Ms Sonia Allen and Dr Glenda Jackson explained that there are variances in the statutory definitions of home schooling or home education across Australia, although the definitions tend to emphasise that education is delivered in a home setting.⁹
- 2.5 Despite the statutory definition of home schooling in New South Wales, the committee noted varying definitions used by inquiry participants and the fact that much of the educational activity is in fact occurring in group settings outside the home. Inquiry participants raised the concern such matters were not properly or fully taken into account as satisfying the educational requirements of home schooling.
- 2.6 Dr Terry Harding, General Manager of Australian Christian Home Schooling, defined home education as ‘the education of children within and around the home setting, independent of a

⁶ Submission 78, Department of Education and Communities NSW, p 2.

⁷ *Education Act 1990*, s 3.

⁸ Tabled document, Ms Sonia Allan and Dr Glenda Jackson, ‘The what, whys and wherefores of home education and its regulation in Australia’ (2010) 15 *International Journal of Law and Education*, p 56.

⁹ Tabled document, ‘The what, whys and wherefores of home education and its regulation in Australia’, p 56.

formal school context and usually overseen by parents or other adults significant to the child and family'.¹⁰

- 2.7 The Home Education Association noted that they prefer to use the term home education rather than home schooling, as it distinguishes it from mainstream schooling:

Although colloquially referred to as 'home schooling', it is not necessarily limited to a particular location nor is it always recognisably 'school-like' in implementation...the term 'home education' is used rather than 'home schooling', to distinguish home education as a distinct approach to education that may be substantially different from that undertaken in the mainstream school system, and not simply a similar approach in a different venue.¹¹

- 2.8 Similarly, Ms Colleen Strange, a home schooling parent, stated that many people in the home schooling population prefer to use the term 'home based education' rather than 'home schooling' as it is nothing like school or distance education.¹²

- 2.9 Throughout this report, the committee generally uses the term home schooling, except in situations where participants have directly referred to it as home education.

Committee comment

- 2.10 Whilst the term 'home schooling' is currently embodied in the *Education Act 1990*, the committee recognises that there are inherent contradictions in the name and definition, given that the practice is not necessarily limited to the home, and that some of the educational approaches are distinct from a school like approach or structure.

- 2.11 Given this, the committee believes that the practice of home schooling should be legally referred to as non-institution based education. Accordingly, the committee recommends that relevant provisions of the *Education Act 1990* be amended to ensure the practice of home schooling is referred to as non-institution based education.

Recommendation 1

That relevant provisions of the *Education Act 1990* be amended to ensure the practice of home schooling is referred to as non-institution based education.

Differentiating home schooling from other forms of education

- 2.12 This section broadly highlights the differences between home schooling, school education and distance education. It outlines the common features of each educational approach, including any unique characteristics.

¹⁰ Submission 163, Dr Terry Harding, p 2.

¹¹ Submission 145, Home Education Association, p 25.

¹² Submission 143, Ms Colleen Strange, p 8.

2.13 With all of these modes of education, there is a requirement to follow the NSW Syllabus. This requirement is enshrined in the *Education Act 1990*.¹³

Features of school education

2.14 Home schooling is different to school education, education provided by government (public) or registered non-government schools. In this report, school education is commonly referred to as traditional or mainstream schooling.

2.15 A number of home schooling organisations discussed the key features of traditional schooling that make it distinct to home schooling and distance education.

2.16 In their submission, the Home Education Association referred to Mortimore (2013) who outlined that school education tends to have certain features, including age based learning and socialisation, subject based segmentation of content and time-delineated learning days.¹⁴

2.17 The Home Education Association also noted that the general features of school education include:

- children being taught face to face, in classes with other children generally of the same age
- teachers planning lessons to deliver education
- learning being based on grade levels, including standardised content and outcomes
- students' progress being monitored by various standardised assessment methods, such as the Higher School Certificate and the National Assessment Program – Literacy and Numeracy (NAPLAN).¹⁵

2.18 When contrasting school education to other forms of education, the Home Education Association asserted that parents have limited input into school education. They stated that parents 'relinquish responsibility for education to an external provider' and that that have the 'least control over content, student experience, and safety'.¹⁶

2.19 The Sydney Home Education Network asserted that school education is typically spent in a room working at a desk. They also outlined that school education is generally characterised by standard learning outcomes, constant assessment and rigid school hours.¹⁷

Features of distance education

2.20 Distance education is another form of education different from home schooling. The Department of Education and Communities stated that distance education provides a means

¹³ *Education Act 1990*, s 14.

¹⁴ Submission 145, Home Education Association, p 106.

¹⁵ Submission 145, Home Education Association, p 107.

¹⁶ Submission 145, Home Education Association, p 104.

¹⁷ Submission 155, Sydney Home Education Network, p 7.

for students to access the curriculum where regular school enrolment may not be available, or for a range of reasons, not accessible.¹⁸

- 2.21** In terms of distance education, a wide variety of strategies is used to meet the needs of students, many of which use mail, online and telephone interaction, rather than predominantly face-to-face learning with a teacher:

These include study days to engage students and establish relationships alongside traditional communication tools such as mail, telephone and the use of audio visual material. This is blended with the use of modern learning management systems, online forums, teleconferencing, internet, videoconferencing and email to maintain close contact and deliver quality teaching and learning.¹⁹

- 2.22** The NSW Teachers Federation explained the purpose of distance education and the types of circumstances in which enrolment in distance education may be an option:

Distance education is one of the modes of educational delivery within the NSW public education system which provides an option of education in the home or other location for those students unable to access mainstream schooling for a range of reasons...Categories for enrolment include students who are: geographically isolated; travelling within Australia; unable to attend school due to illness; as well as other reasons.²⁰

- 2.23** The Home Education Association stated that distance education is based on delivery of 'school-like' content. When comparing traditional schooling, distance education and home schooling, they said that distance education falls in the middle in terms of flexibility. Whilst there is more scope for different learning methods, flexibility is dependent on the teacher, as the parent and child have less control over the content and delivery method.²¹

- 2.24** When the committee questioned the Department of Education and Communities about the circumstances in which people might access distance education, Mr Paul Lennox, Child Protection, Student Engagement and Interagency Partnerships, commented:

Distance education is there as a provision where other forms of education, for whatever reason, may not be accessible. The provision of distance education for non-government schools is generally on a single-subject basis, and it is on the basis that the non-government school cannot provide access to a particular aspect of the curriculum, for example, to meet the requirements for a Higher School Certificate.²²

- 2.25** The Department of Education and Communities provided the committee with a copy of the policy entitled *Full Time Enrolment in Distance Education*. This policy outlines the categories of students who may be eligible to seek full-time enrolment in distance education, such as students that:

¹⁸ Submission 78, Department of Education and Communities NSW, p 2.

¹⁹ NSW Public Schools, *Rural and Distance Education*, (accessed 9 October 2014): <http://www.schools.nsw.edu.au/rde/distanceedu/learnbydistance/index.php>

²⁰ Submission 79, NSW Teachers Federation, p 3.

²¹ Submission 145, Home Education Association, p 109.

²² Evidence, Mr Paul Lennox, Child Protection, Student Engagement and Interagency Partnerships, Department of Education and Communities NSW, 5 September 2014, p 22.

- meet geographic isolation criteria
- are travelling within Australia, usually for a period of at least 50 days
- are temporarily residing overseas
- have a medical condition that prevents them from attending a school
- are pregnant or are a school-aged parent
- are vocationally talented, for example, employed in the entertainment industry or are elite sports people or in performing arts
- have additional learning and support needs, in cases where there is no local provision to meet these needs.²³

2.26 Mr Lennox explained that distance education is unlikely to be an option in cases where a child has been removed from a public school because of bullying; however, it may be an option if a child lives a long distance away from the nearest public school.²⁴

2.27 When the committee sought to clarify whether distance education could be accessed by parents with children with special needs, Mr Lennox stated:

It generally is about where there are barriers to the child accessing education. So in some circumstances, such as those special needs provisions, it would be possible under special circumstances for a child to access distance education.²⁵

2.28 Two similar features of home schooling and distance education are that parents supervise student learning and that parents provide a ‘learning space’ at home for the student’s work.²⁶

Features of home schooling

2.29 The Home Education Association outlined that home schooling typically involves one-to-one or small group learning, using a diverse range of educational methods (outlined in the following section), with parental commitment and responsibility for the child’s education.²⁷

2.30 When comparing educational approaches, the Home Education Association stated that school and distance education are state developed, managed and implemented, whereas home education is developed by the parent educators.²⁸

2.31 The BOSTES noted that although home schooling and distance education are forms of education that both take place in the home, the onus of responsibility for the child’s education

²³ Answers to questions on notice, Mr Brian Smyth King, Executive Director, Learning and Engagement, Department of Education and Communities NSW, 6 October 2014, Attachment 1.

²⁴ Evidence, Mr Lennox, 5 September 2014, p 22.

²⁵ Evidence, Mr Lennox, 5 September 2014, p 24.

²⁶ NSW Public Schools, *Rural and Distance Education*, (accessed 9 October 2014): <http://www.schools.nsw.edu.au/rde/distanceedu/distancehomesch/index.php>

²⁷ Submission 145, Home Education Association, p 111.

²⁸ Submission 145, Home Education Association, p 118.

is different. For a home schooled child, the parent is responsible for delivering the education program, whereas with distance education, the school has that responsibility.²⁹

2.32 Dr Harding, when comparing home schooling and distance education, noted that home schooling is not funded by the government and that the parent is responsible for the child's learning, with no requirement for teaching qualifications or experience. In addition, some home schooling parents provide, use and develop their own educational resources.³⁰

2.33 In terms of the requirement for teaching qualifications, the BOSTES noted that for distance education, teaching staff must have the required teaching accreditation. By contrast, parents who home school their children are not required to have formal teacher training or teacher experience. Instead, the capacity of a home schooling parent to plan and provide for the child's educational needs is assessed by an Authorised Person employed by the BOSTES.³¹

2.34 Other features of home schooling were outlined by the Sydney Home Education Network, such as more informal assessments to accommodate the learning pace of the child, flexible hours in the day to learn and opportunities to learn outside of the home setting.³²

2.35 In addition, the Sydney Home Education Network explained that school hours are rigid, whereas home schooling can allow for a later start time and finishing time.³³

2.36 Ms Diane Sylvester noted that home schooling is not limited to a time or place like school education and distance education but is part of her family's everyday life:

Education is part of our lives, not a chore. We respect each child as we learn about life together. The beauty of home schooling, for us, is that teaching/learning is not artificially imposed or confined to particular times and places but is part of our everyday lives. Education is not a thing we do, but the way we live.³⁴

2.37 The Home Education Network also emphasised the flexible characteristics of home schooling, and its capacity for an individualised approach:

Learning at home is intensive, individual, interactive and flexible. Home education need not be confined to school hours, school days or school terms. It enables opportunities for cross-age learning, cross-subject learning and impromptu excursions at a level not available in a classroom.³⁵

2.38 Distance education and traditional schooling also involve constant assessment, stated the Sydney Home Education Network in their submission. They asserted that this 'does not bring out the best in many children'. By contrast, they argued that home education allows more time for learning and that assessment does not need to be formal and obvious.³⁶

²⁹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 11.

³⁰ Submission 163, Dr Terry Harding, p 23.

³¹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 10.

³² Submission 155, Sydney Home Education Network, p 7.

³³ Submission 155, Sydney Home Education Network, p 9.

³⁴ Submission 263, Ms Diane Sylvester, p 1.

³⁵ Submission 137, Home Education Network, p 2.

³⁶ Submission 155, Sydney Home Education Network, p 9.

2.39 One other difference between home schooling, school education and distance education is access to the Higher School Certificate. Both school and distance education enable students to complete the prescribed study, assessments and examinations for these awards, whereas generally, it is not accessible for home schooled students. Access to the Higher School Certificate by home schooled students is covered in Chapter 8 of this report.

Home schooling approaches

2.40 Within the home schooling population, various educational approaches or practices are adopted. These range from quite formal and structured approaches to learning, to more eclectic, informal or abstract methods. Although there is diversity in terms of home schooling approaches, the common methods of home schooling were outlined in research by Allan and Jackson (2010), and include structured, unit studies, classical, Charlotte Mason, unschooling and natural learning, and eclectic.³⁷ These methods are outlined in detail further below.

2.41 In terms of the varying approaches to home schooling, evidence highlighted that families may use a combination of the approaches, and may move between a structured and unstructured approach, depending on their experience and circumstances.³⁸

2.42 Dr Jackson stated that home schooling families tend to initially start with a more school like approach based in the home but move to a more informal approach as they gain experience and confidence in home schooling:

It is unusual for families to maintain a strict and structured school approach throughout their home educating experience, particularly in long-term home education families.³⁹

2.43 In their submission, the Home Education Association noted the diversity in approaches used by home schooling families from results of a survey they undertook with 236 home educators, 175 of which resided in New South Wales. From this sample, they found that:

- 15 per cent of families used the unschooling approach
- 31 per cent used natural learning methods
- 8 per cent adopted a school at home structured approach
- 11 per cent used the Charlotte Mason approach
- 8 per cent used a classical approach; and
- 27 per cent were eclectic home schoolers, meaning they used a blended approach, often using a variety of methods to home school.⁴⁰

³⁷ Submission 145, Home Education Association, p 112; Tabled document, 'The what, whys and wherefores of home education and its regulation in Australia', p 57.

³⁸ Tabled document, 'The what, whys and wherefores of home education and its regulation in Australia', p 58.

³⁹ Dr Glenda Jackson, 'Australian Research on Home Education: And how it can inform legislation and regulation', (2014), p 8, paper included in Submission 142, Dr Glenda Jackson, pp 2-31.

⁴⁰ Submission 145, Home Education Association, p 115.

Structured approaches

- 2.44** At one end of the spectrum of approaches to home schooling is the formal or structured approach to education. Dr Rebecca English, an academic with the Queensland University of Technology, outlined that her research showed that the structured approach to home schooling focuses on school being delivered at home, where parents follow a curriculum and engage in a timetabled approach to learning.⁴¹
- 2.45** The Home Education Association noted that the structured approach to home schooling is more akin to school in a home setting, typically characterised by lesson plans, schedules and record keeping.⁴²
- 2.46** They also referred to the research by Allan and Jackson (2010) which provided a summary of the structured approach to home schooling:

A structured curriculum that prescribes textbooks, study schedules, grades and record keeping is followed. Some families make up their own lesson plans and find their own learning materials. This approach may be more akin to school depending upon the 'teaching' and study methods adopted by the home educator(s) and children. Children however are not limited to studying in one location, and may utilise libraries and other community facilities outside of the home.⁴³

Unit studies

- 2.47** Another approach the committee received evidence about is referred to as unit studies. The Home Education Association again summarised research by Allan and Jackson (2010) on this approach, and outlined that unit studies is an approach that focuses on what the child is interested in, with that interest then tied in to subject areas, like maths, science and history. They provided the following example to demonstrate this approach:

...a child who is interested in space might study the history of space travel, read books and do art projects on the solar system, visit science museums and space communications centres, and learn about the physics of rockets.⁴⁴

Classical approach

- 2.48** The classical approach includes a three part process of training the mind, with grammar, logic and rhetoric taught as tools to use to master every other subject. With this type of approach, the early years of education are spent absorbing facts. The middle ages are where students

⁴¹ Submission 9, Dr Rebecca English, p 4.

⁴² Submission 145, Home Education Association, p 112.

⁴³ Tabled document, 'The what, whys and wherefores of home education and its regulation in Australia', p 57; also cited in Submission 145, Home Education Association, p 113.

⁴⁴ Tabled document, 'The what, whys and wherefores of home education and its regulation in Australia', p 57; also cited in Submission 145, Home Education Association, p 113.

learn to think through arguments and in the higher years, students learn more about how to express themselves.⁴⁵

- 2.49** The Home Education Association stated that this approach is ‘language-focused’, where ‘learning is accomplished through words, written and spoken, rather than through images (pictures, videos, and television)’.⁴⁶

Charlotte Mason approach

- 2.50** The Charlotte Mason approach is another method of home schooling that was referred to during this inquiry. This approach is based on the education methods posited by Charlotte Mason, a British educator.

- 2.51** In their submission, the Home Education Association explained that the Charlotte Mason approach to home schooling is to teach basic reading, writing and arithmetic skills and to expose the child to other sources of knowledge for all other subjects.⁴⁷

- 2.52** In the research article by Dr Jackson and Ms Allen, the Charlotte Mason method of educating is explained:

Children are involved in a broad spectrum of real-life situations and given ample time to play and create. They are also taught good morals and habits. Children are encouraged to ‘tell’ what they have learnt through writing, art, and performance.⁴⁸

- 2.53** One individual submission author commented that they ‘follow a loosely based Charlotte Mason Method’, although they stated that ‘the sequence and methods of education do not fit well with the NSW Syllabus scope and sequence’. Despite this, the individual claimed that many home educators use this type of approach and that there are a number of resources that support this method.⁴⁹

Eclectic approach

- 2.54** The eclectic approach is a method of home schooling that combines other approaches. It is considered a ‘blended learning’ approach, which can also involve part time attendance at school, access to distance education courses or e-learning.⁵⁰ On their website, the Home Education Association states:

Eclectic home educating is a conceptual approach that does not hold rigidly to a single paradigm or set of assumptions about home educating, but instead draws upon

⁴⁵ Tabled document, ‘The what, whys and wherefores of home education and its regulation in Australia’, p 57.

⁴⁶ Submission 145, Home Education Association, p 113.

⁴⁷ Submission 145, Home Education Association, p 113.

⁴⁸ Tabled document, ‘The what, whys and wherefores of home education and its regulation in Australia’, p 57.

⁴⁹ Submission 26, Name suppressed, p 3.

⁵⁰ Submission 145, Home Education Association, p 113.

multiple theories, styles, or ideas to gain complementary insights into a subject, or applies different theories in particular cases.⁵¹

- 2.55** In a submission presented by Hear Our Voices Australia, one individual stated that their education style is eclectic, using different methods, but leaning towards natural learning.⁵² Another individual also considered their approach to be eclectic:

We have developed our own eclectic system based on our research and on the observation of practical application of these methods in different home environments, coupled with what works most effectively for our family. Our method is primarily child-led, focused around the child's own interests. Our role is to support their learning by providing access to materials and resources to deepen their understanding of those interests and to broaden the topics to cover the full spectrum of learning areas over time. We do not 'teach' in any conventional sense of the word, but rather facilitate learning. We do not do 'school-at-home'.⁵³

Unschooling or natural learning

- 2.56** Another approach to home schooling to which a number of inquiry participants referred to is unschooling, also referred to as natural learning. The committee was particularly interested in what this approach consisted of and how it could possibly achieve a high quality education for a child.

- 2.57** When Dr Jackson appeared before the committee at a hearing, the committee sought to clarify the unschooling approach. Dr Jackson provided a summary:

Unschooling is where the family will live its daily life and a child will express interest in a particular thing and parents will provide a background of resources that fit that interest. They will go shopping and explain how money works. They will explain if you want to build a garden you have to put a fence around it, how many pickets do we need to go around and how much will that cost. It is making learning happen in their family lives.⁵⁴

- 2.58** In her submission, Dr English also outlined the unstructured approach underpinning the natural learning or unschooling method of education:

This style of home education is a natural learning approach where the child will be encouraged to follow their interests and parents will allow the child freedom to learn what they want. This style of home education is often associated with 'radical' unschoolers who practice other forms of child-led parenting such as not managing their children's food, television/media or bedtime.⁵⁵

⁵¹ Home Education Association, *Eclectic Home Education Styles*, (accessed 9 October 2014): <http://www.he.edu.au/getting-started/home-ed-styles/eclectic>

⁵² Submission 172, Hear Our Voices Australia, p 18.

⁵³ Submission 172, Hear Our Voices Australia, p 37.

⁵⁴ Evidence, Dr Glenda Jackson, Director, Australian Home Education Advisory Service, 5 September 2014, p 38.

⁵⁵ Submission 9, Dr Rebecca English, Lecturer, School of Curriculum, Faculty of Education, Queensland University of Technology, p 4.

- 2.59** At a hearing, Dr English was questioned about the practice of unschooling and how this method is applied by home schooling parents. She acknowledged that it sounds like intentional non-schooling of a child but explained its history to the committee:

It was originally called unschooling by a guy called John Holt, who wrote a book with Pat Farenga. In the 2003 reference he defines it as allowing children as much freedom to learn in the world as their parents can comfortably bear. That is the actual definition of unschooling. Others call it other names. Carlo Ricci from Canada calls it natural learning. I think that is probably the preferred term.⁵⁶

- 2.60** Dr Harding, pointed to research by Brabant (2008) which explained the concept of unschooling in the broader context of home education:

At one end of the spectrum, children can be enrolled in distance education learning programs executed on a strict daily schedule; at the other end of the spectrum is a 'freer' version of education called 'child-led learning' or 'unschooling', where the only framework for learning is the child's natural curiosity and adaptation to their environment, with parental intervention in the form of facilitation only.⁵⁷

- 2.61** When appearing before the committee, Dr Harding was asked to explain unschooling, to which he replied 'I am no expert in un-schooling or natural learning as it may be called, but I understand it is child directed and conversationally based according to the interests of the child'.⁵⁸

Other approaches

- 2.62** The committee was informed about a number of other approaches to home schooling, including the Montessori approach to education, an approach that is similar to natural learning or unschooling which 'encourages learning through all five senses and includes encouraging children to learn at their own pace without too much interruption'.⁵⁹ The committee notes that a number of schools focus on providing education using this type of approach.

- 2.63** Another approach is the Steiner or Steiner-Waldorf form of education, based on an educational approach by an Austrian philosopher called Rudolf Steiner, which focuses on the role of imagination in learning and developing thinking that includes a creative and analytical element.⁶⁰ There are also schools that adopt this type of educational approach.

⁵⁶ Evidence, Dr Rebecca English, Lecturer, School of Curriculum, Faculty of Education, Queensland University of Technology, 8 September 2014, p 46.

⁵⁷ Catherine Brabant (2008) as cited in Submission 163, Dr Terry Harding, p 2.

⁵⁸ Evidence, Dr Terry Harding, Academic and General Manager, Australian Christian Home Schooling, 8 September 2014, p 20.

⁵⁹ Home Education Association, *Montessori*, (accessed 9 October 2014): <http://www.he.edu.au/getting-started/home-ed-styles/montessori>

⁶⁰ Home Education Association, *Steiner/Waldorf*, (accessed 9 October 2014): <http://www.he.edu.au/getting-started/home-ed-styles/steiner-waldorf>

- 2.64** The Home Education Association also noted the concept of experiential learning or hack schooling, often used by travelling families, which involves activities such as developing a micro-business, undertaking work experience and/or volunteering on community projects.⁶¹

Committee comment

- 2.65** The committee recognises that there are a variety of educational approaches adopted by home schoolers, including quite structured teaching methods to more abstract forms of learning. Whilst the committee received evidence about the unschooling method, or natural learning as it may be called, it does not believe that such an approach works on a practical level in a way that would achieve quality educational outcomes for the child.
- 2.66** The committee is concerned that taken to its extreme, children who are ‘unschooled’ may not achieve even basic levels of literacy and numeracy. The application of ‘unschooling’ may constitute educational neglect.
- 2.67** The committee is concerned about those that may be using the pretence of unschooling, when in fact they are not employing the actual principles of its philosophy and are just, in effect, not schooling their children. The committee believes that there needs to be more Australian research into the practice of unschooling, and particularly, how it can ensure quality educational outcomes. The committee recommends that the Board of Studies, Teaching and Educational Standards commission research into ‘unschooling’ as an educational approach used by some members of the home schooling population, with a focus on whether this approach achieves acceptable education outcomes for the child.

Recommendation 2

That the Board of Studies, Teaching and Educational Standards commission research into ‘unschooling’ as an educational approach used by some members of the home schooling population, with a focus on whether this approach achieves acceptable education outcomes for the child.

- 2.68** The committee notes that none of the home schooling stakeholder representative bodies sought to draw any distinction between the vast variety of schools across New South Wales, whether they be government or non-government schools.

Demographics

- 2.69** To understand the context of home schooling in New South Wales, it was necessary to consider the demographics of the home schooling population. Whilst many inquiry participants pointed to the diversity of the home schooling population, the committee took a closer look at various factors, such as the prevalence of home schooling, the age of children being home schooled, the location of families, the gender of the main home schooling parent, family size and structure, and educational backgrounds and teaching experience of parents.

⁶¹ Submission 145, Home Education Association, p 113.

- 2.70** Before considering these factors in detail, it is worth noting that many inquiry participants asserted that the home schooling population is diverse, including people from a variety of religious, cultural and educational backgrounds and spanning all localities across New South Wales.
- 2.71** The lack of verifiable data means that none of these claims can be substantiated at this time.
- 2.72** When representatives from the BOSTES were questioned about the demographics of home schoolers, Mr David Murphy, Executive Director, Regulation and Governance, stated that ‘the home schooling population is as diverse, if not more than, any other sector of society’.⁶²

Prevalence

- 2.73** As at December 2013, there were 3,238 students from 1,878 families registered for home schooling or exempt from registration.⁶³ The committee noted evidence that registrations for home schooling have increased from 2,443 students in 2009-10.⁶⁴
- 2.74** The Home Education Association noted that it is difficult to determine the prevalence of home schooling in New South Wales with any certainty, given many families are not registered. In their submission, they discuss various methods of estimating the extent of home schooling in New South Wales. In particular, they note one academic who has estimated that between 10,000 and 20,000 children are being home schooled in Australia. Using this estimate, they suggest that there could be between 3,300 and 16,400 children being home schooled in New South Wales.⁶⁵
- 2.75** When the committee asked Dr Harding about speculation that there may be between 10,000 and 20,000 non-registered home schoolers, Dr Harding replied:
- It has been my experience that governments often in the past have tended to downplay the numbers. Happily, the registration numbers are at least something that is concrete. However, my experience of home educators in various states is that they tend to overplay the numbers.⁶⁶
- 2.76** The extent of unregistered home schoolers, including reasons for not registering, is covered in Chapter 4.

⁶² Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 5 September 2014, p 3.

⁶³ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 2, p 1.

⁶⁴ Evidence, Mr Brian Smyth King, Executive Director, Learning and Engagement, Department of Education and Communities NSW, 5 September 2014, p 22.

⁶⁵ Submission 145, Home Education Association, pp 62-63.

⁶⁶ Evidence, Dr Harding, 8 September 2014, p 20.

Age of children

- 2.77 There is a fairly even distribution of registered children between ages six and 13, with approximately 300 registered children in each group. The largest age groups were nine and ten years, with numbers progressively declining for students aged 14 to 16 years.⁶⁷
- 2.78 Table 1 shows the age of children in registered home schooling families, as at December 2013.

Table 1 Age of children in registered home schooling families

Age	Number	Percentage
6	285	8.8%
7	322	9.9%
8	290	9.0%
9	368	11.4%
10	352	10.9%
11	314	9.7%
12	309	9.5%
13	292	9.0%
14	270	8.3%
15	253	7.8%
16	183	5.7%
Total	3238	100%

Source: Submission 139, Board of Studies, Teaching and Educational Standards, Appendix 2

Location

- 2.79 In exploring the demographics of home schoolers, the committee considered evidence related to the location of home schooling families to determine whether more families are based in city or regional areas.
- 2.80 The BOSTES informed the committee that the largest numbers of home schooling families are in the Greater Sydney areas of Outer West and Blue Mountains and Inner South West, followed by the Central Coast, the Capital region and the Richmond-Tweed area.⁶⁸
- 2.81 Further, the BOSTES stated that home schoolers are proportionally over-represented in areas outside of the Greater Sydney area, given that these areas account for 36 per cent of the overall NSW population but nearly 50 per cent of registered home schoolers.⁶⁹

⁶⁷ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 2, pp 1-2.

⁶⁸ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 6.

⁶⁹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 6.

2.82 The location of home schooling families is shown below in Table 2, based on information as at December 2013.

Table 2 Location of home schooling families

Location	Number of home schooling families	Percentage of home schooling families	Percentage of NSW population
Greater Sydney	918	51%	64.2%
Capital Region	123	6.8%	3.0%
Central West	57	3.2%	2.8%
Coffs Harbour – Grafton	66	3.7%	1.8%
Far West and Orara	32	1.8%	1.6%
Hunter Valley	79	4.4%	3.5%
Illawarra	62	3.4%	4.0%
Mid North Coast	83	4.6%	2.8%
Murray	25	1.4%	1.6%
New England and North West	60	3.3%	2.5%
Newcastle and Lake Macquarie	75	4.2%	4.9%
Richmond Tweed	100	5.6%	3.2%
Riverina	33	1.8%	2.1%
Southern Highlands and Shoalhaven	88	4.9%	1.9%
Not determined	77	-	
Total	1878	100%	100%

Source: Submission 139, Board of Studies, Teaching and Educational Standards, Appendix 2

2.83 In addition, the BOSTES stated that there is proportional over-representation of home schooling families from more disadvantaged localities, and under-representation in more advantaged localities.⁷⁰

2.84 Dr Jackons's research rejected the view that home schooling is often chosen by families that live regionally because of their distance from government or non-government schools. Her research noted that home education is usually chosen for reasons other than the distance from mainstream schools:

⁷⁰ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 6.

Parental choice of the home education option is usually made for reasons other than distance from schools, although for a few that may be the most significant reason for choosing to educate children at home.⁷¹

- 2.85** Dr Harding referred to data from the Australian Christian Home Schooling Survey, a survey completed by 24 home schooling families, which supported the view that home schooling families reside in all locations and regions across Australia.⁷²

Gender of main home schooling parent

- 2.86** Overwhelmingly, the evidence indicated that the gender of the main home schooling parent is female, with only a small minority of males taking on the primary role.
- 2.87** When the committee asked Dr Harding, General Manager of Australian Christian Homeschooling, about the gender of the main home schooling parent, he responded:

The research I did for Minister Garrett and Minister Piccoli and my own private research for my masters and doctorate degrees indicated that 90 per cent of home schoolers were mothers. I repeat, the numbers are hard to ascertain. I would be happy saying that it is 90 per cent to 95 per cent.⁷³

- 2.88** This was supported by Dr Jackson's research which found that the main home educator is commonly the mother, with only a small number of fathers taking on the lead role, although she acknowledged that some parents share the role.⁷⁴

Family size and structure

- 2.89** In terms of trends, the committee noted that it was less likely for single parent families to home school, and that no specific correlation exists between home schooling and families with a larger number of children than average.
- 2.90** On the first of these points, Dr Jackson, in her research, referred to studies that indicated very few single parents are involved in home schooling.⁷⁵
- 2.91** This was supported by Dr Harding, who relied on data from his research which showed that two parent families comprised the majority of home schooling families, with single parent families only about 17 per cent of respondents involved in his survey. He noted that the single parent families who did home school stated that they had received extensive support and assistance from other family members to help with the education of their child.⁷⁶

⁷¹ Glenda Jackson, 'Australian Research on Home Education: And how it can inform legislation and regulation', (2014), p 4, paper included in Submission 142, Dr Glenda Jackson, pp 2-31.

⁷² Submission 163, Dr Terry Harding, p 16.

⁷³ Evidence, Dr Harding, 8 September 2014, p 14.

⁷⁴ Tabled document, 'The what, whys and wherefores of home education and its regulation in Australia', p 64.

⁷⁵ Tabled document, 'The what, whys and wherefores of home education and its regulation in Australia', p 64.

⁷⁶ Submission 163, Dr Terry Harding, p 16.

- 2.92** In terms of the number of children in home schooling families, the Home Education Association noted anecdotal evidence that home educators appear to have a larger number of children than average, although they acknowledged that this has not been verified. They referred to the Board of Studies Annual Report for 2012/2013 which stated that registered home schooling families have on average 1.72 children per family. They also stated that ‘this suggests that the home educating size in NSW may not be dissimilar to the family size in the broader population’.⁷⁷
- 2.93** In fact, the BOSTES advised the committee that as at December 2013, 55 per cent of home schooling families had a single child registered for home schooling.⁷⁸
- 2.94** The number of registered children in each home schooling family is shown in Table 3.⁷⁹

Table 3 Number of children in the family

Number of registered children	Number	Percentage
1	1036	55.2%
2	496	26.4%
3	217	11.6%
4	94	5.0%
5	35	1.9%
Total	1878	100%

Source: Submission 139, Board of Studies, Teaching and Educational Standards, Appendix 2

Education levels and teaching experience of parents

- 2.95** Another issue considered was the education levels of home schooling parents or carers, and whether they have teaching qualifications and experience.
- 2.96** In a research paper by Ms Allen and Dr Jackson, it was stated that the educational levels of home schooling parents vary from Year 10 to tertiary qualifications.⁸⁰
- 2.97** The Home Education Association supported this view by suggesting that parents who home educate have a broad range of educational levels and work experience.⁸¹
- 2.98** Ms O’Hara referred to research by Rothermel (2002), which found that approximately 47 per cent of home educating parents in her sample had attended university. Of this, 13.5 per cent were school teachers or lecturers, and about 41 per cent said that at least one parent was

⁷⁷ Submission 145, Home Education Association, p 64.

⁷⁸ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 6.

⁷⁹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 2, p 1.

⁸⁰ Tabled document, ‘The what, whys and wherefores of home education and its regulation in Australia’, p 64.

⁸¹ Submission 145, Home Education Association, p 13.

teacher trained. Ms O'Hara estimated that in her home education support group, about 20 per cent of members were school teachers before they decided to home educate.⁸²

- 2.99** The Home Education Association said that previous research has showed that between 8 and 26 per cent of Australian home educating parents have teaching qualifications.⁸³

Committee comment

- 2.100** Throughout this inquiry the committee observed that there is a lack of reliable data on home schooling within New South Wales, and more broadly within Australia, particularly related to its prevalence, the demographics of home schoolers and the outcomes of students.
- 2.101** The committee is also troubled by speculation that there are between 10,000 and 20,000 home schoolers in New South Wales, given less than 4,000 are currently registered with the Board of Studies, Teaching and Educational Standards. Whilst the committee is unable to determine the accuracy of these figures, the committee noted that several people that participated in this inquiry admitted to being unregistered.
- 2.102** The committee also notes that the NSW Government has experienced difficulties in identifying the extent of the unregistered population of home schoolers, and importantly, on an individual level, whether all children in this state are receiving compulsory education. Our recommendation later in this chapter aims to address this issue.
- 2.103** The committee believes that it is important to implement mechanisms that enable the collection of data relevant to home schooling. In addition to the collection of information via the registration process, the committee believes that it may be of benefit to have additional information collected via the Australian Bureau of Statistics Census, undertaken every four years, with the next one due in 2016. Given this, the committee recommends that the Minister for Education write to the Federal Minister responsible for the Australian Bureau of Statistics, recommending that the Census form be amended to capture more information relevant to identifying the extent of home schooling within Australia.

Recommendation 3

That the Minister for Education write to the Federal Minister responsible for the Australian Bureau of Statistics, recommending that the Census form be amended to capture more information relevant to identifying the extent of home schooling within Australia.

Motivation for home schooling

- 2.104** The inquiry received extensive evidence about the motivation of parents to home school their child. Generally, a variety of reasons were provided, and more often than not, the decision to home school was for a combination of reasons, rather than one single factor. In many cases, the initial reason for home schooling differed from the continuing or ongoing reason.

⁸² Submission 8, Ms Helen O'Hara, p 8.

⁸³ Submission 145, Home Education Association, p 64.

- 2.105** The common reasons for home schooling are also not specific to the home schooling population in New South Wales. In fact, the Sydney Home Education Network asserted that the motivations for home schooling for parents in New South Wales are the same as in other jurisdictions within Australia.⁸⁴
- 2.106** In terms of data, the BOSTES informed the committee that the registration forms for home schooling include an optional section for the applicant to identify a reason for choosing to home school. The data provided was, however, quite limited with 36.5 per cent of applicants in 2013 providing a nil response and 24.5 per cent stating ‘other’. The data provided to the committee for the last three years is outlined in Table 4.⁸⁵

Table 4 Reasons for home schooling

Reason	2011	2012	2013
Philosophical	17%	16%	17%
Religious	2.2%	3%	5%
Special learning needs	11.9%	9.5%	14%
Bullying	3.8%	4%	3%
Other	10.7%	18%	24.5%
Nil response	54.4%	49.5%	36.5%

- 2.107** The committee questioned the BOSTES about the limitations of this data and the lack of an evidence base in which to understand the reasons parents are opting to home school their children. Mr Murphy advised the committee that (under the existing legislative framework) the information ‘is not a relevant consideration for assessing an application’; although he acknowledged that they started collecting it to be helpful in understanding more about the context of home schooling. He added that the ‘categories, as it has emerged, have not proved to be as informative as they could be’.⁸⁶
- 2.108** The committee asked Mr Murphy whether he was reviewing this issue and whether the question should be voluntary. Mr Murphy stated (under the existing legislative framework) ‘there is no means of making it a mandatory requirement’.⁸⁷
- 2.109** In terms of what the research shows about the motivation of parents to home school their children, one individual pointed to research by Anne Chapman which suggested that there were nine major reasons for why parents choose home schooling, including dissatisfaction with traditional schools, religious motives, schools being unable to provide children with personal interest and attention, parental rights and responsibility, protection from unwanted

⁸⁴ Submission 155, Sydney Home Education Network, p 2.

⁸⁵ Answers to questions on notice, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 3 October 2014, pp 1-2.

⁸⁶ Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies Teaching and Educational Standards NSW, 7 October 2014, p 12.

⁸⁷ Evidence, Mr Murphy, 7 October 2014, p 12.

influences, negative schooling experiences, maintenance of the family unit, views on child development and new age influences.⁸⁸

2.110 This was consistent with submissions from the Home Education Association and Dr Jackson.⁸⁹

2.111 Examples of the positive factors that were said to have influenced parents to home school children include the:

...ability to provide higher academic opportunities for children, provision of broader curriculum, flexible learning opportunities for individualised needs, one-on-one teacher/student ratio, holistic learning environments connected to the real world, effective and stronger social experiences mixing with a wide age range of people than is available in schools, values education, and stronger family relationships.⁹⁰

2.112 In evidence, Dr Jackson advised the committee that the Queensland research estimates that there is a 50/50 split between positive and negative reasons for home schooling.⁹¹

2.113 Dr Jackson, in the paper she co-wrote with Ms Allen, entitled *The what, whys and wherefores of home education and its regulation in Australia*, also noted that parents decide to home school because it is the most suitable option in the circumstances.⁹²

2.114 The common motivations for home schooling are outlined below, although the committee noted that this list is not exhaustive, nor are the factors mutually exclusive.

Positive views of home schooling

2.115 Many home schooling parents and organisations provided philosophical or positive reasons as to why they had decided to home school their child or children. Generally, these reasons were founded on a positive view of home schooling and learning, with many providing assertions about the benefits of being directly involved in the provision of education to their child.

2.116 When the committee questioned Mr Murphy, Executive Director of Regulation and Governance with the BOSTES, about the reasons that people home school, he commented 'the chief reason that people home school appears to be a quite positive view of home schooling per se, not merely as a response to the shortcomings that they may feel in schools'.⁹³

⁸⁸ Anne Chapman, 'Home schooling: An emerging research agenda' (2000) 27 *Education Research and Perspectives*, as cited in Submission 48, Name suppressed, p 4.

⁸⁹ Dr Terry Harding and Dr Ann Farrell (2003) as cited in Submission 145, Home Education Association, p 66; Glenda Jackson, 'Australian Research on Home Education: And how it can inform legislation and regulation', (2014), p 5, paper included in Submission 142, Dr Glenda Jackson, pp 2-31.

⁹⁰ Glenda Jackson, 'Australian Research on Home Education: And how it can inform legislation and regulation', (2014), p 5, paper included in Submission 142, Dr Glenda Jackson, pp 2-31.

⁹¹ Evidence, Dr Jackson, 5 September 2014, p 39.

⁹² Tabled document, 'The what, whys and wherefores of home education and its regulation in Australia', p 65.

⁹³ Evidence, Mr Murphy, 5 September 2014, p 6.

- 2.117** Ms Michele Vieira, a parent that has been home schooling for 22 years, explained to the committee that she had philosophical reasons for home schooling, stemming from a book she had once read which pointed out its benefits.⁹⁴
- 2.118** Similarly, Ms Marianne Vanderkolk, another home schooling parent, outlined that the main reason for home schooling her six children was because her family ‘believe that the direct involvement and the one-on-one tutoring and the building of good family relationships was in the best interests of our children’.⁹⁵
- 2.119** Another inquiry participant, Ms Karen Chegwidden, reported mixed reasons for home schooling her children. Initially, her children went to school but ‘it was not a successful or happy learning place for them’. After trying a number of other options, including private school and Steiner school, her family turned to home schooling. She explained that the current reasons for home schooling were philosophical, with the experience bringing ‘a level of saneness to [her] family life’.⁹⁶

Philosophical beliefs

- 2.120** The Home Education Association also pointed out that some families decide to home school because of philosophical beliefs that children do not belong to the state. They argued that this is also reflected in the legislation, in section 4 of the *Education Act 1990*, where it states that the education of a child is primarily the responsibility of the child’s parents.⁹⁷
- 2.121** Ms O’Hara also referred to section 4 of the *Education Act 1990*, similarly arguing that this provision intends education to be the responsibility of parents and not the state. Further, Ms O’Hara stated that the *United Nations Convention on the Rights of the Child* states that the child is primarily the responsibility of the parents and not the state:

...Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.⁹⁸

- 2.122** The Home Education Network stated that some parents believe they have a democratically and internationally recognised right to determine the manner in which their children are educated. They referred to the *United Nations Universal Declaration of Human Rights* which states that ‘parents have the prior right to determine the form of their children’s education’. They argued that this notion is also inherent in the *Education Act 1990*, which states that education is primarily the responsibility of the child’s parents.⁹⁹

⁹⁴ Evidence, Ms Michele Vieira, Home school parent, 5 September 2014, p 53.

⁹⁵ Evidence, Ms Marianne Vanderkolk, Chair, Home Education Support and Action Network, 5 September 2014, p 58.

⁹⁶ Evidence, Ms Karen Chegwidden, home school parent, 5 September 2014, p 52.

⁹⁷ Submission 145, Home Education Association, p 66.

⁹⁸ *United Nations Convention on the Rights of the Child*, article 18 part 1, as cited in Submission 8, Ms Helen O’Hara, p 2.

⁹⁹ Submission 137, Home Education Network, p 6.

- 2.123** Dr Harding, in his research, also acknowledged that philosophical beliefs can influence parents to home school their children. He stated that ‘parents want their children’s education to be consistent with their own beliefs and values, rather than those of people they do not know’.¹⁰⁰

Committee comment

- 2.124** The committee notes that s.4 of the *Education Act 1990* reads as follows:

4. Principles on which this Act is based

In enacting this Act, Parliament has had regard to the following principles:

- (a) Every child has the right to receive an education,
- (b) The education of a child is primarily the responsibility of the child’s parents,
- (c) It is the duty of the state to ensure that every child receives an education of the highest quality,
- (d) The principal responsibility of the state in the education of the children is the provision of public education.

- 2.125** During the second reading speech the then Education Minister, Terry Metherell, made no reference to the reasons behind why s.4(b) formed part of the principles underlying the Act.

- 2.126** The committee considers that s.4(b) has been applied inappropriately by some parents as a means of asserting a right to educate their children, irrespective of whether it is in the best interests of the child.

Religious beliefs

- 2.127** Evidence to this inquiry showed that religious beliefs have influenced some parents in their decision to home school their children. The committee notes that whilst only five per cent of applicants completing registration forms for home schooling nominate religious reasons for home schooling, 17 per cent nominate philosophical reasons and a further 36.5 per cent gave no response, it is reasonable to assume that that true number opting for home schooling on this basis is higher than the five per cent disclosed.

- 2.128** Ms Elizabeth Parnell outlined that her initial reason for home schooling her children was based on religion, as they were concerned that the public school system could not cover the Christian education they wanted their children to receive:

We are Christians and, as such, felt that a public school education could not provide the comprehensively Christian education we wanted to provide for our children...the costs of private education for five children would be impossible for our family to meet and so we chose home education. As we have home educated over the years we have

¹⁰⁰ Submission 163, Dr Terry Harding, p 13.

seen many other benefits to home education that keep us making that choice to educate our own children.¹⁰¹

- 2.129** Another inquiry participant also pointed to their religious beliefs as one of the reasons they decided to home school their children:

My husband and I choose to home educate because of our own bad experiences at school (i.e. bullying) but also because we felt that the Lord had ordained us as our children's parents, to educate our children and bring them up in the way they should go. We also wanted to be able to teach our children about God without ridicule.¹⁰²

Dissatisfaction with mainstream schooling

- 2.130** Broadly, about half of the motivation for parents to home school their children stemmed from dissatisfaction with mainstream schooling, either due to class sizes, inflexibility with family needs or lifestyle, the perceived lack of support provided for children that are gifted or have special needs or because of social issues, such as bullying.

- 2.131** Dr Rebecca English, Lecturer, School of Curriculum, Faculty of Education, Queensland University of Technology, an academic in the area of home education, outlined that international research shows that one of the reasons parents choose to home school their children is a general dissatisfaction with schools and institutionalised education.¹⁰³

- 2.132** Ms Jennifer Carles, a home schooling parent, outlined that the primary reason for home schooling her daughter was due to the limitations school placed on them as a family:

After one year we found ourselves dissatisfied with our experience of the school system. We felt that our daughter was not nurtured at school, she found many aspects of school confusing and troubling and we felt frustrated by the limitations the school year placed on us as a family. When I started looking into home schooling, the most striking idea that was presented to me was that for a child in kindergarten, all of their academic lessons could easily be covered in two hours...We would have the rest of the day to read stories, play games together, go to the park and the library, do cooking and enjoy each other's company.¹⁰⁴

- 2.133** Ms Korina Ivatt, also expressed her dissatisfaction with mainstream schooling as a key reason for choosing to home school her children:

We choose to home educate as the system failed my children, they had needs that the schools could not, or did not, cater to. We were initially forced to make the change to home school but now love it and would never go back to a school.¹⁰⁵

- 2.134** Ms O'Hara stated that home schooling allows a child's needs to be individually addressed, which she claims is unlikely to be achieved in a classroom setting:

¹⁰¹ Submission 16, Ms Elizabeth Parnell, p 3.

¹⁰² Submission 106, Name suppressed, p 2.

¹⁰³ Submission 9, Dr Rebecca English, p 3.

¹⁰⁴ Submission 6, Ms Jennifer Marie Carles, p 3.

¹⁰⁵ Submission 40, Ms Korina Ivatt, p 3.

In my own experience as both a primary school teacher and as a home educator I have found that the one-to-one nature of home education learning enables the education to be targeted to the child's needs in a way which would be impossible in the large classes found in the school system. In a classroom even the best teacher cannot focus solely on the individual; their needs, interests and skills. One-to-one learning allows the child's needs to be met and the content of the learning to be relevant and interesting for that child.¹⁰⁶

- 2.135** Further, Ms O'Hara explained that the ability of home schooling parents to cater to a child's needs has particular benefit for children with learning difficulties or giftedness:

...the one-to-one nature of home education allows the child to reach their academic potential. The educational material can be presented in the child's preferred learning style, at an appropriate level. I can keep an appropriate pace and provide rest, repetition, challenge, extension and instant feedback when needed. Perhaps one of the most common reasons for home educating I have heard is the opportunity to cater for any special needs which could include learning difficulties, social issues or giftedness.¹⁰⁷

- 2.136** Ms Vivienne Knox, a home schooling parent and qualified teacher, submitted that she chose to home educate her children after considering all of the educational options in her local area. She was aware of bullying issues at the local public school and was concerned about the financial commitment of sending her children to a local Christian school. Instead, she chose to home school her children, particularly after interacting with home schoolers in her area.¹⁰⁸

- 2.137** Another participant outlined their reasons for home schooling, including the belief that parents have primary responsibility for raising and educating children, achievement of strong family relationships and to accommodate their lifestyle. They also pointed to the quality of education they believe they could provide, in comparison to the public school system:

...we choose to home school because of the quality of the education we can give our kids. From my observation and experience it far exceeds what a public school could deliver. They simply cannot do what I can do... The time and energy I can invest in ensuring they are each progressing is far more than in a school setting. My children have more one on one teaching and a more personal, tailored education that takes into account their strengths, weaknesses and interests.¹⁰⁹

- 2.138** The Home Education Support and Action Network also stated that members of their group reported that they had chosen to home school because of difficult circumstances within the school system, including learning problems not being addressed and bullying.¹¹⁰

- 2.139** Common issues leading to dissatisfaction with mainstream schooling are discussed below, including bullying and social issues, and inadequate support and assistance for gifted children and children with disabilities, learning difficulties or special needs.

¹⁰⁶ Submission 8, Ms Helen O'Hara, p 5.

¹⁰⁷ Submission 8, Ms Helen O'Hara, p 6.

¹⁰⁸ Submission 171, Ms Vivienne Knox, p 8.

¹⁰⁹ Submission 18, Name suppressed, pp 4-5.

¹¹⁰ Submission 144, Home Education Support and Action Network, p 3.

Bullying and social issues

- 2.140** Many inquiry participants pointed to bullying and social issues within the government and non-government school setting as a common reason parents decide to home school their children. In some cases, children had been removed from a traditional school setting because of bullying issues, with the parent deciding home schooling was the most appropriate alternative.
- 2.141** The Home Education Association, in their submission, stated that they had supported many families who had withdrawn their child from school after severe bullying, usually in cases where the school response had been poor. They stated that the prevalence of bullying in mainstream schools is a motivation for some parents to home school their children.¹¹¹
- 2.142** The committee received many personal examples of situations in which parents had decided to home school their child because of bullying in government or non-government schools. For example, Mr Mark Watkeys reported that his son had experienced a difficult time at school due to severe bullying, which consequently affected his son's self-esteem. This led him to decide to remove his son from school and to start home schooling. Mr Watkeys stated that this enabled his son to learn more effectively and be in a safe environment.¹¹²
- 2.143** Bullying was the primary reason Ms Samantha Nimmo decided to home school her son. In her submission, she outlined the difficult time her son had experienced at school, including the lack of support from the school on bullying issues:

We started to home school my eldest son because he was having a very difficult time fitting into his Year 4 class in our local public school. He was also being bullied...The school had a bullying policy, and we had several meetings with the staff, but while they expressed sympathy for his situation I had no confidence that they were going to do anything to support him and to stop the bullying from continuing. In six months, he had changed from a confident, outgoing, happy child, to a withdrawn, emotional and impulsive one. He did not 'act out' at school but he took out all his anger and misery on his family...The school counsellor implied he was anxious and suggested we take him to a psychologist. We did this for two terms. This made some difference, but the real change came when we withdrew him from the school situation.¹¹³

- 2.144** Another submission author outlined the severe distress their son had experienced due to bullying within the school system. This led them to choose home schooling, which in turn alleviated the child's distress:

When we withdrew our son from school he was eight. He had been bullied by both children and teachers...my son's distress... included nightmares, bed wetting, hitting his siblings and suicidal thoughts... Within months of home educating the nightmares and bed wetting stopped. Gradually, he became a happy and confident child again.¹¹⁴

- 2.145** Ms Julie McEwan described the reasons she home schooled her son in her submission to the inquiry. She had concerns about her son's primary education during his attendance at the local

¹¹¹ Submission 145, Home Education Association, pp 67-68.

¹¹² Submission 59, Mr Mark Watkeys, p 1.

¹¹³ Submission 61, Ms Samantha Nimmo, pp 4-5.

¹¹⁴ Submission 73, Name suppressed, p 4.

public school, believing his creativity and enthusiasm for learning was stifled due to large class settings and curriculum requirements. Her son was also bullied, with this impacting on him both emotionally and physically:

...he experienced quite severe and prolonged bullying by both children and a couple of teachers. He didn't fit the 'boy mould' expected of him. He wasn't into sport, was quiet and reflective, and preferred the performing arts to cars and rugby. Things came to a head in Year 5 when he would wake up in the morning and make himself throw up into a bucket to prove that he should be allowed to stay home from school for the day... He refused to take food to school and wouldn't eat or drink for fear of having to use the school bathrooms. He came home exhausted each day from having to deal with the physical and psychological bullying he was experiencing...Attempts to approach the school were met with denial and deaf ears...His weight and height, comparative to the rates experienced by all three of his brothers, shows a definite stunting during that period.¹¹⁵

Inadequate support for children with special needs

2.146 Another common reason that motivates parents to home school their child stems from concerns that the child will receive inadequate support in the school system if they have special needs, such as a health issue, disability or learning difficulty.

2.147 The Sydney Home Education Network stated that there are a greater proportion of special needs children in the home schooling population and that this is a reflection that traditional schooling often fails to meet the needs of these children.¹¹⁶

2.148 The Home Education Association claimed that children with special needs often get inadequate support for their needs within the traditional school system:

...many parents of children with Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorder (ASD) or other learning difficulties may choose to home educate to give their child the individual attention required for them to learn in the most appropriate way.¹¹⁷

2.149 Dr Jackson, in her role as Director of the Australian Home Education Advisory Service, stated that she often receives requests from parents for information about home education in cases where the child is experiencing problems at school, due to learning difficulties and behavioural problems, such as autism, aspergers, dyslexia, antisocial behaviour, depression and anxiety and physical impairments.¹¹⁸

2.150 Ms Heidi van Schaik explained in her submission that she felt she had no choice but to home school her son, given his special needs of verbal dyspraxia and high functioning autism and the lack of support provided by the primary school to help her son get ready for the transitioning process to high school. She commented:

¹¹⁵ Submission 14, Ms Julie McEwan, p 2.

¹¹⁶ Submission 155, Sydney Home Education Network, p 6.

¹¹⁷ Submission 145, Home Education Association, p 67.

¹¹⁸ Submission 141, Australian Home Education Advisory Service, p 5.

The school was very uncooperative; to the point of being unprofessional and even unethical at times...I didn't want to home school. I had no choice. There was now only one year left until high school. Home schooling was the only avenue available for making the transition to mainstream honestly, competently and successfully.¹¹⁹

- 2.151** Another inquiry participant stated that they had initially chosen to home school to provide greater support to their daughter who had dyslexia:

Our initial reason to home educate was due to my daughter not thriving at school. She has dyslexia and was struggling to learn in the school environment and her self-confidence was being destroyed.¹²⁰

Inability to meet the needs of gifted children

- 2.152** Many home schooling parents also reported that they had chosen to home school their child because they were concerned or frustrated with the inability of most government or non-government schools to meet the academic needs of their gifted child.

- 2.153** Ms Robyn Thomas claimed that she home schooled her daughter because the public school system could not provide her child with an accelerated curriculum:

My husband and I chose to remove our youngest daughter from the NSW public school system in 1994 after becoming very frustrated with the level of academic stimulus that was available for our gifted child at the time. Even after testing and consultation with teacher and headmaster, which resulted in an advisor's recommendation for her to be fast tracked a grade, the system still failed her... The following year we began educating her at home where I was able to provide an accelerated curriculum, which also suited our Christian values, in an environment that enabled her to progress at the level to which she was suited.¹²¹

- 2.154** Ms Tracy Mansted also reported that her decision to home school her children stemmed from the school system being unable to meet the intellectual needs of her gifted daughters. One daughter had been assessed by an educational psychologist, who advised that the local school would not be able to deliver educational material that would be complex or advanced enough. By comparison, home schooling enabled her to accelerate learning, such that her eldest daughter at aged 7 years old is working at Year 7 and 8 levels.¹²²

- 2.155** The Home Education Association also stated it is common for the parents of gifted children to decide to home school because mainstream schools cannot cater for differences in learning:

...parents of gifted children often find that schools are not able to deal with their child's difference. Gifted children are often not uniformly gifted and often work at multiple grade levels across various subjects; this is not well suited to a system of lock-step grade progression. Although pull out and acceleration programs are sometimes available, these are often not suitable or not sufficient for the child.¹²³

¹¹⁹ Submission 10, Ms Heidi van Schaik, p 1.

¹²⁰ Submission 111, Name suppressed, p 2.

¹²¹ Submission 30, Ms Robyn Thomas, p 2.

¹²² Submission 41, Ms Tracy Mansted, p 2 and 4.

¹²³ Submission 145, Home Education Association, p 67.

Committee comment

- 2.156** The committee recognises that there are a variety of motivations as to why parents have decided to home school their children. Some people have opted for home schooling because of positive views about how it works and how it can meet their child's needs. Others have decided to home school their child due to strong philosophical or religious beliefs. Some argued that it is their right as a parent to educate their child, such that the NSW Government should not have a role in overseeing the child's education to any extent, or only in relation to public education. Those who relied on this argument often pointed to various international instruments, and/or section 4 of the *Education Act 1990*, contending that this provision encapsulated their 'rights'.
- 2.157** The committee believes that the NSW Government has a responsibility to ensure that each child receives a quality education, regardless of whether they are enrolled with a school or distance education, or if they are being home schooled. While parents have a moral duty and are concerned to provide their children with the best education they can, the NSW Government has an overall responsibility to ensure that each child in this state receives a quality education of at least a minimum standard.
- 2.158** In terms of other motivations to home school, the committee recognises that some parents have turned to home schooling due to dissatisfaction with the school system, because they have experienced issues related to bullying, or because they feel the traditional schooling approach does not suit their child's needs, whether it be because the child is gifted, or because the child has a disability, special need or learning difficulty.
- 2.159** The committee notes that whilst a number of submissions emphasised bullying as the reason for the removal of children from schools, the reasons given to the BOSTES for seeking registration for home schooling show that only 3 per cent of those seeking registration gave bullying as the reason for registration. The committee concludes that this reason has been over-stated by some appearing before the committee and that the real reasons for home schooling lie elsewhere.
- 2.160** While the committee acknowledges that the school system may not suit every child, the committee was saddened to hear that there are cases where parents feel they do not have any other option but to remove their child from school in order to ensure the child's safety, health and wellbeing. The committee encourages the Board of Studies, Teaching and Educational Standards and Department of Education and Communities to continue working together to address any patterns or systemic issues that may emerge as reasons why parents are dissatisfied with schools or the school system.
- 2.161** The committee notes that the data provided by the Board of Studies, Teaching and Educational Standards about the reasons parents choose home schooling is extremely limited. Not only are the questions on the form optional, it is clear that the categories listed as reasons also need reviewing, for example, the special needs category, which is quite broad and may not truly capture the circumstances of the situation.
- 2.162** In the context of building better data and evidence to understand the home schooling population, the committee believes that the question on the registration form as to why people are home schooling should be mandatory. Whilst the committee recognises that there are some home schoolers who are opposed to the registration process in its entirety, for

philosophical reasons or otherwise, it is vitally important that we implement strategies to capture more information. These data are likely to assist the NSW Government in identifying perceived deficiencies in the school system, whether it is related to policies, funding constraints or resourcing. Given this, the committee recommends that the Board of Studies, Teaching and Educational Standards review their registration forms and include a mandatory provision of the reason as to why the applicant has decided to home school their child, with this data being extracted and reviewed annually.

Recommendation 4

That the Board of Studies, Teaching and Educational Standards review their registration forms and include a mandatory provision of the reason as to why an applicant has decided to home school their child, with this data being extracted and reviewed annually.

Chapter 3 Outcomes of home schooling

This chapter discusses the outcomes of home schooling, particularly in terms of students' academic performance, employment and social development. Whilst there is limited Australian research on this aspect, the committee noted extensive anecdotal evidence to support positive and effective outcomes of home schooling. The chapter also considers NAPLAN testing as a measure of the academic performance of home schooled students.

Student outcomes

- 3.1** This section looks at what the available research shows with regard to the outcomes achieved by home schooling students.

Research findings

- 3.2** Many inquiry participants argued that home schooled students perform well on an academic level, however, the committee noted that there was limited Australian research to support this claim.
- 3.3** Dr Rebecca English, an academic in the area of home education, confirmed that there is a lack of research on the outcomes of home schooling in Australia, including on the academic performance of home schooled students.¹²⁴ Similarly, Dr Glenda Jackson, a researcher in the area of home education, also acknowledged this issue:

Because of the often hidden nature of the home educating community, standardised testing has not been a viable option to discover how home educating students perform. However, many of the research projects found these students generally had no difficulty making the transition into mainstream educational institutions, and that many of these students achieved results equal to or above average to their mainstream peers.¹²⁵

- 3.4** Dr Terry Harding explained that research about the academic performance of home schooled students has mostly originated from the United States of America. Whilst he acknowledged that there is minimal Australian research on this aspect, he pointed to his own research studies in 2003 to argue that there was little difference in the academic performance between home schooled students in Queensland and Victoria, compared to students enrolled in distance education school in Queensland.¹²⁶
- 3.5** Dr Harding also looked to research by Carins (2002), which involved a study of a small cohort of home educated students in Tasmania. The results showed that 78 per cent of graduates had entered university and on completion, had been employed in technical, scientific, teaching or nursing fields.¹²⁷

¹²⁴ Evidence, Dr Rebecca English, Lecturer, School of Curriculum, Faculty of Education, Queensland University of Technology, 8 September 2014, p 50.

¹²⁵ Submission 142, Ms Glenda Jackson, p 7.

¹²⁶ Submission 163, Dr Terry Harding, p 5.

¹²⁷ Submission 163, Dr Terry Harding, p 5.

- 3.6** One individual submission author also looked to research findings from Dr Harding. This individual argued that there was ‘significant’ research to demonstrate that home educated students’ perform academically as well as, or better than, those in traditional schooling. This individual also pointed to a number of studies, many undertaken over a decade ago, that showed that home educated students did well in reading, maths, language, science and social studies.¹²⁸
- 3.7** The Home Education Association referred to research by Jackson and Allan (2010) which claimed that home schooling produces positive outcomes:
- Research on educational outcomes for home educated children shows good to above average academic performance, positive social adjustment, healthy self-concepts, and cohesive families relationships.¹²⁹
- 3.8** Dr English, pointed to international research by Ray (2014) which supported the view that home schooled students out perform their school counterparts:
- Research suggests that home education graduates out perform their conventionally schooled peers in literacy, numeracy, and cognition. They also are said to achieve excellence in higher education. To illustrate, Ray (2003; 2014) argues that home educated students in the US score between 15 and 30 percentile points above conventionally schooled peers. These results are regardless of whether the parents have been to university, were ever teachers (or trained as teachers) and are not dependent on household income. In addition, Ray (2014) argues that these students outperform conventionally schooled peers on both SAT and ACT measures and are sought out for admission by colleges.¹³⁰
- 3.9** In his submission, Dr Andrew McGuinness said that there are studies which showed that the success at school is strongly related to the home environment and the engagement of the parents with the child’s education. Since home schooling parents are strongly engaged in their child’s education, Dr McGuinness said that ‘it should not be surprising to find home educated children achieving well academically’.¹³¹
- 3.10** The BOSTES advised the committee that they are currently conducting research to examine the outcomes of home schooling in terms of academic achievement in comparison to other forms of education. They noted that this research was suggested by the NSW Ombudsman in 2013 and is likely to be completed by October 2014.¹³² The committee notes that the findings from this research had not been released as at the time of writing this report.
- 3.11** The BOSTES cautioned the committee that it is likely this research will be quite limited, given that only about 10 per cent of home schooled students undertake the NAPLAN, school certificate or higher school certificate examinations.¹³³

¹²⁸ Submission 112, Name suppressed, p 3.

¹²⁹ Submission 145, Home Education Association, p 36.

¹³⁰ Submission 9, Dr Rebecca English, p 2.

¹³¹ Submission 157, Dr Andrew McGuinness, p 1.

¹³² Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 65.

¹³³ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 65.

- 3.12** They also explained that the research would involve four components, a literature review, analysis of the NAPLAN results of home schooled students, consideration of the results of previously home schooled students in state wide assessments (the school certificate and HSC English courses) and analysis of student demographic characteristics.¹³⁴

Anecdotal evidence

- 3.13** Despite the lack of research in this area, the committee received a significant amount of anecdotal evidence from inquiry participants about the positive outcomes of home schooling, particularly in terms of academic achievements and employment.
- 3.14** The Home Education Association stated that positive outcomes are achievable for home schooled students, even for those who were educated using the ‘unschooling’ approach and even if students were unregistered.¹³⁵
- 3.15** The Home Education Association also explained the positive results they had received from a survey they undertook with 200 home educators. In terms of academic performance and employment, the results showed:
- students indicated a high level of engagement in work and study, with 67 per cent employed and 62 per cent engaged in study
 - 71 per cent of students were studying towards a Bachelor degree or higher qualification.¹³⁶
- 3.16** The Home Education Network in Victoria acknowledged that they did not have information on the outcomes of home schooling in New South Wales, although they argued that there is an increasing number of young people who have never attended a mainstream school but have been educated at home and are now employed, running their own business or undertaking further studies.¹³⁷
- 3.17** The Home Education Support and Action Network noted the outcomes for home schooled children of parents that are part of their organisation. They explained that many children have gone on to study at TAFE, university or other tertiary institutions. Others have completed trades or started their own business.¹³⁸
- 3.18** During the inquiry, the committee was provided with numerous personal examples of successful outcomes from home schooling. Mr Nathanael van der Kolk outlined that his experience with home schooling enabled him to have a ‘tailor-made education, to build my own skills...and to be able to jump into being an entrepreneur at a young age’. He informed the committee that from 16 to 22 years of age he was able to grow his abilities and learning in

¹³⁴ Answers to questions on notice, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 3 October 2014, pp 2-4.

¹³⁵ Submission 145, Home Education Association, p 42.

¹³⁶ Submission 145, Home Education Association, p 36.

¹³⁷ Submission 137, Home Education Network, p 4.

¹³⁸ Submission 144, Home Education Support and Action Network, p 4.

relation to search engine optimisation and web design, enabling him to become a young entrepreneur, and director of the Australian Institute of Internet Marketing at age 24.¹³⁹

3.19 Dr Emma Vieira, who was home schooled, also expressed her views that home schooling can be a positive experience, both socially and academically:

My experience of home schooling was obviously very positive from an academic point of view. However, the home was also an invaluable early ‘school’ for training in virtue, strength of character, and social ability. I am the eldest of four girls, and we were encouraged to make friends with people of all ages – an ability which we maintain to this day. We also grew very close as a family, and I still claim my sisters as my closest friends – a tremendous blessing in this age of widespread disintegration of the family unit.¹⁴⁰

3.20 Ms Jennifer Marie Carles, a home schooling parent, pointed out the success of home schooling her three children, with one child having completed a Bachelor of Arts, another child becoming a manager and the third becoming an apprentice in the metal fabrication industry.¹⁴¹

3.21 A similar success story was outlined by Ms Knox.¹⁴²

3.22 The case study below is an example of a home schooling student’s success academically and professionally.

Case study based on a submission - Peta¹⁴³

Peta was home schooled for the majority of her education. Her mother, Robyn decided to home school Peta because she was gifted and they were frustrated with the level of academic stimulus that was being provided.

Home schooling enabled Robyn to teach Peta an accelerated curriculum. When she had finished her secondary education, Peta applied for a job and was successful, moving to Sydney to work in a corporate environment. After various opportunities, Peta decided to pursue an overseas volunteer position. She was awarded a highly competitive AusAID role with the Australian Ambassadors for Development and later with the Australian Volunteers for International Development. She also commenced study with a Bachelor Degree in International Aid and Development. She won a scholarship to study in Indonesia and has successfully completed her degree. Robyn believes that the discipline required for home schooling enabled Peta to take personal responsibility and accountability for her future, such that she was able to complete tertiary studies whilst working and living in a developing country.

¹³⁹ Evidence, Mr Nathanael van der Kolk, former home schooled student, 5 September 2014, p 59.

¹⁴⁰ Submission 7, Dr Emma Vieira, p 2.

¹⁴¹ Submission 6, Mrs Jennifer Marie Carles, pp 1-2.

¹⁴² Submission 171, Ms Vivienne Knox, p 9.

¹⁴³ Submission 30, Ms Robyn Thomas, p 1; Submission 31, Ms Peta Thomas, p 1. This case study is not taken verbatim from the submissions, but is an accurate reflection of their contents.

Peta attributed her success to the skills and experience she gained whilst home schooling: She stated ‘such adaptability and inner driving motivation is not commonplace amongst my generation, and again I attribute much of this to my experience as a home schooled student’.

Assessing outcomes

3.23 This section looks at the use of NAPLAN testing to measure of the academic performance of home schooled students.

The use of NAPLAN

3.24 The National Assessment Program – Literacy and Numeracy (NAPLAN) is an assessment method that can be used to evaluate and assess student learning. It is an annual assessment for students in Years 3, 5, 7 and 9, administered by the BOSTES.¹⁴⁴ The NAPLAN tests skills in literacy and numeracy, such as reading, writing, language conventions and numeracy. The assessment is undertaken nationwide every year in the second full week of May.¹⁴⁵

3.25 According to the BOSTES website, home schooled students are only eligible to sit for NAPLAN tests if they are registered for home schooling.¹⁴⁶

3.26 Participation is voluntary, with a fee of \$37.90 applying. The BOSTES advised the committee that from 2008 to 2013, a total of 500 home schooled students had undertaken NAPLAN tests, which represents about 10 per cent of home schooled students in the relevant age groups over that period.¹⁴⁷

3.27 During the inquiry, several people discussed NAPLAN and whether home schooled students currently undertake such testing. Whilst a number of participants explained that they did not participate in NAPLAN, others indicated that they thought it was of benefit.

3.28 Dr Vieira, a former home schooled student, explained that when she was being taught at home, she and her siblings used to participate in NAPLAN.¹⁴⁸ Similarly, Ms Velly Pasas, a home schooling parent and Vice-President of the Sydney Home Education Network, mentioned that her five year old child had recently participated in NAPLAN.¹⁴⁹

¹⁴⁴ Australian Curriculum Assessment and Reporting Authority, *NAPLAN*, (accessed 1 October 2014): <http://www.nap.edu.au/naplan/naplan.html>

¹⁴⁵ Australian Curriculum Assessment and Reporting Authority, *NAPLAN*, (accessed 1 October 2014): <http://www.nap.edu.au/naplan/naplan.html>

¹⁴⁶ Board of Studies NSW, *NAPLAN – Information for schools*, (accessed 1 October 2014): <http://www.boardofstudies.nsw.edu.au/naplan/info-for-schools.html>

¹⁴⁷ Answers to questions on notice, Mr Murphy, 3 October 2014, p 3.

¹⁴⁸ Evidence, Dr Emma Vieira, Former home schooled student, 5 September 2014, p 53.

¹⁴⁹ Evidence, Ms Velly Pasas, Vice-President, Sydney Home Education Network, 5 September 2014, p 79.

- 3.29** One individual who had a different view was Ms Karen Chegwidden, a home schooling parent, who explained that her children have never participated in NAPLAN as she believes ‘standardised testing is of limited value to the students taking the tests’.¹⁵⁰
- 3.30** When Dr Glenda Jackson appeared before the committee, she was asked about the use of NAPLAN as a diagnostic tool to evaluate home schooled students learning as a cohort. Dr Jackson had concerns about NAPLAN testing being used in this way and wondered how the results would be interpreted. She queried whether the results would take into account whether a child is removed from school because of learning difficulties.¹⁵¹
- 3.31** Dr Jackson was then asked by the committee what would be a more appropriate tool for assessment if the Government wanted quality assurance in terms of the education being delivered. Dr Jackson responded:
- I do not believe that it will explain the quality of education because these children—and I know that many of them are, I have had interactions with them—are at home to learn. All 40 of the students in my study, even though two or three of them hated home schooling, acknowledged that they learnt better at home than they did at school. But if they are having problems at school with learning and that comes out in the test, is that equated with poor home schooling or is it equated with this child having difficulties?¹⁵²
- 3.32** The committee was also advised that the BOSTES is currently researching the relationship between home schooling and how students perform in standardised tests such as NAPLAN, as mentioned earlier in this chapter.¹⁵³

Committee comment

- 3.33** Whilst many inquiry participants provided personal stories of academic achievements or employment outcomes for home schooled students, the committee recognises that there is limited Australian research or evidence to show the effectiveness of home schooling. Whilst the BOSTES is currently undertaking research on this aspect, the committee accepts that the research may be limited in respect of an analysis of NAPLAN results, given NAPLAN is voluntary for home schooling students.
- 3.34** Given this issue, the committee supports increased opportunities for home schooling students to undertake NAPLAN testing. In the absence of comprehensive evidence about the academic outcomes of home schooling, the committee encourages home schooling families to participate in measures that help to demonstrate the success and effectiveness of home schooling.
- 3.35** Accordingly, the committee recommends that the Board of Studies, Teaching and Educational Standards pursue opportunities for home schooling students to participate in NAPLAN

¹⁵⁰ Answers to questions on notice, Ms Karen Chegwidden, 6 October 2014, p 3.

¹⁵¹ Evidence, Dr Glenda Jackson, Director, Australian Home Education Advisory Service, 5 September 2014, p 41.

¹⁵² Evidence, Dr Jackson, 5 September 2014, p 41.

¹⁵³ Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 5 September 2014, p 7.

testing, except in cases where it has been demonstrated that a student has a learning difficulty, disability or other special need.

Recommendation 5

That the Board of Studies, Teaching and Educational Standards pursue opportunities for home schooling students to participate in NAPLAN testing, except in cases where it has been demonstrated that a student has a learning difficulty, disability or other special need.

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- 3.36** Given that the recommendation above is aimed at increasing participation in NAPLAN testing, the committee also supports further research on the outcomes of home schooling to be undertaken after a period in which more results have been collected. Therefore, the committee recommends that the Board of Studies, Teaching and Educational Standards undertake further research into the outcomes of home schooling in three years' time.

Recommendation 6

That the Board of Studies, Teaching and Educational Standards undertake further research into the outcomes of home schooling in three years' time.

Chapter 4 Regulation of home schooling in NSW

This chapter explores the roles and responsibilities of key agencies in relation to home schooling. It also considers the requirements for compulsory schooling, including the duty of parents to enrol their child in a government or registered non-government school, or alternatively to register for home schooling. Following this, the registration requirements and process for home schooling is outlined, including the current curriculum and syllabus requirements and role of Authorised Persons.

Finally, this chapter considers the issue of people failing to register for home schooling despite deciding to educate their child in this way. The reasons for not registering and strategies for reducing the number of unregistered home schooled children are also explored.

Agency roles and responsibilities

- 4.1** The Board of Studies, Teaching and Educational Standards (BOSTES) is the government agency responsible for administering the provisions of the *Education Act 1990* for home schooling registration. The BOSTES commenced on 1 January 2014, bringing together the former Board of Studies and the NSW Institute of Teachers.¹⁵⁴
- 4.2** Although the BOSTES has all responsibility in relation to home schooling registration, the Minister's approval is still required in relation to determining the requirements for registration.¹⁵⁵ These requirements are outlined in the *Registration for Home Schooling in NSW – Information Package* (the Information Package). The BOSTES employs Authorised Persons to assess applications for home schooling to determine whether the registration requirements are met. Further information on the role of Authorised Persons is covered later in this chapter.
- 4.3** The Department of Education and Communities is responsible for ensuring children of a compulsory school age are receiving an education. They can take action against the parents of a child if a child is not enrolled at or attending a government or registered non-government school, or if they are not enrolled for home schooling.¹⁵⁶
- 4.4** The Department of Families and Community Services is the agency responsible for protecting children and young people from abuse and neglect. It acts in accordance with the *Children and Young Persons (Care and Protection) Act 1998* to protect children and young people from risk of significant harm, which includes educational neglect, such as non-enrolment in school (including registration for home schooling) or habitual non-attendance.¹⁵⁷

Compulsory schooling

- 4.5** This section outlines the legal requirements for compulsory schooling in New South Wales and the action that can be taken by the Department of Education and Communities if the requirements are not met.

¹⁵⁴ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 1.

¹⁵⁵ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 3.

¹⁵⁶ Submission 78, Department of Education and Communities NSW, p 3.

¹⁵⁷ Submission 140, Department of Family and Community Services NSW, p 3.

Compulsory schooling requirements

- 4.6 The *Education Act 1990* sets out the requirements for education within New South Wales. In particular, the Act states that it is the duty of the parent of a child of compulsory school age to ensure the child is either enrolled at and attending a government or registered non-government school, or that they are registered for home schooling.¹⁵⁸
- 4.7 In New South Wales, the compulsory years of schooling are from the age of six years until the minimum school leaving age, which is the age at which the child completes Year 10 of secondary education or the age of 17 years, whichever occurs first. If a child completes Year 10 but is under the age of 17 years, they are considered to be of compulsory school age unless they are participating on a full time basis in approved education or training, or a combination of this with paid work (with the latter only applying if they are over 15 years).¹⁵⁹
- 4.8 The compulsory schooling requirements in New South Wales reflect the importance of education for a child or young person. Mr Brian Smyth King, Executive Director of Learning and Engagement with the Department of Education and Communities, highlighted this value when he stated:

Children engaged in education are more likely to learn, achieve, have educational success and have much, much improved career life options and outcomes in adult life. They are more likely to be positive and active contributors to society. So it plays a very important role in young people moving into adult life.¹⁶⁰

- 4.9 Further, Mr Smyth King emphasised that parents can choose the education path that they believe will best meet the needs of their child:

Parents can choose to enrol their child in a government or registered non-government school or seek registration through BOSTES for home schooling. Parents have the right to choose the type of education they believe will best meet their child's need while being consistent with the legislative requirements we have.¹⁶¹

Child protection provisions

- 4.10 School attendance has been the focus of a number of reforms in recent years, particularly following the *Report of the Special Commission of Inquiry into Child Protection Services in New South Wales* in 2008, known as the Wood Commission Report.¹⁶²
- 4.11 The Wood Commission Report recognised the importance of compulsory schooling to the welfare and protection of children and following its release, the *Children and Young Persons (Care and Protection) Act 1998* was amended to include educational neglect as a reason for a child or young person to be considered at risk of significant harm. The Department of Family and Community Services outlined the relevant provision of educational neglect:

¹⁵⁸ Submission 78, Department of Education and Communities NSW, p 2.

¹⁵⁹ *Education Act 1990*, s 21B.

¹⁶⁰ Evidence, Mr Brian Smyth King, Executive Director, Learning and Engagement, Department of Education and Communities NSW, 5 September 2014, p 22.

¹⁶¹ Evidence, Mr Smyth King, 5 September 2014, p 22.

¹⁶² Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 22.

Section 23(1)(b) of the *Children and Young Persons (Care and Protection) Act 1998* states that a child or young person is at risk of significant harm if current concerns exist for the safety, welfare or wellbeing of the child or young person (because to a significant extent) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with the *Education Act 1990*.¹⁶³

- 4.12** The Department of Family and Community Services explained in their submission that educational neglect encompasses non-enrolment in schooling, such as traditional schooling or home schooling, as well as habitual non-attendance at school.¹⁶⁴
- 4.13** The BOSTES also provided information about the NSW Government's report *Keep Them Safe: A Shared Approach to Child Wellbeing*, which introduced the sharing of information about the welfare of children, including compulsory schooling, between agencies in the government and non-government sectors.¹⁶⁵
- 4.14** The exchange of information between agencies, in addition to other child protection reforms related to education, is discussed in Chapter 7.

Non-enrolment or attendance at school

- 4.15** If a parent fails to comply with the compulsory schooling requirements outlined in the *Education Act 1990*, certain actions can be taken, by the Department of Education and Communities, and Department of Family and Community Services.
- 4.16** If the Department of Education and Communities has concerns or receives information that a child or young person may not be receiving compulsory schooling, they will investigate the matter. A Home-School Liaison Officer will look into the matter and will speak to the parents of the child to ensure they are aware of their obligations in terms of education for the child.¹⁶⁶
- 4.17** If a parent is unwilling or unable to ensure their child receives compulsory schooling, the Department of Education and Communities may:
- schedule a compulsory schooling conference to provide another opportunity to identify and address any issues that may prevent the child from receiving compulsory schooling
 - make an application to the Children's Court for a Compulsory Schooling Order
 - prosecute the parents in the Local Court.¹⁶⁷
- 4.18** The Department of Education and Communities emphasised that parents have a significant amount of time in the investigation process to comply with their responsibilities:

¹⁶³ Submission 140, Department of Family and Community Services NSW, p 2.

¹⁶⁴ Submission 140, Department of Family and Community Services NSW, p 2.

¹⁶⁵ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 22.

¹⁶⁶ Answers to supplementary questions, Mr Brian Smyth King, Executive Director, Department of Education and Communities NSW, 7 October 2014, p 1.

¹⁶⁷ Answers to supplementary questions, Mr Smyth King, p 1.

During the Department's processes there is significant opportunity for parents to comply with their responsibilities (and where needed receive support to comply with those responsibilities) to ensure their child receives an education. If parents begin to comply with their legal responsibilities during this time, legal action is withdrawn.¹⁶⁸

- 4.19** Mr Smyth King, from the Department of Education and Communities, informed the committee that in 2013 there were 79 cases in which a child or young person was not enrolled in a school or registered for home schooling:

In 2013 the department's Home School Liaison Program intervened in 79 cases where children or young people of compulsory school age were not enrolled in a school or registered for home schooling. Nearly all of these matters were resolved without the need for legal action. Court action has proceeded in only two of these cases. In 2014 to date the program has intervened in 54 cases with four matters commencing in court. In two cases the matter was withdrawn after the children and young people were registered for home schooling.¹⁶⁹

- 4.20** In addition to action taken by the Department of Education and Communities, a report for educational neglect can be made to the Department of Family and Community Services under the *Children and Young Persons (Care and Protection) Act 1998*. The report can be investigated to determine if the child or young person is at risk of significant harm. In these cases, the Department of Family and Community Services can deal with the matter, similar to its powers in all other child protection cases.¹⁷⁰

- 4.21** In terms of 'Home-School Liaison Officers' employed by the Department of Education and Communities, the committee noted some concerns about this position title, given that the role relates to truancy and not home schooling.

- 4.22** The Home Education Association argued that the 'misinformation' regarding home schooling is exacerbated by the use of this terminology:

The misinformation regarding home education is exacerbated by confusing terminology such as 'Home-School Liaison Officers' (truancy officers) who are employed by the NSW Department of Education to address school attendance issues.¹⁷¹

- 4.23** They called for the name 'home education' to be used instead of home schooling, particularly as the term 'Home-School Liaison Officer' is generally not connected to the practice of home schooling.¹⁷² For more information about preferred names for home schooling, see Chapter 2.

- 4.24** Ms Tamara Kidd also raised concerns about the position title of 'Home-School Liaison Officer' and argued that it is a confusing term, particularly for those not involved with the home schooling population.¹⁷³

¹⁶⁸ Answers to supplementary questions, Mr Smyth King, p 1.

¹⁶⁹ Evidence, Mr Smyth King, 5 September 2014, p 22.

¹⁷⁰ *Children and Young Persons (Care and Protection) Act 1998*, s 23 (b1).

¹⁷¹ Submission 145, Home Education Association, p 118.

¹⁷² Submission 145, Home Education Association, p 165.

¹⁷³ Evidence, Ms Tamara Kidd, Home school parent, 5 September 2014, p 47.

- 4.25 Similarly, Ms Karen Chegwidden noted that despite the name, Home-School Liaison Officers have nothing to do with home schooling.¹⁷⁴

Committee comment

- 4.26 The committee recognises the importance of compulsory schooling requirements for children and young people in New South Wales and the significance of education in helping to influence a child's development and wellbeing. The committee acknowledges that high quality education has the power to produce positive outcomes for children, whether children attend school or distance education, or whether they are home schooled. As a sanctioned form of education, in this state, and in many other jurisdictions, the committee acknowledges that home schooling is one means of meeting compulsory schooling requirements.
- 4.27 The committee also recognises the importance of recent child protection reforms that focus on improving educational outcomes for children. The committee supports governmental measures that promote a child's best interests, including outcomes from the NSW Government's *Keep Them Safe* reforms.

Registration for home schooling

- 4.28 This section explores the registration requirements for home schooling in New South Wales. It also outlines the registration process, including the assessment of educational programs by Authorised Persons during home visits. This section also covers exemptions from registration on the basis of a conscientious objection, and options for home schooling parents if registration is refused.

Registration requirements

- 4.29 In New South Wales, home schooling is regulated according to the *Education Act 1990*. Under this Act, a parent can apply to have a child registered for home schooling for renewable periods of up to two years. After an application is made, an Authorised Person, defined below, will advise the Minister for Education as to whether the application should be accepted or refused.¹⁷⁵
- 4.30 A child can be registered for home schooling from the age of six up to 17 years. The child can be registered for primary or secondary education, or for a particular year or years of schooling, depending on the learning needs of the child.¹⁷⁶
- 4.31 The Sydney Home Education Network and FamilyVoice Australia advocated in favour of expanding registration for home schooling, so that children can be registered from 4.5 years of age to 19, with registration optional before six years and after 17 years of age.¹⁷⁷ As addressed

¹⁷⁴ Answers to questions on notice, Ms Karen Chegwidden, Home school parent, 6 October 2014, p 4.

¹⁷⁵ *Education Act 1990*, s 71 as outlined in Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 2.

¹⁷⁶ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 9.

¹⁷⁷ Submission 176, FamilyVoice Australia, p 8; Submission 155, Sydney Home Education Network, p 16.

in Chapter 8, it was argued that this would improve access to concessions and Centrelink benefits for students and parents.

4.32 Importantly, it is a condition of home schooling that the child receives instruction that meets the relevant requirements of Part 3 of the *Education Act 1990* relating to the minimum curriculum for schools.¹⁷⁸ Curriculum and syllabus requirements are outlined further below in this chapter.

4.33 The current requirements for home schooling registration are outlined in the 2013 Information Package. The requirements are that:

- the educational program is based on the curriculum provided by the Act, that is, the minimum curriculum for primary education (Kindergarten to Year 6), the minimum curriculum for secondary education (Years 7 to 10) or the curriculum for beyond Year 10 (Years 11 and 12)
- the educational program is based on and taught in accordance with the relevant BOSTES syllabuses
- the educational program identifies the intended learning outcomes based on the relevant BOSTES syllabuses and relevant content
- the educational program is suitable to cater for the identified learning needs of the child
- there is an adequate system of planning, supervising and recording teaching and learning experiences
- there is an adequate system for recording the child's progress and achievement
- the time allocated to learning is sufficient to allow coverage of the curriculum and is comparable to the time allocated by schools
- the home learning environment is suitable for effective home schooling
- the resources within the home and those accessed externally are adequate to support the learning needs of the child.¹⁷⁹

4.34 Part-time registration for home schooling is not possible for children registered for kindergarten to Year 10. Children registered for home schooling beyond Year 10 may be approved to undertake a program based on part-time home schooling in combination with approved education or training and/or paid work, as long as all aspects are equivalent to a full time load.¹⁸⁰ The issue of part-time enrolment in home schooling and other modes of education is covered in Chapter 8.

4.35 A parent also does not have to have formal teacher training or experience to home school their child. However, they must be able to demonstrate a capacity to plan and provide for the

¹⁷⁸ *Education Act 1990*, s 73(2)(b) as outlined in Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 2.

¹⁷⁹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, pp 3-4.

¹⁸⁰ Submission 139. Board of Studies, Teaching and Educational Standards NSW, Appendix 1, p 8.

educational needs of the child, by meeting all of the registration requirements, outlined earlier in this section.¹⁸¹

- 4.36** In terms of requirements, the committee also noted that home schooling is not available for travelling families. The Home Education Association raised concerns about this, noting that the BOSTES does not agree that a travelling environment is suitable for home schooling. They stated that travelling families hide that they are travelling from the BOSTES or choose to be unregistered to avoid this issue. The Home Education Association called for the requirements to change so as to allow travelling families to be approved for home schooling.¹⁸²

Registration process

- 4.37** A parent or legal guardian can register for home schooling by completing an application form, available on the BOSTES website. There are two application forms, one for new registration and another for renewal of registration.¹⁸³
- 4.38** The BOSTES advised the committee that it may take up to three months to process a registration application form, although it might take a little less time in cases where an applicant has documented an education program.¹⁸⁴
- 4.39** After an application has been made, an Authorised Person will contact the applicant. During this stage of the registration process, a home visit will be arranged, with the child expected to be present. During this visit, the Authorised Person will consider the applicant's plan for developing and implementing an education program for the child in accordance with the curriculum requirements. For renewal applications, the Authorised Person will consider any documentation shown to demonstrate that the implementation of the current program is consistent with the minimum curriculum requirements.¹⁸⁵
- 4.40** The Information Package provides some examples of approaches to documenting an education program, although the BOSTES noted in their submission that there is no prescribed format as applicants can choose an approach that suits their particular context and preference. The Authorised Person considers all of the material to determine whether the program will be taught in accordance with the relevant BOSTES syllabuses.¹⁸⁶
- 4.41** Following the assessment of an application, including the home visit, the Authorised Person will submit a report to the BOSTES. The report will include a recommendation as to whether the application is approved or refused. The report will also recommend a period of registration up to a maximum period of two years.¹⁸⁷

¹⁸¹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 1, p 10.

¹⁸² Submission 145, Home Education Association, p 100.

¹⁸³ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 11.

¹⁸⁴ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 11.

¹⁸⁵ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 12.

¹⁸⁶ Submission 139, Board of Studies, Teaching and Educational Standards NSW, pp 12-13.

¹⁸⁷ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 14.

- 4.42 If home schooling registration is approved, a certificate of registration is issued to the parent, specifying the conditions of home schooling registration including the child's name, address, period of registration and curriculum to be studied.¹⁸⁸

Registration periods

- 4.43 If an Authorised Person recommends home schooling registration be approved, their report and recommendation will specify a period of registration up to a maximum of two years, in accordance with section 73 of the *Education Act 1990*.¹⁸⁹
- 4.44 The *Authorised Persons Handbook* provides guidelines for Authorised Persons in making recommendations for a period of registration. In relation to an application for initial registration, the guidelines suggest that the Authorised Person consider a three month period of registration if the applicant demonstrates a capacity to comply with all requirements for registration with many areas of improvement and limited planning to sustain a period of registration.¹⁹⁰
- 4.45 If an applicant for initial home schooling registration demonstrates a capacity to comply with the requirements for registration, the period is typically less than the maximum of two years. This is because some of the requirements can only be prospectively addressed, for example, that 'the educational program is *being* taught in accordance with the BOSTES syllabuses'. The BOSTES stated that:
- A shorter period of initial registration provides for a review of evidence of the educational program that is being delivered prior to any longer periods of registration being considered'.¹⁹¹
- 4.46 In other circumstances, if an applicant demonstrates a capacity to comply with the requirements but has limited forward planning and/or areas for improvement, the Authorised Person may recommend a period of registration less than two years. The BOSTES argued that this approach reduces the risk of a child not being delivered an educational program in accordance with the legislation for a sustained period.¹⁹²
- 4.47 The BOSTES stated that the most common reason for a three month period of registration is to provide an opportunity for an applicant to demonstrate compliance with the requirements prior to a longer period being imposed.¹⁹³
- 4.48 During the inquiry, a concern was raised about an increase in short registration periods being imposed and no requirement for the BOSTES to provide written reasons in these situations.

¹⁸⁸ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 15.

¹⁸⁹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 14.

¹⁹⁰ Answers to questions on notice, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 3 October 2014, p 7.

¹⁹¹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 14.

¹⁹² Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 15.

¹⁹³ Answers to questions on notice, Mr Murphy, 3 October 2014, p 8.

- 4.49** When appearing before the committee at a hearing, Ms Katie Watson, a member of the Home Education Association, raised concerns about the lack of written reasons for decisions granting short registration periods. She argued that it ‘leaves the system open to perceived issues of bias and inconsistency’.¹⁹⁴
- 4.50** Ms Watson also added that the BOSTES will give written reasons if registration is being refused, but not for the imposition of short registration periods. She stated that if a three or six month registration is given ‘there is no right to reasons and no right to appeal’. Ms Watson also stated:
- ...the Home Education Association has specifically requested that BOSTES provide written reasons both for transparency of the process and also so that those individuals might know what they need to improve. The problem we have had is that some people are then told reasons verbally which BOSTES will later deny. Some of those reasons are things which are and should be irrelevant to the decision process.¹⁹⁵
- 4.51** The committee asked representatives from the BOSTES a number of questions related to registration periods and whether written reasons are required for periods imposed of less than two years.
- 4.52** Firstly, the committee asked whether written reasons have to be provided for short periods of registration. Mr Murphy stated that the Authorised Person has to provide a report which explains why the recommendation is for a period less than the maximum of two years but that this report is not available to the parents.¹⁹⁶
- 4.53** Further, Mr Murphy explained that the reasons are provided verbally at the time of the assessment. When asked why written reasons are not provided if the idea is to improve the performance of home schooling parents, Mr Murphy stated ‘I would have to take that as a worthwhile suggestion’.¹⁹⁷
- 4.54** The committee also asked whether the decision to impose a shorter period of registration than the maximum can be reviewed. Mr Murphy stated that there is no ground for appeal on this basis as ‘the only ground for appeal is if the application has been refused or a current period of registration has been cancelled’. He went on further to state:
- Those rights of statutory appeal are in the Act, depending on the grounds that an applicant may put. But that does not mean that the board would never review a decision. At this point I am talking about statutory appeal rights.¹⁹⁸
- 4.55** In terms of initial registrations, the committee received evidence in favour of interim or provisional registration periods for new applicants of home schooling, similar to other jurisdictions. The committee noted that this option currently does not exist within New South Wales.

¹⁹⁴ Evidence, Ms Katie Watson, Member, Home Education Association, 8 September 2014, p 26.

¹⁹⁵ Evidence, Ms Watson, 8 September 2014, p 33.

¹⁹⁶ Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 7 October 2014, p 6.

¹⁹⁷ Evidence, Mr Murphy, 7 October 2014, p 6.

¹⁹⁸ Evidence, Mr Murphy, 7 October 2014, p 7.

- 4.56** The Home Education Association noted that provisional registration is provided in Queensland, lasting from the time it is issued until the time when the application for registration is assessed. They also noted that it is possible to apply for a ‘provisional only’ registration which provides a 60 day grace period in circumstances in which children may have to leave school as a matter of urgency.¹⁹⁹
- 4.57** The Home Education Association also stated that provisional registration periods circumvent the need for inexperienced home schoolers to produce documentation straight away showing the educational program for the child. The period of provisional registration allows the parents time to produce these documents, and to get support and assistance from others.²⁰⁰
- 4.58** The Home Education Network stated that the lengthy registration process makes no allowance for urgent removals of children from schools and that it would be unreasonable in these circumstances for a parent to risk truancy fines or the rejection of an application for home schooling where a child’s safety is in question. They also argued that the three month registration process is unreasonably long, particularly when Victoria can assess an application within a 14 day period.²⁰¹

Exemption from registration

- 4.59** A parent or legal guardian can apply for an exemption from registration if they conscientiously object on religious grounds to registration.²⁰²
- 4.60** According to the most recent Annual Report for the Board of Studies NSW, 133 children from 69 families in 2012-2013 were given an exemption from home schooling registration.²⁰³
- 4.61** When the committee questioned the BOSTES about the implications of being granted an exemption from registration, Mr Murphy, explained that the process simply acknowledges a philosophical objection to state registration but does not remove other requirements that have to be met:

The only difference between exemption and registration is that many people have a conscientious objection to the State granting registration certificates of any kind in relation to their children. The process that people who apply for registration follow is exactly the same as the process that other people would need to follow for registration purposes. It is simply that they receive a document that says they are exempt from registration. There is no change in terms of the kinds of requirements that they must meet. It is an acknowledgment that there are people who have a philosophical objection to governments intruding into their children’s lives to the extent of them being required to have a registration certificate.²⁰⁴

¹⁹⁹ Submission 145, Home Education Association, p 203.

²⁰⁰ Submission 145, Home Education Association, p 203.

²⁰¹ Submission 137, Home Education Network, p 6.

²⁰² *Education Act 1990*, s 75.

²⁰³ Board of Studies NSW, Annual Report 2012-2013, (accessed 25 September 2014): http://www.boardofstudies.nsw.edu.au/administration/pdf_doc/annual-report-2013.pdf, p 86

²⁰⁴ Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 5 September 2014, p 16.

4.62 In terms of applying for an exemption, the committee was advised that the applicant only needs to state that they have a religious reason. Mr Murphy stated that no other evidence is required, given that the parents are subject to the same regulatory regime anyway.²⁰⁵

Registration refusals

4.63 This section examines the circumstances in which registration for home schooling may be refused by the BOSTES and possible review options for applicants.

4.64 The BOSTES provided four grounds in which an application for home schooling registration may be refused:

- if an Authorised Person finds that the requirements for registration are not met
- if the provisions of a court order preclude home schooling registration
- where the applicant does not respond to numerous contact attempts or make an appointment for an assessment of the application
- where the child is not eligible, for example, if the child is less than six years old or older than 17 years, or where the applicant does not provide necessary details like a home address.²⁰⁶

4.65 In 2013, less than 2.5 per cent of applications for home schooling were refused. In 1.47 per cent of applications, the applicant did not respond or was not available for an assessment of the application, whereas less than 0.4 per cent were refused on the basis of an Authorised Persons findings that the requirements for registration were not met.²⁰⁷

4.66 If an applicant's application for registration of home schooling is refused, the applicant will be issued a written notice advising of the outcome, and informed about their right to apply for an internal review of the recommendation.²⁰⁸

4.67 If an internal review is sought, it will be conducted by another Authorised Person, a person not involved in the original decision. In response to a question on notice, the BOSTES advised the committee that since 2010, they have received 20 requests for an internal review of a recommendation to refuse home schooling. In 11 of these matters, the recommendation to refuse home schooling registration was set aside and registration granted.²⁰⁹

4.68 If the outcome of the internal review is that registration is still refused, the application can seek a review of the decision by making an application to the NSW Civil and Administrative Tribunal (NCAT).²¹⁰

²⁰⁵ Evidence, Mr Murphy, 5 September 2014, p 16.

²⁰⁶ Answers to questions on notice, Mr Murphy, 3 October 2014, p 6.

²⁰⁷ Answers to questions on notice, Mr Murphy, 3 October 2014, p 7.

²⁰⁸ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 15.

²⁰⁹ Answers to questions on notice, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 22 October 2014, p 1.

²¹⁰ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 15.

- 4.69** The BOSTES advised the committee that, since 2010, only one applicant has sought a statutory review of a recommendation to refuse home schooling registration, with this matter currently before the NCAT.²¹¹
- 4.70** In situations where a refusal is recommended and the outcome does not change following an internal review, or an external review to NCAT, the BOSTES refers details of the family to the Department of Education and Communities to ensure the child's educational needs are catered for and there is no educational neglect.²¹²

Family law issues

- 4.71** During the inquiry, a number of issues were raised in relation to the registration process for home schooling and family law issues. Where parents have separated but no family law court order is in place, it was argued that the BOSTES has a different policy approach to public schools.
- 4.72** In her submission, Ms Vivienne Fox highlighted the policy approach in relation to family law issues, as outlined in the Department of Education and Training (now known as the Department of Education and Communities) guidelines entitled *Dealing with Family Law Related Issues in Schools and TAFE NSW – Guidelines for school and institute staff*. Ms Fox referred to section 8.2 of the guidelines which stated:

Sometimes parents cannot agree about the school at which their child is to be first enrolled. The Department's primary focus is to ensure that all children of compulsory school age are either enrolled in and attending school or are registered for and receiving home schooling. In circumstances where parents are in disagreement, the child is to be enrolled in the school chosen by the parent with whom the child is then living.²¹³

- 4.73** The committee also noted section 8.1 of the guidelines, which specifically stated that, where court orders do not exist, school enrolment decisions must be made jointly by both parents, although school staff are not required to independently establish that a decision was made jointly by the parents.²¹⁴
- 4.74** Ms Fox argued that the BOSTES insists on parental agreement to register for home schooling, which is inconsistent with the approach taken in public schools, as a child can be enrolled in accordance with the 'custodial' parent's wishes, in accordance with the guidelines outlined above. She stated:

In cases of parental disagreement on educational issues, in spite of the existence of court orders for shared parental responsibility in educational matters, the children should be able to be registered for home education according to the choice of the parent with whom the children live.²¹⁵

²¹¹ Answers to questions on notice, Mr Murphy, 22 October 2014, p 1.

²¹² Evidence, Mr Murphy, 5 September 2014, p 13.

²¹³ Submission 171, Ms Vivienne Fox, p 14.

²¹⁴ Department of Education and Training, *Dealing with Family Law Related Issues in Schools and TAFE NSW – Guidelines for school and institute staff*, 2007, pp 12 and 13.

²¹⁵ Submission 171, Ms Vivienne Fox, p 14.

4.75 The Home Education Association also raised concerns about the BOSTES requiring both parents' signatures and consent for registration of home schooling. They argued that this approach could have an adverse impact in cases where there is domestic violence, or where a child has severe health or bullying issues at schools. As an example, they stated that in cases where there is intimidation and violence between the parents, threats that consent for home schooling will be withdrawn are common.²¹⁶

4.76 The committee asked Mr Murphy a number of questions about the registration process for home schooling and family law issues. Where no court orders exist, the committee asked Mr Murphy whether it is correct that one parent can decide to enrol a child in a public school. Mr Murphy replied in the affirmative but stated that the difference between enrolling in a public school and home schooling is that there are registration requirements for home schooling:

The most significant difference between enrolling in a school and being registered for home schooling is that there are requirements that must be met before a child can be registered for home schooling. However, there are no statutory requirements that must be met for the child to be enrolled in a public school.²¹⁷

4.77 Mr Murphy further explained that the Board is required to consider the views of the non-residential parent in cases of family breakdown, although they only require consent in cases where a court order prescribes it:

In the case where the parent making the application is the residential parent, the Board is obliged to have regard to the views of the non-residential parent, but those views must be relevant to whether or not the application meets the requirements for registration. It does not require consent of both parents unless there is a court order prescribing that.²¹⁸

4.78 When asked to explain the basis for a different approach for registration of home schooling, in comparison to enrolment in public schools, Mr Murphy outlined that home schooling has requirements that must be met, which do not apply to schools:

The Education Act requires that a child be registered before being home schooled. There is no statutory requirement to enrol in a school. There is a preliminary step in the case of home schooling that simply does not exist for children being enrolled in a government or non-government school.²¹⁹

4.79 In terms of where a family law court order for the child exists, Mr Murphy stated that the BOSTES has an obligation to consider the terms of the order before deciding whether to register a child for home schooling:

Court orders can be framed in a number of ways. Some require that a joint decision be made and they will often describe the areas in which those decisions must be made. If

²¹⁶ Submission 145, Home Education Association, p 176.

²¹⁷ Evidence, Mr Murphy, 7 October 2014, p 2.

²¹⁸ Evidence, Mr Murphy, 7 October 2014, p 2.

²¹⁹ Evidence, Mr Murphy, 7 October 2014, p 3.

the court order is silent on any particular issue then public officials would have to have regard to the merits of the issue.²²⁰

4.80 The committee was advised that in 2013, 2.34 per cent of applications for home schooling indicated that the child was subject to a court order.²²¹ In terms of refusals, less than 1 per cent of all home schooling applications were refused on the basis that a Family Court order precluded registration.²²²

4.81 In response to a supplementary question after a hearing, the BOSTES stated that court orders generally require joint decisions in relation to the education of children. They stated that it would be ‘unlawful for the BOSTES to register a child for home schooling in the absence of contemporaneous evidence of the consent of both parents’.²²³

4.82 In correspondence to the committee, Ms Karleen Gribble, a home schooling parent, asserted that the BOSTES does not have a responsibility to ensure that a joint parental decision has been made. She referred to section 65DAC(4) of the *Family Law Act 1975 (Cth)* regarding shared parental responsibility which states:

To avoid doubt, this section does not require any other person to establish, before acting on a decision about the child communicated by one of those persons, that the decision has been made jointly.²²⁴

Committee comment

4.83 The committee acknowledges that the registration requirements for home schooling focus on ensuring that a child will receive a quality education. In this manner, the registration process is particularly important, as it is one of the primary means used to assess whether a quality learning program is or can be provided to the child. Given this, the committee supports the need for a comprehensive registration process, and for all processes to be robust, consistent, fair and transparent.

4.84 In terms of the ages in which children and young people can be registered, the committee notes that some children have commenced a learning program when they are younger than six, and that others over the age of 17 may still be engaged in full time studies. For those over 17 still home schooling on a full time basis, the committee acknowledges difficulties associated with accessing Centrelink benefits and concessions, as discussed in Chapter 8.

4.85 The committee also understands that the Board of Studies, Teaching and Educational Standards only permits registration for compulsory schooling years, however, the committee believes that it should be possible for registration to occur for students from 4.5 years to 19 years. Therefore, the committee recommends that the Minister for Education review the

²²⁰ Evidence, Mr Murphy, 7 October 2014, p 2.

²²¹ Answers to supplementary questions, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 3 October 2014, p 11.

²²² Answers to questions on notice, Mr Murphy, 3 October 2014, p 7.

²²³ Answers to supplementary questions, Mr Murphy, 3 October 2014, p 16.

²²⁴ *Family Law Act 1975 (Cth)* s65DAC(4) as cited in correspondence from Ms Karleen Gribble to Director, 4 November 2014.

registration requirements for home schooling so as to allow students from 4.5 years to 19 years to be registered for home schooling.

Recommendation 7

That the Minister for Education review the registration requirements for home schooling so as to allow students from 4.5 years to 19 years to be registered for home schooling.

- 4.86** The committee notes the concerns raised by some inquiry participants in relation to family law issues and the registration process for home schooling. However, it is not within the committee's jurisdiction to deal with, or make recommendations relating to, these issues.
- 4.87** In relation to the current requirements and registration process for home schooling, and in light of concerns outlined in Chapter 6 about recent changes to the Information Package, the committee supports regulatory reforms that improve flexibility, consistency and transparency. The committee believes that the Board of Studies, Teaching and Educational Standards should retain its regulatory role of home schooling. Currently, many home schoolers appear dissatisfied with various elements of the process and while some aspects of the current system must be maintained, in order to ensure home schooled children are protected and that quality education is provided, the committee believes that there are other reforms which may improve overall satisfaction with the regulatory process.
- 4.88** Upon initial application the committee believes a registration period of between six and 12 months should be imposed. This period of time operates as somewhat of a trial, in which the applicant can adjust and determine if home schooling is suitable in their circumstances. During this period, the Board of Studies, Teaching and Educational Standards should provide increased support and guidance to the applicant, whilst also ensuring that the quality of education provided to the child is of at least the minimum standard.
- 4.89** Following this period, subject to the registration requirements continuing to be met as assessed by an Authorised Person, registration should be granted for the balance of a child's primary or secondary education.
- 4.90** Under these proposed changes, home schooling applicants with children transitioning from primary to secondary education would be required to renew their registration for home schooling immediately prior to secondary education commencing, in order to demonstrate to the Board of Studies, Teaching and Education Standards that the registration requirements can continue to be met.
- 4.91** The committee believes that these changes will strike the appropriate balance. Whilst the Board of Studies, Teaching and Educational Standards will still be determining whether a quality education program for the child is or can be provided, families who have been home schooling for some time will be able to continue educating their child for the balance of the child's primary or secondary education.
- 4.92** In addition, those families who are provided with a period of registration for the balance of the child's primary or secondary education will also be required to participate in 'home support visits'. Such visits will occur annually, and will generally be carried out by a new

position, an Assessment and Support Officer, whose primary purpose is to provide support and guidance to the family in delivering an educational program that meets the syllabus requirements and child's needs.

- 4.93** These families will not need to apply to renew registration, or to submit registration documentation during the balance of the registration period, unless the Assessment and Support Officer has significant concerns that the syllabus is not being adhered to, or that the educational program is not meeting the child's needs, such that there are concerns for the child's development or wellbeing. Whilst the applicant will have to demonstrate the components of the educational program for the child, as well as evidence of learning, it is not envisaged that this aspect should require copious amounts of documentation.
- 4.94** If the Assessment and Support Officer has concerns that the syllabus is not being adhered to, or that the educational program is not meeting the child's needs, such that there are concerns for the child's development or wellbeing, the committee proposes that they should have the power to require the applicant to formally renew their registration for home schooling, with the applicant then compelled to complete the necessary documentation to demonstrate that they meet the registration requirements. A home schooling applicant should be provided with written reasons if this decision is made. If registration is then refused, the applicant will still be able to apply for an internal review of that decision, and then an external review, if they are still dissatisfied, as these options apply under the current system.
- 4.95** Further, in terms of increasing transparency and accountability of decisions, the committee believes that written reasons should also be provided in circumstances where the minimum periods of registration are imposed. In addition, the circumstances in which an external review can be sought should be expanded, so as to provide additional options for dissatisfied applicants of home schooling.
- 4.96** Therefore, in line with these proposed reforms, the committee recommends that the Minister for Education immediately undertake a comprehensive review of the requirements and registration process for home schooling, in order to improve flexibility, consistency and transparency. The committee believes that the outcomes of the review should include a registration system that incorporates the following features:
- an interim registration period of between six (as the minimum) and 12 months to be imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling
 - on expiry of an interim registration period, an additional registration period for the balance of the child's primary or secondary education (whichever is relevant) to be imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling at the end of the interim registration period
 - the requirement that applicants renew their registration for home schooling if their child is transitioning from primary to secondary education, such that the applicant has to demonstrate that they continue to meet the registration requirements

- a requirement that applicants participate in at least annual 'home support visits' in circumstances where they have been granted a registration period for the balance of their child's primary or secondary education, with the purpose of this visit to ensure that family is delivering an educational program that meets the syllabus requirements and child's needs
- that applicants be provided with written reasons in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling
- the ability for applicants to be able to apply for an external review of a decision, if dissatisfied after an interview review, in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling.

- 4.97** The committee recognises that the BOSTES is properly focused by section 6 of *The Board of Studies, Teaching and Educational Standards Act 2013*, on defining and enforcing educational standards. Unlike the Department of Education and Communities, it is not intended as an organisation that provides support.
- 4.98** The committee recognises that the recommendations made by this committee change the intended functions of the Board.
- 4.99** The committee believes it would be more appropriate for the functions of supporting home schoolers to be located in another body.

Recommendation 8

That the Minister for Education undertake a comprehensive review of the requirements and registration process for home schooling, in order to improve rigour, consistency and transparency and further work with stakeholders to ensure this outcome.

The committee believes that the outcomes of the review should include a registration system that incorporates the following features:

- an interim registration period of between six (as the minimum) and 12 months to be imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling
- on expiry of an interim registration period, an additional registration period for the balance of the child's primary or secondary education (whichever is relevant) to be imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling at the end of the interim registration period
- the requirement that applicants renew their registration for home schooling if their child is transitioning from primary to secondary education, such that the applicant has to demonstrate that they continue to meet the registration requirements
- a requirement that applicants participate in at least annual 'home support visits' in circumstances where they have been granted a registration period for the balance of their child's primary or secondary education, with the purpose of this visit to ensure that the family is delivering an educational program that meets the syllabus requirements and child's needs
- that applicants be provided with written reasons in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling
- the ability for applicants to be able to apply for an external review of a decision, if dissatisfied after an initial review, in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling.

4.100 With the reforms proposed above, the committee recognises that the Board of Studies, Teaching and Educational Standards will need to review the current staffing arrangements involved in the regulation of home schooling, so as to create a new position of Assessment and Support Officer. The primary purpose of this new position is to provide guidance and support to home schooling applicants in delivering an educational program that meets the syllabus requirements and child's needs. This position will carry out at least annual 'home support visits' for those applicants that have been granted registration for the balance of their child's primary or secondary education.

4.101 Therefore, the committee recommends that the Board of Studies, Teaching and Educational Standards review the roles of staff involved in the regulation of home schooling, so as to create a new position of an Assessment and Support Officer, whose primary purpose is to provide guidance and support to home schooling applicants, to ensure they are providing an educational program that meets the syllabus requirements and child's needs.

Recommendation 9

That the Board of Studies, Teaching and Educational Standards review the roles of staff involved in the regulation of home schooling, so as to create a new position of an Assessment and Support Officer, whose primary purpose is to provide guidance and support to home schooling applicants, to ensure they are providing an educational program that meets the syllabus requirements and child's needs.

Syllabus and curriculum requirements

- 4.102** This section details the syllabus and curriculum requirements for all forms of education in New South Wales, including home schooling. It also explores a number of concerns raised by inquiry participants about how these requirements apply to home schooling.

What are the requirements?

- 4.103** The *Education Act 1990* outlines the minimum curriculum requirements for the education of children from kindergarten to Year 10, and for children who study beyond Year 10. The courses undertaken in accordance with the curriculum requirements must be taught using the BOSTES syllabuses, as outlined in various provisions of the Act.²²⁵ The BOSTES, in their submission, explained:

The minimum curriculum is described in terms of courses based on and taught in accordance with BOSTES syllabuses in the various learning areas in Kindergarten to Year 10 and BOSTES syllabuses for the Higher School Certificate ('HSC') curriculum in Years 11 and 12.²²⁶

- 4.104** It is important to note that New South Wales is in the process of implementing the Australian curriculum through new syllabuses. The Australian curriculum sets national standards for what children and young people should learn as they progress through school.²²⁷
- 4.105** For primary education, the minimum curriculum requirements specify that that the courses of study in each of the six learning areas for primary education are to be provided for each child during the year. The six key learning areas are English, mathematics, science and technology, human society and its environment, creative and practical arts and personal development, health and physical education. The requirements also stipulate what must be covered in certain courses of study, for example, art and music to be covered in the key learning area of creative and practical arts.²²⁸
- 4.106** For secondary education, the minimum curriculum requirements outline that courses of study in six of the eight key learning areas for secondary education are to be provided for each child.

²²⁵ *Education Act 1990*, ss 8(1)(f), 10(1)(e), 11(1)(c) and 12(1)(d).

²²⁶ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 2.

²²⁷ Board of Studies NSW, *The Australian curriculum in New South Wales*, (accessed 24 September 2014): <http://www.boardofstudies.nsw.edu.au/australian-curriculum>

²²⁸ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 1, p 23.

The eight key learning areas are English, mathematics, science, human society and its environment, languages other than English, technological and applied studies, creative arts and personal development, health and physical education. Four of these learning areas must be included: English, mathematics, science and human society and its environment.²²⁹

4.107 For study beyond Year 10, the curriculum requirements specify that the courses of study are determined by the Minister on the recommendation of the Board, although it will include studying English. The courses of study must also be based on the relevant BOSTES syllabus.²³⁰

4.108 The NSW Teachers Federation explained that the BOSTES syllabuses are the mechanisms which provide the minimum curriculum guarantee for all children and young people, regardless of the form of education in which they are undertaking. They also explained how the syllabuses are developed and why the requirements are important:

These syllabuses are developed as a result of extensive consultation with teachers to ensure the documents: are appropriate to students' developmental stage; are intellectually rigorous; and provide for the diverse learning needs of students. All schools are required to have clear planning, recording and reporting mechanisms in place to ensure that students are accessing this curriculum. To require less of home schooling students would place them at risk of missing out on this minimum guarantee.²³¹

4.109 Essentially, the syllabuses outline the outcomes and content to be taught for all courses of study, thereby also meeting the required curriculum requirements. Adherence to the syllabus is a legal requirement, as outlined in various provisions of the *Education Act 1990*.²³²

4.110 Ms Anna Uren, Relieving Research Officer from the NSW Teachers Federation, outlined for the committee the process that goes into developing the syllabuses and how it can be adjusted to meet different circumstances:

There is an enormous amount of consultation that goes on. They are developed to ensure that they are stage appropriate and intellectually rigorous so that they provide challenging learning opportunities but also that they can accommodate a vast range of ability within them. As an individual I taught for a while in distance education. In that time I was involved in making a huge range of modifications to curriculum in order to accommodate the needs of a very diverse group of students who were unable to attend a face-to-face school for a number of reasons. That was sometimes done individually and sometimes collegially in a group of teachers. We found that we were able to make modifications to a whole range of circumstances to be able to meet the different circumstances of those children.²³³

4.111 When Ms Uren was asked to clarify whether modifications can be made to programs so that the requirements are still met, Mr Uren stated:

²²⁹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 1, p 24.

²³⁰ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 1, p 26.

²³¹ Submission 79, NSW Teachers Federation, p 2.

²³² *Education Act 1990*, Part 3.

²³³ Evidence, Ms Anna Uren, Relieving Research Officer, NSW Teachers Federation, 5 September 2014, pp 81-82.

Absolutely. Obviously as teachers within the public education system, although not exclusively within the public education system, that is our starting point: We have to meet the requirements of the syllabuses. Any modifications that we made always continued to meet those requirements. There are opportunities to vary the depth and look at particular aspects of content. There are opportunities for students to demonstrate their learning in different ways. That can be done verbally, in writing or through action. There are lots of different ways for those students to be able to demonstrate their learning. There can be a different amount of written or visual content depending on the student's capacity to take on board those different styles of learning materials.²³⁴

- 4.112** The committee also asked whether there was flexibility for sequencing and staging of information and material. Ms Uren responded that the syllabuses are in stages rather than schooling years:

It is not a kindergarten curriculum, a Year one curriculum or a Year two curriculum but it is done in stages of learning. Those stages are typically two years in length but how you work within those stages is quite flexible. There are certainly very small schools which would operate with multiple year groups and often multiple stages in a single classroom. Those teachers are able to develop programs according to those sorts of circumstances as well.²³⁵

- 4.113** The BOSTES website includes comprehensive details of the syllabuses, and support materials for each learning area, including a guide, and assessment and programming strategies.²³⁶

Concerns about syllabus and curriculum requirements

- 4.114** During this inquiry, a number of concerns were raised about the requirement for home schooling families to follow the syllabus and curriculum requirements. Several people argued that the requirements are inconsistent and inflexible with the philosophy and nature of home schooling. Others argued that it is unfair for the requirements to be imposed on home schoolers when some private schools can follow a different syllabus.

Inflexible application to home schooling

- 4.115** One of the issues that arose during the inquiry was the perceived inflexibility of the syllabus and curriculum requirements to the practice of home schooling. Many home schooling parents or organisations stated that the requirements suit a 'school at home' model, which most home schooling families do not adopt.
- 4.116** Ms Katie Watson, a member of the Home Education Association, argued that the minimum requirements to meet in terms of the Board of Studies syllabuses are problematic because they address the school context and not study at home:

That context is not appropriate to home education. It can actually be limiting where you have a student who, to deliver educational quality, would require to be permitted

²³⁴ Evidence, Ms Uren, 5 September 2014, p 82.

²³⁵ Evidence, Ms Uren, 5 September 2014, p 82.

²³⁶ Board of Studies NSW, *NSW Syllabuses for the Australian Curriculum*, (accessed 24 September 2014): <http://syllabus.bos.nsw.edu.au>

to develop further in one area and perhaps less fast in another area. That is not always in the silos of subjects. It is not as easy as to say that you can accelerate them in maths. When you are delivering a tailored education program to the needs of an individual child that can actually be hampered by the kind of detail that is provided in the syllabus.

... The issue that we find to be counterproductive is the minute detail which is required of a school system but which is not helpful in a home education context.²³⁷

- 4.117** In their submission, the Home Education Association argued that the curriculum requirements impede home schooling parents' ability to tailor education programs:

Curriculum identifies the overall content areas of a course of study, whilst a syllabus outlines content, scope and sequence of that study. Current home education registration information documents require students to be provided an individualised learning plan that caters to their needs, however a strict adherence to the syllabuses restricts a parent's capacity to individualise the child's learning plan.²³⁸

- 4.118** Dr Harding also raised an issue about the requirement to follow NSW syllabuses, given that many of the educational approaches used by home schooling families are very different to traditional schooling:

They are not devised for home schooling, which is characterised by several totally different pedagogical approaches, which are alien to traditional schooling...redress of this improper fit is long overdue.²³⁹

- 4.119** The Sydney Home Education Network acknowledged that the syllabuses can be valuable but argued that they should be a guide. They also suggested that the curriculum from other sources could be used as part of the educational program of a child.²⁴⁰

- 4.120** Dr Deborah Brunt and Mr Tane Brunt stated in their submission that the principles of the *Education Act 1990* are that a child has a right to an education, with the education of the child being the primary responsibility of the child's parent. They asserted that the regulatory framework contradicts these principles by imposing a requirement to comply with the syllabuses. They stated that 'adhering to the NSW BOS syllabus is not the only way to receive a quality education as there are a number of alternative models of education'. Further, they argued that the syllabus should be a guide as 'there are many alternative excellent home-school models available including natural learning, classical education, Charlotte Mason and Living Books.'²⁴¹

- 4.121** One submission author acknowledged the importance of the curriculum but argued that the insistence on adherence to the NSW syllabus conflicts with home schoolers approach to education:

²³⁷ Evidence, Ms Watson, 8 September 2014, p 31.

²³⁸ Submission 145, Home Education Association, p 16.

²³⁹ Submission 163, Dr Terrence Harding, p 28.

²⁴⁰ Evidence, Ms Velly Pasas, Vice-President, Sydney Home Education Network, 5 September 2014, p 69.

²⁴¹ Submission 173, Dr Deborah and Mr Tane Brunt, p 7.

To have an across the board syllabus in our schools is very sensible and I believe an Australian National Curriculum is long overdue. However, the difficulty for Home schoolers is that Home schooling is not school and parents have chosen that path because they want something different for their children to what school offers. On top of this, the requirements are just about impossible to meet for families who have children in more than one stage and/or special needs children.²⁴²

- 4.122** During a hearing, the committee asked the BOSTES about concerns that the Board is too restrictive in the way it enforces the age requirements in the curriculum. Mr Murphy responded:

If a home schooling family wants to accelerate the learning of a child beyond, say, Year 10 for which they are registered then they can do that. The way in which the registration certificates are framed very much recognises that there is diversity in terms of the learning programs. For example, a child might be registered for primary education, particularly if they had special education needs.²⁴³

- 4.123** In addition, Mr Murphy later explained that the syllabus allows flexibility and is not framed in 'lock-step' years:

The board's syllabuses are not framed in lock-step years. They are framed in terms of stages so that does provide a fair degree of flexibility. The way in which the board assesses whether or not a learning program is based on and taught in accordance with the board's syllabuses is to have regard to whether or not the learning program achieves the outcomes which are stated in the board's syllabuses.²⁴⁴

Other syllabuses being used in some private schools

- 4.124** One of the concerns raised by a number of home schooling parents during the inquiry was that the requirement to follow the syllabus was inconsistently applied, such that some private schools did not have the same obligation.
- 4.125** As an example, the Sydney Home Education Network claimed that alternative syllabuses are available to private schools, for example, the International Baccalaureate. They argued that if private schools are not required to adhere to the NSW Syllabus then it is unfair to place the requirement on home schoolers.²⁴⁵
- 4.126** The Home Education Support and Action Network explained that some of their member families were following the Accelerated Christian Education curriculum as a base for their education and that this has been accepted by the Board of Studies, even in cases where families are not using the NSW syllabus. They argued that if families were restricted to the NSW Syllabus, they could not have the diversity of educational experience.²⁴⁶

²⁴² Submission 246, Name suppressed, p 3.

²⁴³ Evidence, Mr Murphy, 5 September 2014, p 14.

²⁴⁴ Evidence, Mr Murphy, 5 September 2014, p 15.

²⁴⁵ Submission 155, Sydney Home Education Network, p 14.

²⁴⁶ Submission 144, Home Education Support and Action Network, p 7.

- 4.127** The BOSTES refuted these assertions, and stated that schools using other educational approaches, such as the Steiner or Montessori approach, or International Baccalaureate, also are required to teach according to the BOSTES syllabuses:

A number of home schooling submissions continue to assert that schools with a Steiner or Montessori approach, or schools with students undertaking the International Baccalaureate are not required to provide courses based on and taught in accordance with the BOSTES syllabuses. This assertion is also incorrect.

All schools, and home schoolers, regardless of philosophy or approach must comply with the *Education Act* in relation to the curriculum.

All Steiner, Montessori and International Baccalaureate schools provide courses based on and taught in accordance with the BOSTES syllabuses. Such schools may integrate the delivery of the BOSTES syllabuses within their preferred delivery approach or may provide additional learning opportunities, if required to ensure delivery of the BOSTES syllabuses.²⁴⁷

- 4.128** Further, the BOSTES emphasised again that the syllabuses contain sufficient flexibility for the delivery of different educational approaches:

The BOSTES syllabuses contain sufficient flexibility for all types of non-government schools, including Steiner, Montessori, International Baccalaureate and varying faith based schools, including Christian, Jewish and Islamic, to satisfy the requirements of the *Education Act*. This flexibility with delivery approach is also provided to home schooling parents according to their preferences.²⁴⁸

- 4.129** The NSW Teachers Federation also confirmed that private schools are required to follow the NSW syllabus. Ms Uren stated that ‘It certainly is part of the registration process for private schools that they have to demonstrate that they are delivering the BOSTES syllabuses’.²⁴⁹

- 4.130** In terms of monitoring adherence to the syllabus and curriculum, as a quality measure, the committee asked Mr Murphy what role the BOSTES plays. In particular, the committee sought to understand adherence to the syllabus requirements in light of teaching with respect to certain issues, such as the issues of evolution and creationism. Mr Murphy responded:

The Board’s approach in relation to home schooling is similar to the way that it approaches the registration of non-government schools in that you can add but you cannot subtract. That is one way of looking at it in that we expect home schoolers to base their courses and teach them in accordance with the Board’s syllabuses. But in terms of any additional views that they may put within a home setting, those particular views may not be particularly evident to an Authorised Person. That is where a home schooling setting is very different to a school setting in that it would be somewhat artificial to suggest that certain hours of the day certain things can be said yet at other times of the day those same things cannot be said.²⁵⁰

²⁴⁷ Answers to supplementary questions, Mr Murphy, 3 October 2014, p 7.

²⁴⁸ Answers to supplementary questions, Mr Murphy, 3 October 2014, p 8.

²⁴⁹ Evidence, Ms Uren, 5 September 2014, p 85.

²⁵⁰ Evidence, Mr Murphy, 7 October 2014, p 10.

Committee comment

- 4.131** The committee is of the firm view that home schooling students must be provided with an education in accordance with the minimum curriculum and syllabuses provided by the Board of Studies, Teaching and Educational Standards. The committee believes that these requirements provide minimum standards of learning and outcomes for students.
- 4.132** The committee does not accept that private schools are not bound by these requirements, as evidence has shown that the syllabus requirements apply to everyone, including government and accredited non-government schools, and home schoolers. On this issue, the committee recognises that there may be some schools that are teaching according to the syllabus, and then adding additional content. Indeed, there is nothing to prevent home schoolers from doing the same.
- 4.133** Whilst the committee understands that there are concerns that the requirements are rigid, the committee accepts the evidence from the Board of Studies, Teaching and Educational Standards and NSW Teachers Federation that there is room for sufficient flexibility and modifications to meet a child's needs. The Board has satisfied the committee that the syllabus is not restrictive in terms of age requirements, and that it enables learning programs to be accelerated or slowed, depending on the needs of the child.

Authorised Persons

- 4.134** Authorised Persons play an important role in determining whether the registration requirements for home schooling are met by applicants. The decision they make can impact on whether a home schooling application is approved or refused. This section looks at the important role of Authorised Persons, including their training, qualifications and experience. It also explores a number of concerns raised by home schoolers about Authorised Persons, their role and consistency of practices.

Role of Authorised Persons

- 4.135** An Authorised Person is defined by the *Education Act 1990* as a board inspector or a person appointed by the Minister, or the Ministers delegate, for that purpose.²⁵¹
- 4.136** Their role is to assess applications for registration of home schooling. After reviewing the application for home schooling and undertaking a home visit, the Authorised Person makes a recommendation as to whether the application is refused or approved.²⁵²
- 4.137** The BOSTES advised the committee that they employ a number of officers in Sydney and regional areas who are classified as Authorised Persons for the purposes of home schooling registration, including:
- 16 Board Inspectors

²⁵¹ *Education Act 1990*, s 3; Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 2.

²⁵² Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 6, p 9.

- 3 Senior Registration Officers
- 18 Authorised Persons (who are not otherwise employed as Inspectors or Senior Registration Officers).²⁵³

4.138 The committee was informed that the 18 Authorised Persons are based in regional locations and employed on a casual basis. Generally, these employees undertake most of the assessments for home schooling registration, as applications arise.²⁵⁴

Training, qualifications and experience

4.139 The BOSTES submitted that Authorised Persons are highly qualified and experienced educators who have held senior roles in government or non-government registered schools. According to the BOSTES, their experience enables them to determine whether a documented educational plan by a parent demonstrates a capacity to plan and provide for the educational needs of a child.²⁵⁵

4.140 Authorised Persons are required to have specific skills, knowledge and experience for their position. They must possess:

- formal teaching qualifications
- evidence of successful teaching experience and curriculum leadership
- recent experience in supporting the implementation of the board's curriculum
- demonstrated understanding of a range of approaches to teaching and learning
- knowledge of minimum curriculum requirements K-12 for children in NSW between the ages of six and seventeen years
- understanding and appreciation of home schooling as a viable educational alternative
- high level interpersonal and written communications skills
- capacity to use information and communication technologies to prepare reports.²⁵⁶

4.141 Of the 18 Authorised Persons, 13 have experience from the government sector, with a majority having previously been a Principal at a school. The BOSTES informed the committee that these authorised persons have on average 26 years teaching experience.²⁵⁷

4.142 In terms of training, the BOSTES explained that all newly appointed Authorised Persons receive induction training based on the requirements of their role. This training focuses on equipping the Authorised Person with the skills and knowledge necessary for undertaking the regulatory function of their role in a 'sensitive and responsive' manner 'to the unique home

²⁵³ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 18.

²⁵⁴ Answers to supplementary questions, Mr Murphy, 3 October 2014, p 2.

²⁵⁵ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 18.

²⁵⁶ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 18.

²⁵⁷ Answers to supplementary questions, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 22 October 2014, p 2.

environment' of the applicant. During induction, the Authorised Person also participates in home visits with more experienced colleagues and receives ongoing mentoring.²⁵⁸

- 4.143** In response to a question on notice, the BOSTES provided additional detail about the induction training program for Authorised Persons. They explained that it involved a one day program focusing on the following content:
- the role of an Authorised Person – the legislative and organisational context
 - the BOSTES Registration for Home Schooling in NSW – Information Package and Authorised Persons Handbook
 - the BOSTES expectations for working as an Authorised Person, including reference to the Code of Conduct and Ethics and Work Health and Safety
 - child protection legislation, including obligations in terms of mandatory reporting
 - the BOSTES process for exchange of information with other agencies.²⁵⁹
- 4.144** In addition to the points above, the BOSTES listed other components of induction training, including training on the diverse range of approaches to home schooling, contact with applicants, resources, administrative procedures, guidelines and report writing.²⁶⁰
- 4.145** The BOSTES also outlined other training aspects related to the ongoing professional development for Authorised Persons, including a minimum of two days shadowing an experienced Authorised Person, leading two to three assessments under the supervision of an experienced colleague, drafting of reports and regular contact and guidance with the Board.²⁶¹
- 4.146** In addition, they stated that Authorised Persons also participate in routine one day briefings, held two to three times a year. Briefings provide an opportunity for Authorised Persons to discuss emerging issues and policy matters, as well as to share information, expertise and experiences. The BOSTES explained that these briefings also provide an opportunity for Authorised Persons to strengthen understandings and consistency of judgments.²⁶²
- 4.147** The BOSTES further explained that the briefings can include topical matters, such as presentations from home schooling bodies; however, they explained that the last time a home schooling body was involved was in November 2012.²⁶³
- 4.148** Several inquiry participants commented on the qualifications, experience and training of Authorised Persons. The Home Education Association argued that Authorised Persons are only required to have 'an understanding of home education as a viable educational alternative', and not to have knowledge or experience of home education.²⁶⁴ They suggested that the educational philosophies of home schooling are so unique that it cannot be assumed that

²⁵⁸ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 18.

²⁵⁹ Answers to questions on notice, Mr Murphy, 22 October 2014, p 2.

²⁶⁰ Answers to questions on notice, Mr Murphy, 22 October 2014, p 2.

²⁶¹ Answers to questions on notice, Mr Murphy, 22 October 2014, p 2.

²⁶² Answers to questions on notice, Mr Murphy, 22 October 2014, p 2.

²⁶³ Answers to supplementary questions, Mr Murphy, 22 October 2014, p 1.

²⁶⁴ Submission 145, Home Education Association, p 136.

those who have experience with school education will have knowledge and expertise in home education.²⁶⁵ Ms Michele Vieira argued that ‘any administration of home schooling should be assigned only to people who understand, are sympathetic towards and have experience with home schooling’.²⁶⁶

- 4.149** Ms Elizabeth Cooper expressed concerns that Authorised Persons lack an appreciation of home schooling methods, with this creating pressure on home schoolers to provide ‘school at home’ learning programs:

Some Authorised Persons show a poor understanding of many of the strengths of home education and want to inspect as though we are schools. This places pressure on families to simply “do school at home” thereby negating many advantages of home education.²⁶⁷

- 4.150** One home schooling parent, Ms Sally Knoechel, reported concerns about newer Authorised Persons, arguing that they do not appear to understand home education well:

I have always found the APs to be friendly and courteous. In my earlier experiences, the APs were very supportive of home schooling and in understanding reasons individuals chose to home school. They encouraged diversity and different home schooling methods, having obviously seen great results from the process. I don’t believe that the newer APs have this conception and it is to everyone’s detriment.²⁶⁸

- 4.151** In terms of the training received by Authorised Persons from the BOSTES, Ms Catherine Little suggested that home schoolers should be more involved. She stated:

I would like to see training of Authorised Persons that includes input from home schoolers. Authorised Persons come out of the school system and have had little or no experience with home schoolers. It takes contact with a number of families in their region before they are ‘educated’ about the different approaches to home schooling and the types of resources used.²⁶⁹

- 4.152** The Sydney Home Education Network supported this view, arguing that the home educating community should have input into training session for Authorised Persons. They also argued that members of the home educating community should be part of the interview panel for the appointment of new Authorised Persons.²⁷⁰

- 4.153** Dr Harding suggested that Authorised Persons would benefit from training about the common motivations for home schooling, so that they can understand why home schooling parents may develop individual education plans for their children.²⁷¹

²⁶⁵ Submission 145, Home Education Association, p 139.

²⁶⁶ Evidence, Ms Michele Vieira, Home school parent, 5 September 2014, p 44.

²⁶⁷ Submission 49, Ms Elizabeth Cooper, p 5.

²⁶⁸ Submission 113, Ms Sally Knoechel, p 3.

²⁶⁹ Submission 197, Ms Catherine Little, p 3.

²⁷⁰ Submission 155, Sydney Home Education Network, p 14.

²⁷¹ Submission 163, Dr Terrence Harding, p 27.

Feedback about Authorised Persons

4.154 The committee received mixed reports from inquiry participants about their experiences with Authorised Persons. Whilst a number of participants raised broad concerns about the attitude, experience and support provided by their Authorised Person, others gave evidence of positive interactions.

4.155 The Sydney Home Education Network acknowledged that experiences with Authorised Persons vary amongst the home schooling population:

Feedback tells us that the attitude of and requirements set by Authorised Persons vary greatly, from positive and supportive through to negative and unsupportive, even derogatory.²⁷²

4.156 Similarly, the Home Education Association stated that experiences with Authorised Persons have varied, with some parents reporting positive and supportive interactions, and others citing negative experiences. They stated that some Authorised Persons can take a rigid interpretation and implementation of the requirements outlined in the 2013 home schooling Information Package.²⁷³

4.157 The Home Education Association also acknowledged that the more experienced Authorised Persons tend to attract less negative feedback. In relation to recent changes to the Information Package, as outlined in Chapter 6, they pointed out that more negative feedback related to newly appointed Authorised Persons:

Having a suitably knowledgeable and supportive Authorised Person makes an enormous difference to the registration process for home educators. In relation to the recent changes that have been made to the registration process by BOSTES, it appears that more experienced Authorised Persons have taken on board the new procedures from BOSTES to a lesser degree. As a result, the Home Education Association has received fewer reports of problems with experienced Authorised Persons than with newly appointed Authorised Persons.²⁷⁴

4.158 A number of people provided positive feedback about their experience with Authorised Persons. Ms Julie McEwan outlined that her experience has been very positive in terms of the registration process and that the BOSTES officer was ‘exceptional’:

He understood the unique nature of home education and didn't try and force all families into one model. Having come out of the school system he could see the major advantages home education offered families and was always eager to help us get the most out of our experience. He allowed for flexibility of programming and resources to meet the NSW guidelines as they stood. He often suggested resources to compliment what we were doing and was a great encouragement to me.²⁷⁵

²⁷² Submission 155, Sydney Home Education Network, p 11.

²⁷³ Submission 145, Home Education Association, p 130.

²⁷⁴ Submission 145, Home Education Association, p 146.

²⁷⁵ Submission 14, Ms Julie McEwan, p 4.

4.159 Another individual reported that the Authorised Person was friendly and pleasant and helpful in terms of making the registration process seamless.²⁷⁶ One individual acknowledged the variation in interactions with Authorised Persons but commented that they were very happy with their Authorised Person who was supportive, helpful and who understood the situation well.²⁷⁷

4.160 Dr Harding advised the committee of positive feedback he had received from other families about their encounters with Authorised Persons:

I had respondents who were saying they found it a pleasant experience and helpful. In fact, a couple of the families said the Authorised Person had been very encouraging to their children.²⁷⁸

4.161 However, several participants raised concerns about the attitude, support and role of Authorised Persons. Ms Carles, a home schooling parent, raised concerns about the attitude of Authorised Persons. She claimed that the attitude of Authorised Persons has changed over time, towards a greater focus on syllabus requirements:

In the last few years, I have noticed a definite change in attitude with an increased emphasis on meeting syllabus outcomes rather than just covering the Key Learning Areas. This is problematic for home schoolers, particularly those with three or four students as the outcomes are quite numerous, and unlike a regular teacher, we might have to be keeping up with outcomes across three or four different years, for all the Key Learning Areas.²⁷⁹

4.162 The Sydney Home Education Network reported that they have received a number of complaints from members about the way in which Authorised Persons are conducting the registration process. They claimed that most reports relate to the 'Authorised Persons lack of understanding of the unique nature of home education'.²⁸⁰

4.163 Dr Harding, in his submission, explained that a common issue raised about Authorised Persons is the implementation of unreasonable compliance criteria, such as home schooling activities only being performed in the home and students having to study at their chronological age level rather than ability level.²⁸¹

4.164 Another issue raised was the lack of support provided by Authorised Persons. Ms Vivienne Fox stated 'there are Authorised Persons involved in the registration process who go into people's homes and want to see a certain amount of material but they do not actually provide any support whatsoever'.²⁸²

²⁷⁶ Submission 16, Ms Elizabeth Parnell, p 2.

²⁷⁷ Submission 63, Name suppressed, p 7.

²⁷⁸ Evidence, Dr Terrence Harding, General Manager, Australian Christian Homeschooling, 8 September 2014, p 16.

²⁷⁹ Submission 6, Ms Jennifer Carles, p 5.

²⁸⁰ Submission 155, Sydney Home Education Network, p 14.

²⁸¹ Submission 163, Dr Terrence Harding, p 26.

²⁸² Evidence, Ms Vivienne Fox, Member, Home Education Association, 8 September 2014, p 29.

- 4.165** Other concerns about Authorised Persons related to inconsistent practices occurring in the regions. When the committee asked the BOSTES about whether there is any benchmarking undertaken between Authorised Persons to ensure consistency, Ms Keenan, stated that there is:

‘...a process for double-checking every report from an Authorised Person from an administrative point of view in terms of the details of the name and home address and so on but also from a quality perspective’.²⁸³

- 4.166** Further, Ms Keenan explained that a senior officer reviews each report before it is finalised. The committee then asked whether the senior officer has access to the original data, in which Ms Keenan replied in the negative: ‘The materials are kept by the family in the home, so they are not submitted with an application’.²⁸⁴

- 4.167** Ms Keenan also suggested that the paired visits by Authorised Persons helps to promote consistency. However, she acknowledged that these visits are usually for training purposes and that for all other staff, it only takes place ‘two or three times a year’.²⁸⁵

Complaints about Authorised Persons

- 4.168** Given that a number of concerns were expressed to the committee about Authorised Persons, the committee sought to understand how complaints against Authorised Persons are dealt with by the BOSTES.

- 4.169** When the committee asked Mr Murphy about this, he explained that it depends on the nature of the complaint and whether it relates to the conduct of the Authorised Person or a decision they have made:

It depends whether the complaint is about the conduct of the Authorised Person or whether it is about the recommendation that the Authorised Person has made. The overwhelming numbers of concerns about Authorised Persons are about the recommendation they have made rather than the conduct of the Authorised Person. There is a distinction between how complaints about conduct and concerns about the recommendation are dealt with. We deal with complaints about Authorised Persons in the same way as we deal with complaints about any of our staff. There is no particular process that applies to them. If it is a concern about the Authorised Person’s recommendation then the *Administrative Decisions Review Act* provides for the process to be followed in that regard.²⁸⁶

- 4.170** The committee also asked Mr Murphy whether a code of conduct applies to Authorised Persons. Mr Murphy responded:

²⁸³ Evidence, Ms Anne Keenan, Director, School Registration and Accreditation Standards, Board of Studies, Teaching and Education Standards NSW, 7 October 2014, p 8.

²⁸⁴ Evidence, Ms Keenan, 7 October 2014, p 8.

²⁸⁵ Evidence, Ms Keenan, 7 October 2014, p 8.

²⁸⁶ Evidence, Mr Murphy, 5 September 2014, p 12.

The Authorised Persons Handbook is attached to the board's submission. It outlines the specific requirements that relate to Authorised Persons. The board also has an overarching code of conduct and ethics for all of its staff.²⁸⁷

- 4.171** Further, Mr Murphy outlined that the complaint process must be procedurally fair to both parties, such that they make no judgment about whether a complaint is well founded before investigating it:

Before we reach that point we do not presume the conduct has occurred. When dealing with those kinds of complaints we have an obligation to deal with it in a procedurally fair way, which includes obtaining the views of the Authorised Person concerned. It may be that those views do not coincide. The board, as the Authorised Person's employer, has to make a judgement based on the facts before it and that would vary from case to case. We do not immediately presume that any complaint we get is well founded. We make no judgement at all.²⁸⁸

Committee comment

- 4.172** The committee notes that the feedback about Authorised Persons is quite mixed, with some families expressing dissatisfaction at the lack of support they received, and others stating that their Authorised Person was very supportive and understanding. In a regulatory process, this type of feedback is not surprising, particularly in the context of new staff recently being employed, and the perception that the Board of Studies, Teaching and Educational Standards has increased their expectations of compliance.
- 4.173** The committee recognises that Authorised Persons are experienced professionals, with many having been school Principals at one time. Whilst the committee received evidence calling for Authorised Persons to have direct experience in home schooling practices, the committee believes that this is not necessary, and that it may be more difficult for the Board to recruit adequately skilled staff if the employment criterion is narrowed to such an extent. The committee does, however, support the need for Authorised Persons, and the proposed new role of Assessment and Support Officers, to have a strong understanding of home schooling, including the diversity of home schooling practices.
- 4.174** The committee does not support the view that home schooling parents need to be appointed to interview panels for these positions. Whilst the committee understands that this argument stemmed from some parents wanting to ensure Authorised Persons are sympathetic, respectful and supportive of home schoolers, the committee believes that other recommendations from this report will deliver the same outcomes.
- 4.175** In terms of the new role of Assessment and Support Officers, recommended earlier in this chapter, their primary role will be to support and guide home schooling families in the development of an educational program for the child in accordance with legislative requirements. This new position will carry out 'home support visits' on an annual basis for those applicants who have been granted registration for the balance of their child's primary or secondary education.

²⁸⁷ Evidence, Mr Murphy, 5 September 2014, p 12.

²⁸⁸ Evidence, Mr Murphy, 5 September 2014, p 12.

- 4.176** Authorised Persons will also continue to conduct home visits for the purposes of registration, either at the time a provisional registration has expired, or in cases where an Assessment and Support Officer has made a direction for an applicant to formally renew their registration to continue home schooling.
- 4.177** If the committee's recommendation to create an Assessment and Support Officer role is implemented, then the committee believes it will be worthwhile for the Board of Studies, Teaching and Educational Standards to review staffing positions to distinguish the roles and necessary skills of each position.
- 4.178** The committee believes that Authorised Persons, and the newly proposed positions of Assessment and Support Officers, should receive ongoing professional training and development. The committee supports a training program that includes regular involvement by home schooling organisations, as the Board has indicated they are planning to arrange. The committee believes that a collaborative and integrated approach to this aspect may assist the Board of Studies, Teaching and Educational Standards in building a stronger relationship with the home schooling population, and in developing its staff. The committee recommends that the Board of Studies, Teaching and Educational Standards develop and commit to a professional development and training policy for all staff involved in the regulation of home schooling, with regular involvement from representatives of the home schooling population.

Recommendation 10

That the Board of Studies, Teaching and Educational Standards develop and commit to a professional development and training policy for all staff involved in the regulation of home schooling, with regular involvement from representatives of the home schooling population.

Unregistered home schoolers

- 4.179** This section considers the issue of people home schooling but not registering with the BOSTES. It explores the extent of unregistered home schooling families in this state, the reasons people have decided not to register and ways of reducing this problem.

Number of unregistered home schooling families

- 4.180** Whilst many participants have stated that a large number of home schooling families are unregistered, it was difficult to assess the extent of this issue from the evidence received.
- 4.181** Ms Anne Campbell, Deputy Chief Executive of Policy, Programs and Strategy with the Community Services Division of the Department of Family and Community Services, stated that there is currently no method for identifying who is not registered:

It appears that there is no current mechanism for Education and Communities to identify children and young people who are not registered and maybe flying under the

radar. Further consideration should be given to this issue and how an effective process could be established.²⁸⁹

- 4.182** Whilst the Home Education Association stated that many home schooling families are not registered, they acknowledged that there are no reliable mechanisms for collecting data on the total home schooling population, including those that are unregistered. They did, however, estimate that the numbers of unregistered home schooling families is likely to be significant:

It is not possible to confirm the number of unregistered home educators. The Home Education Association believes the numbers to be substantial and acknowledges that there are large variations in estimates.²⁹⁰

- 4.183** As previously mentioned in Chapter 2, the Home Education Association discussed a number of methods that could be used to estimate the prevalence of home schooling in New South Wales. One method was to use a typical percentage of home schooling families from other jurisdictions and to apply this to the school aged population in New South Wales. They acknowledged that this method does not take into account different levels of home schooling across the different jurisdictions.²⁹¹

- 4.184** In terms of providing an estimate of the number of unregistered home schooling families, the Home Education Association argued that New South Wales has ‘one of the lowest rates of registration in the country’.²⁹² They suggested that there could be between 3,327 and 20,000 home schooled students in New South Wales in 2014, equating to a significant number of unregistered families if the higher figure is a true calculation.²⁹³

- 4.185** Dr Terry Harding, General Manager of Australian Christian Homeschooling, suggested that the government tends to underestimate the number of unregistered home schooling families:

One is with respect to numbers in New South Wales. It has been my experience that governments often in the past have tended to downplay the numbers. Happily, the registration numbers are at least something that is concrete. However, my experience of home educators in various States is that they tend to overplay the numbers. Then the second part of your question was with respect to the quality of education. It has to vary.²⁹⁴

Reasons for not registering

- 4.186** Given the prospect of a significant number of home schooling families being unregistered, the committee sought to understand the reasons why people choose not to register. Varying reasons were provided, including philosophical objections, prior negative experiences with the regulatory system for home schooling and the perception that registration offered no benefits to the family and is quite onerous.

²⁸⁹ Evidence, Ms Anne Campbell, Deputy Chief Executive, Policy, Programs and Strategy, Community Services Division, Department of Family and Community Services NSW, 8 September 2014, p 2.

²⁹⁰ Submission 145, Home Education Association, p 13.

²⁹¹ Submission 145, Home Education Association, p 62.

²⁹² Submission 145, Home Education Association, p 71.

²⁹³ Submission 145, Home Education Association, p 63.

²⁹⁴ Evidence, Dr Harding, 8 September 2014, p 20.

4.187 The Home Education Association explained that a small proportion of home educators do not register because they believe that the state does not have any legitimate grounds to interfere in their parental responsibility to educate. Further, they contended that the majority of this group of people probably would not register regardless of what regulatory regime was in place. By contrast, a minority may register if a 'light' registration system were adopted, similar to the Victorian model.²⁹⁵

4.188 This view was also reflected in Ms Lyndell Williamson's submission. She stated that most people that decide not to register do so because they believe that the child is the parent's responsibility and not the state's:

The extent of unregistered home schoolers would be hard to determine. Of the home educators I have met who are not registered, most do so because they believe *their* children are *their* responsibility, not the state's responsibility. In fact, they completely object to the state interfering in the education of their children and assert that the state has overstepped its jurisdiction. At the core of these home schoolers belief is the matter of who is responsible to care for their children. Do children belong to parents or the state? They would passionately declare their children do not belong to the state and, in doing so, will not allow the state to encroach on the education of their children.²⁹⁶

4.189 For people with religious objections to registration, the Home Education Association pointed out that the exemption from registration process offers no difference in terms of the registration responsibilities parents face, which is another reason why people may not register:

In principle, parents can have a conscientious objection to the BOSTES registration process on religious grounds. However, in practice, they still undergo exactly the same BOSTES registration process. Parents stating a conscientious objection receive a certificate which denotes conscientious objection rather than registration, but they must fulfil every element of the registration process in the same way a registering family must...This lack of a genuine option for conscientious objection continues to be a reason why some home educators choose to not register.²⁹⁷

4.190 In addition to objecting on philosophical grounds to registration, the Home Education Association also suggested that some families are concerned that their educational approach will not be accepted by the BOSTES.²⁹⁸

4.191 The Sydney Home Education Network gave a variety of reasons as to why people do not register, for example, because the registration process places more emphasis on documentation than learning and the perceived lack of advantages to registering. Additionally, they suggested that people may not register due to the perception that Authorised Persons are not supportive of home schooling, and because of the view that the current regulatory system does not support alternative education methodologies.²⁹⁹

²⁹⁵ Submission 145, Home Education Association, p 77.

²⁹⁶ Submission 266, Ms Lyndell Williamson, p 1.

²⁹⁷ Submission 145, Home Education Association, p 77.

²⁹⁸ Submission 145, Home Education Association, p 77.

²⁹⁹ Submission 155, Sydney Home Education Network, p 7.

- 4.192** Further, the Sydney Home Education Network stated that most people do not wish to be unregistered but they would prefer more appropriate regulation.³⁰⁰
- 4.193** During a hearing, the committee asked Dr Harding to comment on the reasons as to why people do not register. He responded:
- Some have had bad experiences with their Authorised Person. Some said that the Authorised Person had not accepted or had potentially disparaged their religious position or their curriculum choice. There were another group of folk who said that they did not see the point to it in terms of benefits for them.³⁰¹
- 4.194** The committee also questioned Dr English about why people do not register and her experience of this issue in Queensland. In her reply, Dr English outlined similar reasons to what other inquiry participants presented:
- The reasons they were not registered...the length and difficulty of the paperwork was overwhelming, they did not want to have inspectors enter their homes and judge them, and they did not see the link between the inspectors' criteria for what constitutes effective education and the way that they were teaching their children through unschooling or a natural learning approach. They had come from very negative experiences of schooling themselves. They did not trust institutionalised education, in particular schooling. They did not think they could write the document properly or they were frightened of actually having to do it...³⁰²
- 4.195** Similar reasons were expressed by individual submission authors. Ms Korina Ivatt stated that she would not register if she had the time again because of the onerous system of registration.³⁰³ Another person, Ms Tracey Mansted, stated that her home schooling friends do not register because they are fearful of the Board and because the registration requirements are onerous.³⁰⁴
- 4.196** Another individual admitted that they have not registered, partly because the process is time consuming and stressful. This person also stated that their home schooling friends have had negative interactions with Authorised Persons. The decision not to register was also influenced by this person's belief that it is the parent's right to educate their child and that they should not have to seek permission from the government.³⁰⁵
- 4.197** One home schooling parent claimed that there is no benefit to registering and that it is more of a 'hindrance' due to the amount of stress involved in the process.³⁰⁶

³⁰⁰ Submission 155, Sydney Home Education Network, p 11.

³⁰¹ Evidence, Dr Harding, 8 September 2014, p 16.

³⁰² Evidence, Dr Rebecca English, Lecturer, School of Curriculum, Faculty of Education, Queensland University of Technology, 8 September 2014, p 46.

³⁰³ Submission 40, Ms Korina Ivatt, p 3.

³⁰⁴ Submission 41, Ms Tracey Mansted, p 4.

³⁰⁵ Submission 110, Name suppressed, p 5.

³⁰⁶ Submission 198, Name suppressed, p 5.

Reducing the number of unregistered home schoolers

- 4.198** A number of people gave evidence about what could be done to reduce the number of unregistered home schoolers in New South Wales.
- 4.199** The Home Education Association made a number of suggestions, including a recommendation that the oversight of home education be removed from the BOSTES and undertaken by an independent body involving home educators, such as the Tasmanian model with the Tasmanian Home Education Advisory Council (THEAC). Other suggestions included active consultation with the home education community about policies and processes, clear registration requirements and reducing the burden and stressful nature of the registration system.³⁰⁷
- 4.200** The Home Education Association also argued that the lack of engagement in the regulatory regime is ‘a result of poor regulatory design’ and that coercive measures will not help to improve the situation, but may have the opposite effect. They acknowledged that whilst some families will not register under any circumstances, others may be willing to engage if the system is ‘fair, consistent and reasonable’.³⁰⁸
- 4.201** FamilyVoice Australia said that in Tasmania, the Education Department succeeded in increasing registration of home schoolers by providing incentives, including the ability to register with a local school and to access their facilities and classes.³⁰⁹
- 4.202** Dr Harding voiced some suggestions aimed at reducing the level of unregistered home schooling in the state. He suggested automatic registration for children after a number of years of registered home schooling, additional support and information for beginners, and changes to the requirements so that educational activities can take place outside of the home. Dr Harding pointed out that when the registration system in Queensland was ‘softened’, more families chose to register.³¹⁰
- 4.203** A home schooling parent, Ms Vanderkolk, suggested that there be more incentives for families to register:
- ...I think if they had a reason that would encourage them to register an incentive-involved—certain things are restricted from us now, but if they were given, in a sense, as the right of what other home school children would get, if there was more of a reason to register—at this stage it is not a reason to register, except for the anxiety that you are going to be facing.³¹¹
- 4.204** Ms Tracey Mansted made the following suggestions to encourage registration:
- greater access to resources from the Department of Education and Communities, such as lesson plans and websites

³⁰⁷ Submission 145, Home Education Association, p 133.

³⁰⁸ Submission 145, Home Education Association, p 72.

³⁰⁹ Submission 176, FamilyVoice Australia, p 8.

³¹⁰ Submission 163, Dr Terrence Harding, p 25.

³¹¹ Evidence, Ms Marianne Vanderkolk, Chair, Home Education Support and Action Network, 5 September 2014, p 68.

- tax refund on money spent on curriculum and teaching resources
- a free referral program to help families with special needs children
- access to school sports days and carnivals facilitated by schools.³¹²

4.205 Ms Alison Clark, a home schooling parent, claimed that greater trust is needed in home schooling parents to do the best by their children.³¹³

4.206 Ms Jodie Faulks made a number of suggestions to promote increased registration in the home schooling population, including financial incentives, access to professional support and advice, and access to opportunities within the public school system, for example, permission to partake in public education extra-curricular activities.³¹⁴

Committee comment

4.207 The committee is concerned about speculation that there is a significant population of unregistered home schoolers in New South Wales. It is troubling that it is difficult for government agencies to identify these families, particularly because it means that we do not have adequate systems in place to ensure that each child is receiving a compulsory education. This became clear to the committee when the Department of Family and Community Services and Department of Education and Communities provided evidence.

4.208 Whilst each agency plays a different role in relation to home schooling, it is apparent that there is a need for greater collaboration, and possible involvement from other agencies, such as the Registry of Births, Deaths and Marriages. Accordingly, to ensure that every child in this state is receiving compulsory schooling, the committee recommends that the NSW Government investigate mechanisms to identify children that are not known to be receiving compulsory education.

Recommendation 11

That the NSW Government investigate mechanisms to identify children who are not receiving compulsory education.

³¹² Submission 41, Ms Tracey Mansted, p 4.

³¹³ Submission 69, Ms Alison Clark, p 9.

³¹⁴ Submission 240, Ms Jodie Faulks, p 5.

Chapter 5 Regulatory approaches in other jurisdictions and options for reform

This chapter focuses on the regulatory approaches in other jurisdictions, and possible reform options for New South Wales. It starts by providing background information about the regulatory approaches of home schooling in a number of Australian jurisdictions, including Tasmania, Victoria, and Queensland. It considers key regulatory practices in those jurisdictions and relevant contextual data. It also considers home schooling practices in several international jurisdictions, including New Zealand, the United Kingdom, and the United States of America.

Finally, this chapter discusses arguments for regulatory reform, particularly on two points, firstly, representation on the Board, and secondly, the establishment of a new independent regulatory body to oversee home schooling in New South Wales.

Regulatory approaches in other jurisdictions

- 5.1 This section examines the regulatory regime for home schooling in a number of jurisdictions, both interstate and internationally. Generally, the primary focus of this section is on the home schooling practices unique to each jurisdiction.
- 5.2 Whilst home schooling is a widespread educational practice, this section only focuses on those jurisdictions to which a greater number of inquiry participants made reference.

Tasmania

- 5.3 This section provides details about home education in Tasmania, with particular emphasis on the operation of the Tasmanian Home Education Advisory Council.
- 5.4 Interestingly, Tasmania has the highest rate of home-educated children in Australia with a rate of 6.4 children per 1,000 school aged students.³¹⁵ Its regulatory system was frequently discussed during this inquiry by witnesses and submission authors.

Regulation

- 5.5 The provision of home schooling in Tasmania is enshrined in the *Education Act 1994* (Tas). Here, it is referred to as home education rather than home schooling and its legal definition is ‘the education of a school-aged child or other person by a home educator’.³¹⁶
- 5.6 Section 4 (1) of the Act requires that school aged children must be enrolled at school or be provided with home education.³¹⁷ Home education is delivered by a home educator who must apply for registration.³¹⁸

³¹⁵ NSW Parliamentary Library Research Service, *Home Education in NSW*, e-brief, Issue No 7, (2013), p 3.

³¹⁶ *Education Act 1994* (Tas), Pt 1 (3).

³¹⁷ *Education Act 1994* (Tas), s 4 (1).

³¹⁸ *Education Act 1994* (Tas), Div 3 (17).

- 5.7 Registration of a parent as a home educator authorises them to provide home education to the school-aged child, in respect of whom the registration was sought, until that child is no longer of compulsory school-age.³¹⁹
- 5.8 The Act includes provisions that allow for the refusal or revocation of registration as a home educator in certain circumstances.³²⁰

Tasmanian Home Education Advisory Council

- 5.9 The Tasmanian Home Education Advisory Council (THEAC) is responsible for overseeing all matters pertaining to home education in Tasmania. It is an independent advisory council that reports to the Minister for Education and is an organisation that is separate from the Tasmanian Department of Education.³²¹
- 5.10 THEAC is responsible for advising the Minister and the general public on home education matters. It also responsible for managing the registration process and monitoring of individual home education programs.³²²
- 5.11 THEAC comprises seven voluntary members, three of whom are nominated by home educators, and four appointed by the Minister. It is staffed by two monitoring officers and two administrative officers.³²³
- 5.12 In Tasmania, it is the responsibility of the parents to devise, implement and evaluate the education program used for their child. Meanwhile THEAC assists by providing educational resources and holding information sessions. Students are not required to follow the National Curriculum.³²⁴
- 5.13 Underpinning THEAC's work is a publically available *Handbook* in which the organisation's policy and procedures are outlined. Outlined in the *Handbook* are THEAC's 'core beliefs'. Here, it is noted that parents should be free to choose the methods through which they educate their children and that THEAC shouldn't favour any one educational approach:

Home educating parent/guardian/s should be free to choose from a wide variety of resources, commercial programs and curriculum materials in line with their educational values and beliefs...THEAC should not favour any particular home education program or curriculum materials.³²⁵

³¹⁹ *Education Act 1994* (Tas), Div 3 (17).

³²⁰ *Education Act 1994* (Tas), Div 3 (17).

³²¹ Submission 145, Home Education Association, p 33.

³²² Submission 145, Home Education Association, p 33.

³²³ The Tasmanian Home Education Advisory Council, *About us: Council and Staff*, (accessed 17 September 2014): <http://www.theac.org.au/about-theac/council-and-staff>

³²⁴ NSW Parliamentary Library Research Service, *Home Education in NSW*, e-brief, Issue No 7, (2013), p 6.

³²⁵ The Tasmanian Home Education Advisory Council, *Handbook*, p 7, (accessed 17 September 2014): <http://www.theac.org.au/wp-content/uploads/2013/07/THEAC-WEBSITE-HANDBOOK-June-13.pdf>

5.14 In practical terms, a range of teaching and learning approaches are suggested by THEAC and its *Handbook* provides access to resources on educational approaches ranging from highly structured courses (in which the classroom is replicated in the home) to more informal learning programs (such as natural learning or ‘unschooling’ whereby a child’s learning is interest led).³²⁶

Registration process and monitoring requirements

5.15 The registration process administered by THEAC incorporates the following steps:

- Application via completion of an Application for Home Education Registration form.
- THEAC consideration of the form and granting of provisional status to enable the family to commence home education. If provisional status is not granted further information is requested.
- Advising the school of the decision to home educate once provisional status has been granted (if necessary).
- Visit by a THEAC monitoring officer within two months. Subsequent to the visit the monitoring officer provides feedback to THEAC concerning the home education program. This feedback informs the development of a THEAC recommendation to the Minister concerning suggested registration status and the length of the registration period.
- Correspondence from the Minister confirming registration is then provided to the family.³²⁷

5.16 Subsequent monitoring takes place at intervals of up to two years depending on registration status (which is based on the recommendations following the initial monitoring visit). THEAC monitoring officers are guided by the *Handbook* in undertaking their work. The *Handbook* requires monitoring officers to ascertain, on behalf of the Minister, that for each child, the parent/guardian:

- has clear aims and purposes for the educational program
- is providing opportunities for child development in literacy and numeracy
- is providing opportunities for social interaction, and
- is evaluating the child’s educational progress and adapting the program when necessary.³²⁸

³²⁶ The Tasmanian Home Education Advisory Council, *Handbook*, p 46, (accessed 17 September 2014): <http://www.theac.org.au/wp-content/uploads/2013/07/THEAC-WEBSITE-HANDBOOK-June-13.pdf>

³²⁷ The Tasmanian Home Education Advisory Council, *Handbook*, p 10, (accessed 17 September 2014): <http://www.theac.org.au/wp-content/uploads/2013/07/THEAC-WEBSITE-HANDBOOK-June-13.pdf>

³²⁸ The Tasmanian Home Education Advisory Council, *Handbook*, p 11, (accessed 17 September 2014): <http://www.theac.org.au/wp-content/uploads/2013/07/THEAC-WEBSITE-HANDBOOK-June-13.pdf>

- 5.17** Monitoring does not directly address learning outcomes, however if an education program is deemed inappropriate THEAC does have the ability to recommend that registration be revoked. Any such recommendation is open to appeal by the family concerned.³²⁹
- 5.18** It is not a requirement for home educated students to participate in the National Assessment Program Literacy and Numeracy (NAPLAN) tests. THEAC does, however, provide information to home educators on how to access the NAPLAN tests as well as the International Competitions and Assessments for Schools tests managed by the University of New South Wales.³³⁰

Victoria

- 5.19** A notable feature of the Victorian home schooling model is that home schooled children may be partially enrolled at their local school for specific activities that are the subject of an agreement between the child's parent and the school.³³¹
- 5.20** Another feature of Victorian home schooling is that it is underpinned by a 'light-touch' regulatory approach. In effect, monitoring is only undertaken if the authorities have reasonable grounds to believe that 'a child is not receiving regular and efficient [educational] instruction'.³³²

Regulation

- 5.21** Prior to 2006, parents who home educated their children were not required to register for home schooling. They were instead required to demonstrate that their children were receiving regular and efficient instruction.³³³ This changed following the commencement of the *Education and Training Reform Act 2006* (Vic) which required parents to enrol their child at a registered school or for home schooling.³³⁴ This requirement has resulted in a doubling of the number of registered home schoolers between 2008 and 2012.³³⁵
- 5.22** Home schooling is delivered in accordance with the Education and Training Reform Regulations 2007 (Vic). Under these regulations, home schooling families must apply for registration once a year.³³⁶ The Home Education Network, a home educating support group primarily based in Victoria, advised the committee that if the registration form 'is correctly

³²⁹ The Tasmanian Home Education Advisory Council, *Handbook*, p 11, (accessed 17 September 2014): <http://www.theac.org.au/wp-content/uploads/2013/07/THEAC-WEBSITE-HANDBOOK-June-13.pdf>

³³⁰ The Tasmanian Home Education Advisory Council, *Frequently asked questions*, (accessed 18 September 2014): <http://www.theac.org.au/faq/>

³³¹ Submission 137, Home Education Network, p 3.

³³² Submission 137, Home Education Network, p 3.

³³³ NSW Parliamentary Library Research Service, *Home Education in NSW*, e-brief, Issue No 7, (2013), p 5.

³³⁴ *Education and Training Reform Act 2006* (Vic), chap 2, pt 2.1.1.

³³⁵ NSW Parliamentary Library Research Service, *Home Education in NSW*, e-brief, Issue No 7, (2013), p 5.

³³⁶ *Education and Training Reform Regulations 2007* (Vic), Div 2, s 65.

completed and there is no court order in regards to the child's education, registration is automatic and parents receive confirmation within a fortnight'.³³⁷

- 5.23** The regulations also set out a list of requirements for instruction in home schooling. It is a requirement that home schooling be taught in accordance with 'the principles and practice of Australian democracy'. Students must also receive regular and efficient instruction in the following eight learning areas: the arts, English, health and physical education (including sport), languages other than English, mathematics, science, studies of society and environment, and technology.³³⁸
- 5.24** As previously noted, home schooling in Victoria is underpinned by a 'light-touch' regulatory approach whereby the regulator, the Victorian Registration and Qualifications Authority only conducts 'a home schooling review where it has reasonable grounds to believe a child is not receiving regular and efficient instruction substantially addressing the key learning areas, taken as a whole, and in a manner that upholds the democratic principles'.³³⁹
- 5.25** According to the Home Education Network, the 'light-touch' regulatory approach works well given 'there have, as far as we are aware, been no cases of concern raised by the Victorian Registration and Qualifications Authority in relation to the current registration regime since its inception'.³⁴⁰
- 5.26** The Home Education Network also commented positively on the benefits of the quick registration process by noting that it provides for a quick resolution in instances where the need for home schooling has been prompted by a situation requiring immediate redress.³⁴¹
- 5.27** The Home Education Association noted that the ease of which registration can be attained in Victoria had led to some people moving states so as to not be subject to the perceived burdensome requirements applicable in New South Wales:

...it is not uncommon to hear of people relocating from NSW to another state, especially Victoria, as a result of the unnecessarily onerous NSW registration process which is considered to undermine home education and learning outcomes...It is remarkable that families would rather relocate, causing loss of social capital and safety networks, than submit to the current regulatory regime.³⁴²

Partial enrolment

- 5.28** Home schooling families in Victoria are eligible to approach their local state school to seek partial enrolment of their child (of compulsory school age) in specific activities. The *Partial Enrolment for Registered Home Schooling Students Guidelines* state that 'registered home schooling

³³⁷ Submission 137, Home Education Network, p 3.

³³⁸ *Education and Training Reform Regulations 2007* (Vic), Div 2, s 68.

³³⁹ Victorian Registration and Qualifications Authority, *Support materials for the registration of home schooling in Victoria*, (accessed 18 September 2014): http://www.vrqa.vic.gov.au/Documents/homeschooling-registrationsupport_1.pdf

³⁴⁰ Submission 137, Home Education Network, p 3.

³⁴¹ Submission 137, Home Education Network, p 3.

³⁴² Submission 145, Home Education Association, p 78.

students may partially enrol at the neighbourhood government school to undertake activities, including sport, art, science, a language, etc'.³⁴³

5.29 Applications for partial enrolment are assessed by the school principal who has the ability to deny an application if there are reasonable grounds for doing so – for example, if a particular class or activity is at full capacity. Principals are also able to set the conditions of partial enrolment, such as what is expected from the student with regard to school policies and procedures. The period of enrolment is also subject to the discretion of the principal, in consultation with the parent.³⁴⁴

5.30 A number of inquiry participants commented positively on the ability for home schooled students to be partially enrolled in schools. For example, the author of submission 26 argued that partial enrolment assisted home schooled students in the transition to university:

One practice that I would definitely like to see implemented in NSW is the ability for parents to utilise part time school like you can do in Victoria and ACT. This would be of particular benefit in the latter years of high school when part time based school study may assist with the transition to tertiary education.³⁴⁵

5.31 Ms Catherine Little likewise emphasised the positives of partial enrolment in Victoria by noting that it provided a flexible option for families, as well as benefiting schools (particularly smaller ones) given it is less resource intensive.³⁴⁶

5.32 Although not formerly provided for in New South Wales, Ms Carla Ferguson, President, Sydney Home Education Network, informed the committee that her local school had agreed to a short-term period of partial enrolment for her son when he first began home schooling. Ms Ferguson stated that it had allowed extra time for her son to work on remedial subjects while still maintaining a valuable connection with the school. She noted that it worked very well but the school was unwilling to agree to an extension of partial enrolment:

That is not allowed in the school system. However, when we first considered home education with my son we asked the school if they would allow partial home schooling and they reluctantly agreed to trial it for a term. It actually worked very well. My son was very happy. In the morning he would do the literacy and the numeracy with me, the areas where he was way behind, and then he would go to school at lunchtime for a play and then do the art, craft, sport and music—all the activities they have in the afternoon at school. He had the best of both worlds. It worked very well, however, we knew the school [did] not agree to an extension...³⁴⁷

³⁴³ Victorian Registration and Qualifications Authority, *Partial Enrolment for Registered Home Schooling Students Guidelines*, (accessed 18 September 2014): http://www.vrqa.vic.gov.au/Documents/homeschooling-partialenrolment_1.doc

³⁴⁴ Victorian Registration and Qualifications Authority, *Partial Enrolment for Registered Home Schooling Students Guidelines*, (accessed 18 September 2014), http://www.vrqa.vic.gov.au/Documents/homeschooling-partialenrolment_1.doc

³⁴⁵ Submission 26, Name suppressed, p 7.

³⁴⁶ Submission 197, Ms Catherine Little, p 1.

³⁴⁷ Evidence, Ms Carla Ferguson, President, Sydney Home Education Network, 5 September 2014, p 79.

- 5.33** The Home Education Association similarly shared with the committee an example of where the ability to partially home school in Victoria had helped a child who had struggled to cope with the demands of full-time school due to suffering from autism spectrum disorder and attention deficit hyperactivity disorder. The parent of that child informed the committee that the ability to undertake part-time school and part-time home school had been of benefit both in an academic and health sense:

My son is 15 and has diagnoses of ASD [autism spectrum disorder] and ADHD [Attention deficit hyperactivity disorder]. His teachers and aids were fantastic but he wasn't coping well with mainstream school; they suggested we try part-time school, part-time home school. Currently he does his core subjects at school and the electives at home. This works great for him, he has less meltdowns and handles school with more ease.³⁴⁸

Queensland

- 5.34** The Queensland system evolved following a 2002 review which led to a complete overhaul of home education in the state. In particular, it led to the abolition of the requirement that parents needed to be a registered teacher or otherwise employ a registered teacher in order to provide home education.³⁴⁹
- 5.35** A key finding of the Queensland review was that the evidence it received did not indicate that home educated children were more at risk of abuse and neglect than those attending school.³⁵⁰ Another finding was that 50 per cent of students were being home educated due to a dissatisfaction with the school system, while the other 50 per cent of students learnt in the home due to their parents having an attraction to home education.³⁵¹
- 5.36** A notable feature of home education in Queensland is that the regulatory body does not undertake in-home monitoring visits. Monitoring instead is undertaken via the annual submission of information which documents a child's progress.³⁵²

Regulation

- 5.37** In Queensland, the *Education (General Provisions) Act 2006* (Qld) requires that children of compulsory school age must either be enrolled in and attending school or participating in an eligible option, one of which registered home education.³⁵³ The Act defines home education as 'the education of the child provided by one or both of the child's parents, or a registered teacher, primarily at the child's usual place of residence'.³⁵⁴

³⁴⁸ Submission 145, Home Education Association, p 223.

³⁴⁹ NSW Parliamentary Library Research Service, *Home Education in NSW*, e-brief, Issue No 7, (2013), p 5.

³⁵⁰ Evidence, Ms Anne Campbell, Deputy Chief Executive, Policy, Programs and Strategy, Community Services Division, Department of Family and Community Services NSW, 8 September 2014, p 1.

³⁵¹ Evidence, Dr Glenda Jackson, Director, Australian Home Education Advisory Service, 5 September 2014, p 39.

³⁵² Submission 145, Home Education Association, p 32.

³⁵³ *Education (General Provisions) Act 2006* (Qld), s 199 and 239.

³⁵⁴ *Education (General Provisions) Act 2006* (Qld), s 205.

- 5.38** Applications for home education are considered by the Home Education Unit, a specialist division within the Queensland Department of Training and Education.³⁵⁵
- 5.39** Applications for registration must provide a summary of the educational program to be used or learning philosophy to be followed. The application must also satisfy the Home Education Unit that the home educated child will receive a high quality education.³⁵⁶
- 5.40** The Act provides that provisional registration is granted while an application is reviewed. In effect, once an application is received a child is considered provisionally registered for home education until full registration is given, or if an application is refused. If an application is refused, the application must be provided with written notice. If more information is required to support an application, a provisional registration period may be extended until the additional information is received.³⁵⁷

Monitoring practices

- 5.41** As noted earlier, the monitoring of home education in Queensland is undertaken via the submission of required documentation. According to the registration requirements a parent must demonstrate that they are providing their child with a high-quality education via an annual report on the child's educational progress.³⁵⁸
- 5.42** The Home Education Unit performs the following in overseeing the monitoring process:
- writes to the parent approximately six months prior to the due date of the annual report
 - ensures that the report is lodged by the due date
 - reviews the report and assesses it against the requirement to provide a high quality education
 - notifies the parent, if they have met the standard conditions, that the registration remains current.³⁵⁹
- 5.43** According to the Queensland Government the monitoring process has been developed to 'balance a parent's right to educate their child and the state's obligation to ensure that all children are appropriately educated'.³⁶⁰

³⁵⁵ Submission 145, Home Education Association, p 32.

³⁵⁶ *Education (General Provisions) Act 2006* (Qld), s 217.

³⁵⁷ *Education (General Provisions) Act 2006* (Qld), ss 208-214.

³⁵⁸ Submission 145, Home Education Association, p 32.

³⁵⁹ Department of Education, Training and Employment, *Home education in Queensland*, (accessed 22 September 2014): <http://ppr.det.qld.gov.au/education/learning/Pages/Home-Education-in-Queensland.aspx>

³⁶⁰ Department of Education, Training and Employment, *Home education in Queensland*, (accessed 22 September 2014): <http://ppr.det.qld.gov.au/education/learning/Pages/Home-Education-in-Queensland.aspx>

International jurisdictions

5.44 This section discusses home schooling practices and outcomes in New Zealand, the United Kingdom, and the United States.

New Zealand

5.45 In New Zealand it is compulsory for children aged between six and sixteen to go to school, as per section 20 of the *Education Act 1989* (NZ). An exemption is provided by section 21 (1) (b) of the Act which enables the Ministry of Education to grant an exemption certificate for home schooling.³⁶¹

5.46 The exemption certificate for home schooling must meet certain criteria, namely that an applicant must be able to demonstrate that:

- the child will be taught at least as regularly and well as in a registered school
- the child, if they would otherwise be likely to need special education, will be taught at least as regularly and well as in a special class or clinic or by a special service.³⁶²

5.47 Applications are reviewed by the Ministry of Education who must be satisfied that it meets the aforementioned requirements. In some instances the Ministry may seek further information or request to meet with the family in order to carry out its assessment. If an application is not approved written reasons must be provided to the applicant. Applicants have the right to appeal a decision to not grant an exemption certificate.³⁶³

5.48 Successful applicants who are issued exemption certificates must sign a statutory declaration every six months to assure the Ministry of Education that home schooling is occurring. The Ministry also has the ability to request that the Education Review Office undertake in-home monitoring of home schooling families.³⁶⁴

5.49 It is not compulsory for New Zealand home schooling families to follow the national curriculum. The Ministry of Education does however encourage home schooling families to follow it or use it as a guide.³⁶⁵

5.50 The New Zealand Government offers home schooling families financial support via the provision of a home schooling supervision allowance. The financial support offered is conditional on signing the twice yearly statutory declaration. It amounts to \$743 for the first

³⁶¹ *Education Act 1989* (NZ), ss 20-21.

³⁶² NSW Parliamentary Library Research Service, *Home Education in NSW*, e-brief, Issue No 7, (2013), p 13.

³⁶³ NSW Parliamentary Library Research Service, *Home Education in NSW*, e-brief, Issue No 7, (2013), p 13.

³⁶⁴ Ministry of Education, *Parent Information Pack*, (accessed 24 September 2014): <http://www.minedu.govt.nz/Parents/AllAges/EducationInNZ/Homeschooling.aspx>

³⁶⁵ Ministry of Education, *Parent Information Pack*, (accessed 24 September 2014): <http://www.minedu.govt.nz/Parents/AllAges/EducationInNZ/Homeschooling.aspx>

child, \$632 for the second child, \$521 for the third child, and \$372 for any subsequent children.³⁶⁶

- 5.51** Ms Stephanie Hayes, a home school educator of a twelve year old son, commented positively on the New Zealand Government's provision of financial support to home schooling families. Ms Hayes argued that if New South Wales was to adopt to a similar offering of financial support it would of great benefit and encouragement to home schooling families:

...within New Zealand's model of home education parents are given a small yearly financial payment to educate their children, in recognition of the costs they bear in doing this work. This too is something that I would like to see NSW adopt, as even private schools are partly subsidised to educate children, and we as home educators bear the cost burden alone. I feel that giving us a small financial subsidy or payment towards bearing the cost of educating at home would be a great help and encouragement.³⁶⁷

- 5.52** Commenting on the overall regulatory model for home schooling in New Zealand, the Home Education Association stated that it had received feedback which characterised the system as 'respectful, empowering and encouraging' as well as 'supportive'.³⁶⁸

The United States of America

- 5.53** Comparable to Australia the regulation of home schooling in the United States differs by jurisdiction. The extent to which home schooling is regulated varies from little to no regulation in states such as Texas, Illinois and Connecticut to high regulating states which include Pennsylvania, New York, Vermont, Rhode Island and Massachusetts³⁶⁹
- 5.54** The United States has the highest number of home school students of any country. In 2007, there were approximately 1.5 million home-schooled students.³⁷⁰
- 5.55** Dr Harding from Australian Christian Home Schooling advised the committee that in accordance with having the largest number of home schooled students, most of the data available concerning the academic outcomes of this category of students as compared to traditionally educated students comes from the United States. According to Dr Harding such 'studies demonstrate that home educated students perform as well academically as, if not better than, their traditionally educated counterparts'.³⁷¹
- 5.56** Dr Glenda Jackson from the Australian Home Education Advisory Service urged the committee not to read too much into the American home schooling experience when considering domestic developments. Dr Jackson advised the committee that there were a

³⁶⁶ Ministry of Education, *Parent Information Pack*, (accessed 24 September 2014): <http://www.minedu.govt.nz/Parents/AllAges/EducationInNZ/Homeschooling.aspx>

³⁶⁷ Submission 21, Ms Stephanie Hayes, p 1.

³⁶⁸ Submission 145, Home Education Association, p 34.

³⁶⁹ NSW Parliamentary Library Research Service, *Home Education in NSW*, e-brief, Issue No 7, (2013), p 13.

³⁷⁰ NSW Parliamentary Library Research Service, *Home Education in NSW*, e-brief, Issue No 7, (2013), p 13.

³⁷¹ Submission 163, Dr Terry Harding, p 5.

number of different institutional and cultural factors that have shaped the development of home schooling in the United States and, as such, when I ‘read the American literature it does not resonate with what we are finding here’.³⁷²

- 5.57** The Home Education Association similarly identified cultural differences as a reason to not apply American home schooling research findings to the Australian context. The Association nominated two reasons for why home schooling in the United States differs from Australia. Firstly, that a significant proportion of the American home schooling population comes from a conservative fundamental Christian background. Secondly, that there is a greater tendency in the United States to distrust government. This led the Association to argue against using American research findings to help shape domestic home schooling policies and legislation:

...home education research undertaken in the American context is problematic to apply to the Australian context. It is the view of the HEA that it would be vastly unhelpful to try to address American issues in Australian legislation or policy unless there was separate clear evidence that these issues also faced Australian home educating families.³⁷³

The United Kingdom

- 5.58** Home education is permitted in England and Wales in accordance with the *Education Act 1996* (UK). Section 7 of the Act requires the parent of every compulsory school age child to provide them with full-time education via ‘regular attendance at school or otherwise’.³⁷⁴
- 5.59** Home educating families are not required to follow the national curriculum but in accordance with the Act the education provided must be on a full-time basis. There is no registration process, however parents are required to inform the local school if a child is to be home educated. In instances where a child has special needs the parent must inform the local council if the child is to be home educated.³⁷⁵
- 5.60** Local councils have the ability to make an informal enquiry regarding a home schooled child if they have grounds to believe that child is not receiving a suitable education. If a council remains unsatisfied following its enquiry it can serve a school attendance order. The terms of a school attendance order require the parent(s) 15 days to provide evidence that they have registered their child with a school or that the child is being home educated. If satisfactory evidence is not produced the child will be required to attend a school.³⁷⁶
- 5.61** In 2009, the then Labour Government commissioned a review into home education most commonly referred to as the ‘Badman Review’ (the review). The review was established to investigate concerns about the welfare of home educated children and to ensure that they were receiving a suitable education.³⁷⁷

³⁷² Evidence, Dr Jackson, 5 September 2014, p 39.

³⁷³ Submission 145, Home Education Association, p 65.

³⁷⁴ *Education Act 1996*, s 7.

³⁷⁵ Government of the United Kingdom, *Home education*, (accessed 25 September 2014): <https://www.gov.uk/home-education>

³⁷⁶ *Education Act 1996*, sec 437.

³⁷⁷ House of Commons Library, *Standard note - home education*, SN 5108, (accessed 29 October 2014): <http://www.parliament.uk/briefing-papers/SN05108/home-education>

- 5.62** The Badman Review was established following the death of Kyhra Ishaq and a serious case review that followed. The serious case review found: ‘...The lack of a robust process by Education Otherwise, during February 2008, to assess the capability of adults within this household to provide effective home education, coupled with the absence of any risk assessment process to address safeguarding concerns previously communicated by education welfare, must be viewed as a significant failure’.³⁷⁸
- 5.63** The review’s primary recommendation was that ‘a compulsory national registration scheme, locally administered, for all children of statutory school age, who are, or become, electively home educated’.³⁷⁹
- 5.64** In response to the review, the then government introduced the Children, Schools and Families Bill 2009 to introduce a home education registration scheme.³⁸⁰ The Bill and the review were vigorously opposed by many home educators. This opposition resulted in many petitions being presented to the House of Commons expressing concern about the proposal for the compulsory registration of home educating families. In addition, a House of Commons Select Committee was also established to inquire into home education. The committee criticised the proposal for a compulsory home education registration scheme and instead called for a system of voluntary registration. The proposal for compulsory registration was ultimately dropped due to insufficient support for it to pass the Parliament.³⁸¹

Regulatory reform options

- 5.65** This section considers a number of regulatory reform options. Other reforms related to the registration requirements for home schooling are raised in Chapter 6.

Representation on the Board

- 5.66** The composition of the Board is prescribed by the *Board of Studies, Teaching and Educational Standards Act 2013*.³⁸²
- 5.67** According to this Act, a home schooling representative is not specifically listed as a category for appointment of such a member to the Board:

Section 5 of the BOSTES Act prescribes:

Members of the Board

³⁷⁸ Owen Bowcott, 27 July 2010, *The Guardian*, ‘Khyra Ishaq: Extracts from the serious case review’, (accessed 1 December 2014): <http://www.theguardian.com/society/2010/jul/27/khyra-ishaq-extracts-case-review>

³⁷⁹ Submission 157, Dr Andrew McGuinness, p 1.

³⁸⁰ House of Commons Library, *Standard note – home education*, SN 5108, (accessed 29 October 2014): <http://www.parliament.uk/briefing-papers/SN05108/home-education>

³⁸¹ House of Commons Library, *Standard note – home education*, SN 5108, (accessed 29 October 2014): <http://www.parliament.uk/briefing-papers/SN05108/home-education>; Submission 157, Dr Andrew McGuinness, p 1.

³⁸² *Board of Studies, Teaching and Educational Standards Act 2013*, s 5.

(1) The Board consists of the following members:

- (a) the President,
- (b) 3 persons nominated by the Secretary of the Department of Education and Communities who together have knowledge and expertise in primary and secondary school education and vocational education and training,
- (c) 19 members appointed by the Minister.

(2) The appointed members are as follows:

- (a) one nominee of the New South Wales Vice-Chancellors' Committee,
- (b) 2 nominees of the Council of the Federation of Parents and Citizens Associations of New South Wales:
 - (i) one representing parents of primary school children and being a parent of a child attending a primary government school, and
 - (ii) the other representing parents of secondary school children and being a parent of a child attending a secondary government school,
- (c) one nominee of the Catholic Education Commission, New South Wales,
- (d) one nominee of the Association of Independent Schools,
- (e) one non-government school teacher (other than a principal), being a nominee of the New South Wales Independent Education Union,
- (f) one parent of a child attending a non-government school, being a nominee of the Council of Catholic School Parents and the New South Wales Parents' Council,
- (g) 2 principals of government schools, one being a nominee of the New South Wales Primary Principals Association and the other being a nominee of the New South Wales Secondary Principals' Council,
- (h) 2 nominees of the New South Wales Teachers Federation, one being a primary government school teacher (other than a principal) and the other being a secondary government school teacher (other than a principal),
- (i) one person with knowledge and expertise in early childhood education,
- (j) an Aboriginal person with knowledge and expertise in the education of Aboriginal people,
- (k) 6 other persons having, in the Minister's opinion, the qualifications or experience to enable them to make a valuable contribution to primary or secondary education in New South Wales.³⁸³

³⁸³ *Board of Studies, Teaching and Educational Standards Act 2013*, s 5.

5.68 The BOSTES, in their submission, outlined the nominal constituency represented by each of the appointed Board members. They argued that it is not feasible to have representatives from every stakeholders or community group on bodies such as the Board. They also stated that there are many groups with a direct interest in the functions of the BOSTES which do not have a nominated representative on the Board.³⁸⁴

5.69 The BOSTES also provided the committee with an example of why it is not possible to have every stakeholder represented on the Board:

In 2013 there were 11,040 enrolments across all the language courses in Stage 5 (Years 9-10), along with more than 7,300 entries into HSC language courses. Similarly, in 2013, more than 8,300 HSC students undertook the Vocational Education and Training (VET) Hospitality course. These are substantial areas of educational interest with a significant stakeholder presence. However the Board would not seek membership at a level of granularity so as to only serve the interests of the individual language education or hospitality sectors on the Board.³⁸⁵

5.70 The constituency of each representative on the Board, in approximate terms, is outlined in Table 5.

Table 5 Representation on the Board

Nominating body	Representing (approx.)
NSW Department of Education and Communities (3 ex-officio members)	750,000 students and 60,000 teachers in 2200 government schools 520,000 TAFE students and 10,000 teachers in 140 TAFE campuses
Catholic Education Commission NSW	250,000 students and 20,000 teachers in 600 Catholic schools
Association of Independent Schools of NSW	150,000 students and 15,000 teachers in 330 Independent schools
NSW Vice-Chancellors' Committee	350,000 students and 40,000 FTE staff in 13 universities
Federation of Parents and Citizens Associations – parents of primary school children	Parents of 450,000 government primary school students
Federation of Parents and Citizens Associations – parents of secondary school children	Parents of 300,000 government secondary school students
Council of Catholic School Parents & Parents' Council	Parents of 400,000 non-government school students
Primary Principals' Association	Principals of 1800 government schools with 450,000 students
Secondary Principals' Council	Principals of 400 government secondary schools with 300,000 students

³⁸⁴ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 30.

³⁸⁵ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 30.

Nominating body	Representing (approx.)
NSW Teachers' Federation – primary	30,000 government primary school teachers
NSW Teachers' Federation – secondary	30,000 government secondary school teachers
Independent Education Union	35,000 non-government school teachers
One person with knowledge and expertise in early childhood education	500,000 NSW children aged 3 to 8 years
An Aboriginal person with knowledge and expertise in the education of Aboriginal people	60,000 Aboriginal and Torres Strait Islander students in NSW schools
6 other persons having, in the Minister's opinion, the qualifications or experience to enable them to make a valuable contribution to primary or secondary education in NSW	

Source: *Submission 139, Board of Studies, Teaching and Educational Standards, p 29.*

- 5.71** In terms of the six ministerial representatives, the BOSTES stated that these representatives are deliberately selected for their strategic skills to complement the educational expertise from educational stakeholder groups. They also stated that the experience and knowledge of these particular Board members helps to strengthen the Board as a whole to execute its responsibilities, such as the accreditation of teachers and registration of schools.³⁸⁶
- 5.72** Despite the BOSTES claim that is not feasible to have every stakeholder represented on the Board, a majority of inquiry participants advocated that the Board membership should include a home schooling representative. This is unsurprising, given that a majority of inquiry participants were home schooling parents or home schooling bodies.
- 5.73** One individual asserted that representation of home schoolers on the Board would enable a more collaborative approach on this form of education:
- Home Educators should be represented on the board of studies. Working together achieves more and furthermore, the commitment by parents to educate their children should be embraced with representation. This is the way of democracy, openness, and progressiveness.³⁸⁷
- 5.74** Another individual contended that home schoolers should be represented on the Board, particularly if the Board wants to consult on policies and procedures related to home schooling in New South Wales:

If BOSTES wants to help new home schoolers, BOSTES should consult with home schoolers and people experienced in home schooling, and invite them to participate in processes that help sort out issues concerning home schooling in NSW. There is so much to know and to understand about the many options and decisions a new home schooler faces, we rely on each other all the time for guidance and support,

³⁸⁶ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 30.

³⁸⁷ Submission 262, Name suppressed, p 7.

throughout the journey. It makes sense to include experienced home schoolers on the committee that oversees home schooling.³⁸⁸

5.75 Several other participants argued that it is important for home schoolers to have a voice on the Board.

5.76 Many inquiry participants also appealed for a home schooling representative to be appointed to the Board.³⁸⁹

5.77 Whilst the Sydney Home Education Network argued that the BOSTES is not the appropriate registration body for home schooling and that an independent body needs to be established (discussed below) they suggested that until that time, the home schooling population ‘must be represented’ on the Board.³⁹⁰

5.78 When the committee asked Mr Chris Krogh, member of the Home Education Association, about representation on the Board and whether there would be inequity in light of other membership and proportional representation, Mr Krogh argued:

Home educators would not be represented on the board as parents. We would be representative on the board as educators. As educators in whose educational practices the Board of Studies has a significant influence. It would not be proportional to a constituency of parents.³⁹¹

5.79 Ms Esther Lacoba, also a member of the Home Education Association, commented on this aspect, pointing out that representation on the Board would ensure that all modes of sanctioned education are included.³⁹²

5.80 Related to concerns that home schoolers are not represented on the Board are issues related to how the Board manages customer feedback and whether they have established a formal consultation process with the home schooling population.

5.81 When the committee asked Mr Murphy about how the Board receives feedback from home schooling families, he stated that they receive regular correspondence and that the community is active in providing feedback:

...we receive regular correspondence from home schooling families outlining their particular concerns. The home schooling community is not shy of letting the board know its views about particular matters. If you wanted to align the amount of correspondence we receive from the government and nongovernment school parent

³⁸⁸ Submission 265, Name suppressed, p 6.

³⁸⁹ Submission 247, Name suppressed, p 17; Submission 242, Name suppressed, p 5; Submission 240, Name suppressed, p 8; Submission 235, Name suppressed, p 4; Submission 226, Joshua Mortimer, p 3; Submission 224, Dr Buddhi Lokuge, p 7; Submission 211, Ms Marion Semtner, p 4; Submission 205a, Name suppressed, p 7; Submission 198, Name suppressed, p 9; Submission 176, FamilyVoice Australia, p 12; Submission 238, Ms Esther Lacoba, p 16.

³⁹⁰ Submission 122, Sydney Home Education Network, p 16.

³⁹¹ Evidence, Mr Chris Krogh, Member, Home Education Association, 8 September 2014, p 29.

³⁹² Evidence, Ms Esther Lacoba, Member, Home Education Association, 8 September 2014, p 29.

population with the amount we receive from home schoolers, I think home schooling correspondence would be disproportionately high.³⁹³

- 5.82** The committee then sought to clarify whether there was a formalised consultative process, to which Mr Murphy confirmed stated ‘Not at the moment’. When asked whether Mr Murphy would support the establishment of such a process, he stated:

The prevailing view among many home schooling families is that they prefer to have a certain distance between themselves and the board. These are people who often have objections to any government regulation that relates to the education of their children. The fact that we have not tried to impose any kind of consultative structure on the home schooling community should not be interpreted as an unwillingness to do so.³⁹⁴

- 5.83** This was disputed by Ms Karen Chegwidden who stated that despite Mr Murphy’s assertion that many home schoolers want to maintain distance from the Board, she would like consultation. She argued that Mr Murphy’s comments were ‘nonsense’ and ‘outrageous’. She also said that the recent petition with 10,000 signatures put to Parliament before this Inquiry commenced is evidence that the community wants to have a voice.³⁹⁵ Similarly Ms Vieira, a home schooling parent, agreed that a formal consultative process between the Board and home schooling population would be ‘wonderful’.³⁹⁶

A new regulatory body?

- 5.84** In addition to a number of proposed changes related to the registration requirements, as outlined in Chapter 6, several inquiry participants called for a new independent regulatory body to be established to oversee home schooling in New South Wales.

- 5.85** Ms Vivienne Fox supported the argument that an independent dedicated body be established to oversee home schooling. She argued that the new regulatory body should report directly to the Minister for Education and that experienced home schoolers should be employed to assist and support families during the registration process. In her opinion, such a model encourages a ‘high level of engagement with registration policies’, as home schoolers are involved in the policy process.³⁹⁷

- 5.86** Similarly, Ms Vanderkolk argued for an independent body to be established, comprised of experienced ‘home educators’:

Our main recommendation is that we have an independent body. The role of the Board of Studies, Teaching and Educational Standards NSW is to register nongovernment schools. We feel that they are coming to register home schooling with that mentality and that understanding. We need an independent body that can oversee, facilitate and support home education. That would be a better model. That body

³⁹³ Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Education Standards NSW, 5 September 2014, p 19.

³⁹⁴ Evidence, Mr Murphy, 5 September 2014, p 19.

³⁹⁵ Answers to questions on notice, Ms Karen Chegwidden, Home school parent, 6 October 2014, pp 2-3.

³⁹⁶ Evidence, Ms Michele Vieira, Home school parent, 5 September 2014, p 55.

³⁹⁷ Submission 171, Ms Vivienne Fox, pp 25-26.

should comprise experienced home educators and others appointed by the Minister. In that way, the people assessing us would understand the mechanism.³⁹⁸

- 5.87** A number of people argued in favour of a model that involved less regulation of home schooling. For example, the Home Education Network of Canberra and the Southern Tablelands undertook a small survey, in which respondents commented on how they would like to see the regulatory process changed. Most responses they received called for less regulation of home schooling. One respondent stated that they question ‘the need for the high level of bureaucratic oversight of home schooling families in NSW’.³⁹⁹
- 5.88** By contrast, Mr Guy Tebbutt, a home schooling parent, argued that the current ‘regulation strikes a good balance’. He felt that the registration process and regulation of home schooling should stay as it is.⁴⁰⁰
- 5.89** The NSW Teachers Federation stated that they are ‘strongly opposed’ to changes with the regulatory process that would disadvantage students or place them at risk:
- The NSW Teachers Federation is strongly opposed to any weakening of the registration requirements for home schooling, as it would place students and young people at risk of significant and long-term disadvantage. Given the community context of strengthening quality teaching for students enrolled in NSW Public Schools, to allow a group of students to be subject to mechanisms with a weakened capacity to assure the quality of the teaching they receive, would constitute a failure of the Government to meet its responsibilities under the *Education Act* and international human rights instruments.⁴⁰¹
- 5.90** Whilst many participants called for the establishment of an independent body to administer home schooling instead of the BOSTES,⁴⁰² there was divided opinion about which jurisdiction to follow in terms of the regulatory approach. Some favoured the approach in Tasmania, with an agency similar to the Tasmanian Home Education Advisory Council (THEAC), and others viewed the Victorian model as an effective system.
- 5.91** The Home Education Association argued that New South Wales could learn from other states ‘more supportive registration systems’. They pointed to the Victorian model and approach in Tasmania as good examples. In particular, they argued that the Victorian model is restrained in terms of regulation, although they acknowledged that some parents in Victoria expressed a desire for greater levels of support. By comparison, they pointed to the benefits of having a regulatory body similar to Tasmania, particularly in terms of parents’ access to support and resources.⁴⁰³

³⁹⁸ Evidence, Ms Marianne Vanderkolk, Chair, Home Education Support and Action Network, 5 September 2014, p 60.

³⁹⁹ Submission 133, HENCAST, p 8.

⁴⁰⁰ Evidence, Mr Guy Tebbutt, Home school parent, 8 September 2014, p 37.

⁴⁰¹ Submission 79, NSW Teachers Federation, p 3.

⁴⁰² Submission 178, Ms Sophia Platthy, p 1; Submission 241, Name suppressed, p 1; Submission 237, Name suppressed, p 5.

⁴⁰³ Submission 145, Home Education Association, pp 199-200.

- 5.92** Similarly, Mr Tim Close and Ms Georgina Close contended that a regulatory approach combining parts of the Tasmanian and Victorian systems would be good:

Combining the Victoria registration system which simply requires a statement of responsibility to home educate and there is no assessment and Tasmania system where home education is regulated by a group that includes home educators and support is a part of the registration process.⁴⁰⁴

Arguments for a regulatory approach similar to Tasmania

- 5.93** The committee received a significant amount of evidence calling for New South Wales to follow the regulatory approach of Tasmania.
- 5.94** The author of submission number 214 pointed the committee to an online petition to the Minister for Education, in which 250 people called for an independent council to be established to oversee home schooling, along the lines of the approach in Tasmania.⁴⁰⁵
- 5.95** Ms Diane Sylvester also pointed to the model in Tasmania as a respected and effective regulatory model. She argued that the current regulatory approach by the BOSTES is burdensome, and that a new regime should focus on increased support and encouragement for home schoolers:

I would like to have registration, not regulation, for home education in New South Wales. I believe that the current registration process, with its increased regulatory push, is burdensome and anxiety-ridden, and further, it is overly time-consuming and focused more on paperwork than on improving learning outcomes. I firmly believe that a new model needs to be formed - one that will support and encourage home educators and facilitate achieving the best learning outcomes possible in each home schooling situation. The model which has proven to be the most effective in Australia is the Tasmanian model – Tasmanian Home Education Advisory Council - and I believe that this model would be acceptable and beneficial to most, if not all, home educators in Australia.⁴⁰⁶

- 5.96** Ms Tamara Kelly, President of the Home Education Association, also called for the Tasmanian system to be adopted in New South Wales:

I encourage you to look towards the Tasmanian system which is run by home educators for home educators because home education is not school-at-home. It is an immersive and engaging learning experience tailored to the needs of the individual – something impossible in schools.⁴⁰⁷

- 5.97** The Sydney Home Education Network would also like to see appropriate regulation that includes a support function. They observed that the regulatory body in Tasmania specifically employs personnel who are supportive of home education.⁴⁰⁸

⁴⁰⁴ Submission 174, Mr Tim Close and Ms Georgina Close, p 8.

⁴⁰⁵ Submission 214, Name suppressed, p 2.

⁴⁰⁶ Submission 263, Ms Diane Sylvester, pp 1-2.

⁴⁰⁷ Submission 151, Ms Tamara Kelly, President, Home Education Association, p 1.

⁴⁰⁸ Submission 155, Sydney Home Education Network, p 11.

- 5.98** When the committee asked Dr Jackson for her opinion about what particular jurisdiction is doing well in terms of their regulatory approach, Dr Jackson commented:

I do not want to make a decision about what the best regulation is. I can see that there are pros and cons in all of them. The Tasmanian Home Education Advisory Council [THEAC] example is probably one that legislators would feel more comfortable with. My one comment from feedback I have had is that the people who operate it need to be very informed about home education practice and understand the way the home education community works.⁴⁰⁹

- 5.99** A number of other participants supported the establishment of a new regulatory model based on the approach in Tasmania.⁴¹⁰

Arguments for a regulatory approach similar to Victoria

- 5.100** In exploring possible regulatory reforms options for New South Wales, several other participants suggested that the committee consider the approach adopted in Victoria.

- 5.101** For example, the Homeschooling Registration Reform Alliance of NSW suggested that a new regulatory model should focus on working in partnership with home schooling families, with increased support and less focus on compliance and control. They requested a shift to a regulatory model similar to the approach in Victoria.⁴¹¹

- 5.102** SouthEast Home Education also argued for less regulation of home schooling, and pointed to the Victorian model as the fairest, in their opinion. They favoured the approach in Victoria because the regulatory body ‘does not enforce its own curriculum outcomes upon parents’. They also asserted that this model saves the state government money, as no costs are incurred from Authorised Persons, because there are no home visits. In essence, the organisation called for a system whereby parents would simply notify the government of their intention to home school and where they would not be legally obliged to follow syllabus outcomes.⁴¹²

- 5.103** The Sydney Home Education Network, in particular, also supported the approach in Victoria in terms of access to part time schooling, as discussed in Chapter 8.⁴¹³

Committee comment

- 5.104** The committee believes that it is appropriate to establish a consultative group run by BOSTES to facilitate the formal consultation process between the Board of Studies, Teaching and Educational Standards and the home schooling population. It is envisaged that this consultative group will have a role in reviewing the registration requirements and process, drafting any future changes to the Information Package and other documentation, as well as providing ongoing advice and assistance to the Board on home schooling matters.

⁴⁰⁹ Evidence, Dr Jackson, 5 September 2014, p 42.

⁴¹⁰ Submission 155, Sydney Home Education Network, p 1; Submission 18, Name suppressed, pp 9-10; Submission 135, Shire Education Group, p 2; Evidence, Ms Velly Pasas, Vice-President, Sydney Home Education Network, 5 September 2014, p 70.

⁴¹¹ Submission 138, Homeschooling Registration Reform Alliance of NSW, p 4.

⁴¹² Submission 136, SouthEast Home Education, p 5.

⁴¹³ Submission 155, Sydney Home Education Network, p 15.

- 5.105** The committee believes that this consultative group should be chaired by the Executive Director of Regulation and Governance from the Board of Studies, Teaching and Educational Standards Board. Membership of the consultative group should include at least four home schooling representatives and at least four others nominated by BOSTES for their knowledge and expertise in primary and secondary education and the education of children with disabilities.
- 5.106** Accordingly, the committee recommends that the Board of Studies, Teaching and Educational Standards Board establish a consultative group, to:
- oversee consultation between the BOSTES and home schooling population
 - provide input to and review the design and implementation of home schooling policies and procedures
 - provide ongoing advice and assistance to the BOSTES.

Recommendation 12

That the Board of Studies, Teaching and Educational Standards Board establish a consultative group to:

- oversee consultation between the BOSTES and home schooling population
- provide input to and review the design and implementation of home schooling policies and procedures
- provide ongoing advice and assistance to the BOSTES.

That the consultative group be chaired by the Executive Director of Regulation and Governance from the Board of Studies, Teaching and Educational Standards Board. Membership of the consultative group to include at least four home schooling representatives and at least four others nominated by BOSTES for their knowledge and expertise in primary and secondary education and the education of children with disabilities.

Chapter 6 Changes to the Registration for Home Schooling in NSW – Information Package

This chapter explores the recent changes made by the Board of Studies, Teaching and Education Standards (BOSTES) to the *Registration for Home Schooling in NSW – Information Package*, a key document outlining the registration requirements for home schooling. This chapter considers the nature of the changes made and their level of significance, the impact of the changes on the home schooling population, the extent of consultation prior to the changes and BOSTES response to concerns raised.

Review of the Information Package

- 6.1 The last review of the *Registration for Home Schooling in NSW – Information Package* (the ‘Information Package’) was influenced in part by recent findings from the NSW Ombudsman’s investigation into home schooling. This section outlines the background of the review, the recommendations of the Ombudsman and how these recommendations have been implemented by the BOSTES.

Background to the review

- 6.2 Given the level of concern from home schooling families about the recent review of the Information Package, the committee sought to understand exactly what had changed with the most recent review.
- 6.3 In their submission, the BOSTES advised the committee that the Information Package was reviewed and approved by the Minister in July 2013 in line with suggestions made by the NSW Ombudsman:

The 2013 Information Package was updated primarily in relation to the new BOSTES syllabuses to be introduced from 2014 and to respond to feedback from parents requesting clarification about the requirements for registration. The updated Information Package also had regard to the suggestions made by the NSW Ombudsman to improve the openness and transparency of the registration process and to raise awareness of home schooling applicants of the ways in which home schooling is monitored in NSW.⁴¹⁴

- 6.4 At a hearing, Mr David Murphy, Executive Director of Regulation and Governance with the Board of Studies, Teaching and Education Standards NSW, explained that the Information Package is regularly reviewed, and that several factors influenced the most recent review, including the revised syllabuses, feedback about the need for greater transparency and suggestions from the Ombudsman’s investigation:

The chief factors that influenced that review were the revised Board of Studies, Teaching and Educational Standards K-10 syllabuses in English, maths, science and history. The second factor related to some feedback that the board had been receiving over a period of time that there needed to be greater clarity around some of the provisions. A lot of that feedback was coming from home schoolers or Authorised

⁴¹⁴ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 3.

Persons. The third significant factor related to some suggestions that were made to the board by the Ombudsman. Those suggestions chiefly related to some procedures that the board had been applying for many years that were not as open and transparent as they needed to be. They tended to be internal documents, and the Ombudsman suggested that many of those processes would be better placed within the Information Package.⁴¹⁵

6.5 In terms of the Ombudsman's probe into home schooling, the committee examined the Ombudsman's Annual Report for 2012-2013 which summarised the investigation and response of the BOSTES:

We were initially concerned about whether the arrangements to monitor ongoing compliance with certain requirements were adequate. The requirements were that:

- the educational program must be taught in accordance with BoS's syllabuses
- the material being taught is suited to the learning needs of the child.

The BoS responded positively. They agreed to make a number of changes to the registration form including:

- recording information about the evidence considered when making an assessment
- making it clear that the child or children must be present during an assessment visit.

They also agreed to take a range of other actions. These included:

- reviewing how they could better ensure the requirements of registration are complied with throughout the period of registration – including possibly introducing ongoing monitoring and home visits.
- starting to collect data on whether children who apply to be home schooled are Aboriginal or Torres Strait Islander.
- working with the Department of Education and Communities to see how to better identify and resolve dissatisfaction with a school – to avoid a child's removal in circumstances where home schooling is not a positive choice but a response to unresolved difficulties.
- researching the academic attainment of home schooled students compared to children who attend public or private schools.
- assessing whether there is any link between children known to Community Services and those being home schooled.

As the BoS agreed to all of our suggestions, we decided to discontinue our formal investigation. We will continue to monitor the changes and assess whether any further work is needed.⁴¹⁶

⁴¹⁵ Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Education Standards NSW, 5 September 2014, p 3.

⁴¹⁶ NSW Ombudsman, *Annual Report 2012-2013*, (accessed 26 September 2014): https://www.ombo.nsw.gov.au/__data/assets/pdf_file/0015/12921/Full-Annual-Report-2012-2013.pdf, p 70

Implementation of recommendations from the NSW Ombudsman

- 6.6** The committee questioned Mr Murphy about the Board's implementation of the recommendations from the Ombudsman's review. In terms of the first point, ongoing monitoring to ensure home schoolers comply with registration requirements, the committee was informed that monitoring has always been a feature of the BOSTES administration of home schooling. However, the Ombudsman observed that this was not explicitly stated in the Information Package, and only referenced in the Authorised Persons Handbook. To address this issue, the BOSTES ensured, when reviewing the Information Package, that it explicitly outlined its procedures in terms of ongoing monitoring.⁴¹⁷
- 6.7** In terms of collecting data on Aboriginal and Torres Strait Islanders, the second recommendation made by the Ombudsman, Mr Murphy told the committee that the application form for home schooling was amended to capture this information. On the third recommendation, Mr Murphy explained that the Board exchanges information with the Department of Education and Communities in situations where families may have expressed particular dissatisfaction with a school. The committee was informed that exchange of this information is dependent on consent from the families, which will often depend on the circumstances.⁴¹⁸
- 6.8** On the fourth recommendation, to research the academic attainment of home school students, the committee was advised that the Board is currently undertaking research which is expected to be finalised in October 2014. This research is discussed in Chapter 3.⁴¹⁹
- 6.9** In relation to the final recommendation, Mr Murphy was questioned about the Board's exchange of information with the Department of Family and Community Services. This issue is dealt with more broadly in Chapter 7.⁴²⁰

Changes to the Information Package

- 6.10** A number of inquiry participants argued that significant changes were included in the 2013 Information Package as a result of the review, however the BOSTES expressed a different view. Mr Murphy argued that there were no changes to registration requirements in the Information Package, although he acknowledged that this was a 'contested view'. Instead, he stated that 'there was a more explicit reference to the BOSTES processes within the Information Package'.⁴²¹
- 6.11** When the BOSTES appeared before the committee on a second occasion, the committee put to Mr Murphy that the 2013 document is fundamentally different in presentation and flavour. Mr Murphy stated in reply that 'we believe that the requirements are more clearly stated as requirements'.⁴²²

⁴¹⁷ Evidence, Mr Murphy, 5 September 2014, p 4.

⁴¹⁸ Evidence, Mr Murphy, 5 September 2014, p 4.

⁴¹⁹ Evidence, Mr Murphy, 5 September 2014, p 7.

⁴²⁰ Evidence, Mr Murphy, 5 September 2014, p 9.

⁴²¹ Evidence, Mr Murphy, 5 September 2014, p 11.

⁴²² Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Education Standards NSW, 7 October 2014, p 12.

- 6.12** The BOSTES provided the committee with a summary of the amendments to the Information Package, included at Annexure 6, and a tracked version of the changes from the 2011 to the 2013 version of the document.⁴²³
- 6.13** The committee was also provided with a copy of the 2011 and 2013 versions of the Information Package, both included at Annexures 7 and 8 respectively.
- 6.14** The Home Education Association and the Home Education Support and Action Network both submitted a document prepared by Ms Marianne Vanderkolk showing the amendments to each Information Package since 1998.⁴²⁴ Whilst the committee acknowledges that the Information Package has evolved over a significant period of time, this section will focus on the most recent changes made to the Information Package as a result of the 2011 version being reviewed.

Title change

- 6.15** One of the amendments pointed out was the change in the name of the document, from *Home Education in NSW Information Package* to *Registration for Home Schooling in NSW – Information Package*.
- 6.16** Ms Karen Chegwiddden, a home schooling parent, argued that changing the name from home education to home schooling was a fundamental change.⁴²⁵ Ms Tamara Kidd also noted the change in name from 'Home Education' to 'Home Schooling'.⁴²⁶
- 6.17** The BOSTES argued that the title was updated to make it more consistent with the purpose of the document, as provided for in the legislation:

The amended title is more consistent with the purpose of the document, that is, to provide information about registration for home schooling as provided for by the Education Act 1990.⁴²⁷

Removal of recognition of the diversity of home education

- 6.18** Another change highlighted to the committee was the removal of a sentence that recognised the diversity of home schooling methods.
- 6.19** Mr Chris Krogh, a member of the Home Education Association, stated that there was a sentence acknowledging the diversity of home schooling methods in the 2011 Information Package, which is missing from the current version.⁴²⁸

⁴²³ Answers to questions on notice, Mr David Murphy, Board of Studies, Teaching and Educational Standards NSW, 3 October 2014, Annexure 1.

⁴²⁴ Answers to questions on notice, Ms Marianne Vanderkolk, Chair, Home Education Support and Action Network, 3 October 2014, Summary of changes to the Information Package; Answers to questions on notice, Mr Chris Krogh, Member, Home Education Association, 3 October 2014, Summary of changes to the Information Package.

⁴²⁵ Evidence, Ms Karen Chegwiddden, Home school parent, 5 September 2014, p 47.

⁴²⁶ Submission 167, Ms Tamara Kidd, p 4.

⁴²⁷ Answers to questions on notice, Mr Murphy, 3 October 2014, Annexure 1.

- 6.20 Mr Gerald Vanderkolk and Ms Marianne Vanderkolk also referred to this change, and argued that it ‘proved to be indicative of the fundamental change that occurred through many different parts of the Information Package’.⁴²⁹

Amendments related to syllabus and curriculum requirements

- 6.21 Several inquiry participants also pointed to changes to the Information Package related to the wording about the syllabus and curriculum requirements.
- 6.22 The Home Education Association noted that in 2011 the requirements in the Information Package stated that the minimum curriculum guidelines are ‘in accordance with the Board of Studies syllabus and identified learning outcomes’. By contrast, they said that the 2013 Information Package states that parents must have a ‘written plan based on the Board of Studies syllabus, intended learning outcomes and content’ and that it ‘must be complied with at all times’.⁴³⁰
- 6.23 The Home Education Association stated that these changes have resulted in less flexibility for parents to create individual plans tailored to meet their children’s learning needs, despite no legislative changes to the *Education Act 1990* in this period.⁴³¹
- 6.24 Ms Vanderkolk argued that the 2013 Information Package specified the syllabus as a prescribed requirement, despite no changes to the *Education Act 1990* since 2004. She pointed to the statement in the Information Package that stated ‘the minimum curriculum is the curriculum provided by the relevant Board of Studies Syllabuses’. Ms Vanderkolk claimed that there was no basis for the Board to make this change.⁴³²
- 6.25 Similarly, Ms Michele Vieira, Ms Sharon Wu and Mrs Vivienne Fox gave evidence regarding concerns with the 2013 Information Package, that it represented significant and unhelpful change.⁴³³
- 6.26 The BOSTES stated, in their summary of the amendments to the Information Package from 2011, that the changes clarified that the curriculum must be taught in accordance with the BOSTES syllabuses:

The minimum curriculum guidelines previously contained in the Information Package are redundant as the minimum curriculum for all students in New South Wales is based on the BOSTES syllabuses. The syllabus stage requirements contained within each syllabus provide an overview or guide to the learning per stage. Part 4 of the

⁴²⁸ Evidence, Mr Chris Krogh, Member, Home Education Association, 8 September 2014, p 26.

⁴²⁹ Submission 209, Mr Gerald Vanderkolk and Ms Marianne Vanderkolk, p 13.

⁴³⁰ Submission 145, Home Education Association, p 152.

⁴³¹ Submission 145, Home Education Association, pp 151-152.

⁴³² Answers to questions on notice, Ms Vanderkolk, Summary of changes to the Information Package, p 3.

⁴³³ Evidence, Ms Michele Vieira, Home school parent, 5 September 2014, p 48; Evidence, Ms Sharon Wu, Member, Home Education Support and Action Network, 5 September 2014, p 59; Submission 171, Ms Vivienne Fox, p 20.

Information Package clarifies that the curriculum must be based on and taught in accordance with the BOSTES syllabuses.⁴³⁴

6.27 A number of submissions complained that the BOSTES require students to be educated at their chronological age rather than their ability level. In response to this issue, the BOSTES stated:

The BOSTES syllabuses are not structured or based on chronological age. They are structured around stages of learning that correspond to years of schooling as per the following:

Stage 1 – Kindergarten to Year 2

Stage 2 – Years 3 and 4

Stage 3 – Years 5 and 6

Stage 4 – Years 7 and 8

Stage 5 – Years 9 and 10

Stage 6 – Years 11 and 12

The rationale, aim, objectives and content of the BOSTES syllabuses have been designed to accommodate teaching approaches that support the learning needs of all students, including those who appear to be achieving ahead of, or behind, expectations.⁴³⁵

6.28 When the committee questioned the BOSTES about concerns that the curriculum requirements force students to study a certain year when the parents believe that the child is ready to take on more advanced studies, Mr Murphy advised:

That was one of the pieces of misinformation that was being distributed...If a home schooling family wants to accelerate the learning of a child beyond, say, Year 10 for which they are registered then they can do that. The way in which the registration certificates are framed very much recognises that there is diversity in terms of the learning programs. For example, a child might be registered for primary education, particularly if they had special education needs.

The particular change that we made, I think it was in 2010, around putting years of schooling or designating whether it was primary or secondary education was motivated by a change to the Act where there was a requirement in some cases for a home schooling family to have evidence that the child was engaged in education at the Year 10 level or beyond for the purposes of the attendance requirements of the Act. In 2010 there were changes made so that the children either had to attain the age of 17 or be in other approved education and training.⁴³⁶

⁴³⁴ Answers to questions on notice, Mr Murphy, 3 October 2014, Annexure 1.

⁴³⁵ Answers to supplementary questions, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Education Standards NSW, 3 October 2014, pp 4-5.

⁴³⁶ Evidence, Mr Murphy, 5 September 2014, p 14.

- 6.29** Further, Mr Murphy explained that the syllabus does provide flexibility in learning programs for a child:

The Board's syllabuses are not framed in lock-step years. They are framed in terms of stages so that does provide a fair degree of flexibility. The way in which the board assesses whether or not a learning program is based on and taught in accordance with the Board's syllabuses is to have regard to whether or not the learning program achieves the outcomes which are stated in the board's syllabuses.⁴³⁷

- 6.30** The committee asked Mr Murphy about whether there was flexibility in terms of the requirements for a child with special needs. In particular, the committee sought a response from Mr Murphy on this issue in relation to a Frequently Asked Question at the end of the Information Package which stated that 'the program of study based on the board of studies syllabus can be adjusted to meet the individual needs of your child', followed by 'the requirements for registration must be met'. Mr Murphy said:

That particular response was intended to clarify that there was flexibility within the Board's syllabuses. I think there was a view that there was not that flexibility and that in order to meet the needs of a child with special education needs you could not use the board's syllabuses when in fact you could. The Board's syllabuses have an approach referred to as 'life skills', which is embedded in all of the board's kindergarten to year 10 syllabuses.⁴³⁸

- 6.31** When the committee asked for further clarification about the second sentence that 'the requirements for registration must be met', Mr Murphy added that 'what it means is that the board's syllabuses have ample flexibility within them without needing to go outside them'.⁴³⁹

- 6.32** The committee also noted that a significant amount of information in the Information Package about the curriculum requirements had been removed. When Mr Murphy was asked about this, he responded:

The feedback that the board received was that there appeared to be some confusion that those particular guidelines were a substitute for basing courses on the board syllabuses. We considered it would provide greater clarity if there was a greater focus on the requirement for courses to be based on and taught in accordance with the board syllabuses rather than introducing what appeared to be some confusion around the guidelines.⁴⁴⁰

A new requirement that learning be delivered in the home by a parent?

- 6.33** Several people raised concerns that certain changes to the Information Package imposed a new requirement that learning be delivered in the home and by a parent.

⁴³⁷ Evidence, Mr Murphy, 5 September 2014, p 15.

⁴³⁸ Evidence, Mr Murphy, 7 October 2014, p 4.

⁴³⁹ Evidence, Mr Murphy, 7 October 2014, p 4.

⁴⁴⁰ Evidence, Mr Murphy, 7 October 2014, p 5.

- 6.34** Ms Velly Pasas, Vice President of the Sydney Home Education Network, insisted that this concern extended beyond the curriculum requirements, as it was about the constant references in the document to the learning only being delivered in the home and by a parent:

We would like to put on record yet again that the issue is not the national curriculum. The changes in the 2013 Information Package go significantly beyond a changing curriculum. It includes constant references to the educational program having to be delivered in the home by the parent. However, learning in a school is not limited to a physical place and to only one teacher, especially at a high school level. Why should these restrictions be placed on home educators? We believe that learning cannot be limited to a person and to a place.⁴⁴¹

- 6.35** Ms Karen Chegwiddden provided a similar story to the committee, stating that she was told by her Authorised Person that learning that took place outside of the home did not count as part of the educational program for her daughter. This meant that her daughter's studies for a Certificate IV qualification were discounted as part of the education program. Ms Chegwiddden stated that this was based on a 'rigid interpretation and application of stages and outcomes'.⁴⁴²
- 6.36** Ms Tamara Kidd similarly said to the committee that based on her reading of the Information Package, activities her children had undertaken, such as learning Auslan, sewing and a writing program, could not be counted as part of the children's educational program because they had occurred outside the home.⁴⁴³
- 6.37** The Home Education Association also noted this change, and stated that any external activities are now only an addition to the educational program, rather than integral to it.⁴⁴⁴ Similarly, the Shire Education Group noted their objection to certain changes in the Information Package, particularly that activities, such as workshops, classes and excursions are now classified as 'extra-curricular'.⁴⁴⁵
- 6.38** Another individual expressed concerns about this requirement, arguing that 'restrictions that the teaching has to take place at their home are reducing opportunities of taking advantage of the best available resources and cultural activities'.⁴⁴⁶
- 6.39** During the final hearing, the committee asked the BOSTES about whether the changes were aimed at trying to create a classroom in every home. Mr Murphy responded:

No, we are not trying to create a classroom in every home. Without going through the provisions that are in our response to the questions on notice, BOSTES has a standards and evidence-based approach to its responsibilities and what I think the 2013 Package does with greater clarity is to describe the process of how we go about collecting evidence that addresses the standards that home schoolers have to meet.⁴⁴⁷

⁴⁴¹ Evidence, Ms Velly Pasas, Vice-President, Sydney Home Education Network, 5 September 2014, p 69.

⁴⁴² Answers to questions on notice, Ms Karen Chegwiddden, Home school parent, 6 October 2014, p 3.

⁴⁴³ Evidence, Ms Tamara Kidd, Home school parent, 5 September 2014, p 47.

⁴⁴⁴ Submission 145, Home Education Association, pp 129-130.

⁴⁴⁵ Submission 135, Shire Education Group, p 2.

⁴⁴⁶ Submission 2, Name suppressed, p 5.

⁴⁴⁷ Evidence, Mr Murphy, 7 October 2014, p 4.

- 6.40 In addition, the committee asked Mr Murphy whether all learning has to happen with the home and whether extra-curricular activities are now restricted. The reply received was that:

There was that misinformation being disseminated, but it has never been the case that all home schooling has to occur within the home, just as schooling in a government or non-government school does not have to be conducted on the school premises. That was one of the concerns that was raised with us but on any plain reading of the 2013 Information Package you could not take that view away. We did place a question and answer on our website to make that plainer than was already the case within the 2013 Pack.⁴⁴⁸

- 6.41 The committee also noted the Board's information on this issue in the Question and Answers document that have placed on their website:

Can I continue to plan learning activities outside my home?

Yes. Many home schooling parents incorporate learning outside of the home as part of an educational program...The updated Information Package has not changed with regard to the inclusion and recognition of such activities as part of a child's educational program that is primarily implemented in the home.⁴⁴⁹

- 6.42 The committee sought further clarification on this point, and asked whether home schooling parents can use external experiences in the same way as schools. Mr Murphy replied in the affirmative, but added that the Board did not want to see unregistered schools being established:

Where it is relevant to the outcomes in the Board's syllabuses that is certainly true. One of the things the Board does have to have regard to is to ensure that no unregistered schools are being conducted under the guise of home schooling. That is one of the things we are mindful of, like any kind of congregation of home schoolers who are receiving instruction outside the home or at least outside their own home.⁴⁵⁰

Extra powers for Authorised Persons

- 6.43 Another amendment highlighted for the committee were changes made to the content in the Information Package about the powers of Authorised Persons when assessing renewal applications.

- 6.44 In the tracked changes version of the Information Package provided by the Board, the committee observed significant additions of content to page 17, in relation to what the Authorised Person will assess. In total, 12 factors were listed in terms of what will be assessed, when the 2011 version only listed six items. For example, the following two points were added:

- that the Authorised Person will assess the records for the current period of registration demonstrating implementation of the current system for planning, supervising and recording teaching and learning experiences

⁴⁴⁸ Evidence, Mr Murphy, 7 October 2014, p 5.

⁴⁴⁹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Attachment 3.

⁴⁵⁰ Evidence, Mr Murphy, 7 October 2014, p 14.

- that the Authorised Person will assess the proposed method for maintaining records of all aspects of delivery of the educational program during a renewed period of registration.⁴⁵¹

6.45 When the committee asked Mr Murphy to explain these changes, including why the Authorised Person appeared to receive additional powers, the response received was:

In the case of the Ombudsman's review of the information published, the Ombudsman recommended that much of the material that was in the Authorised Persons handbook should be placed within the Information Package so as to make the board's processes more open and transparent. What you are seeing there is an import from a document that had not been published into a document that was published.⁴⁵²

Removal of registration via documentation

6.46 One of the changes discussed during the inquiry was the removal of a process referred to as registration via documentation. This process enabled documentation to be submitted for registration without the need for a home visit.

6.47 The Home Education Association noted that this process had been removed and was no longer an option for cases where the Board was confident that parents were developing a sound education program for their child.⁴⁵³

6.48 They stated that up until 2013, registration visits were not required for every registration process as more experienced home schoolers could register via documentation. They said that this process was 'abruptly removed'.⁴⁵⁴ A home schooling parent, Ms Yeshe Thubten, called for registration via documentation to be reinstated.⁴⁵⁵

6.49 When comparing the 2011 and 2013 versions of the Information Package, the committee noted that a large section of information about registration via documentation has been removed. However, the committee noted that the current version still retains a sentence which states:

In some cases, for experienced and successful home schoolers and following a recommendation from the previous Authorised Person, the Office may consider assessing an application by documentation. Assessment by documentation will not be recommended where a home visit has not occurred in the past two years.⁴⁵⁶

6.50 The committee asked the BOSTES about this issue and whether it is still an option. The committee was advised that 'assessment by documentation has not been a routine practice of

⁴⁵¹ Answers to questions on notice, Mr Murphy, 3 October 2014, *Registration for Home Schooling in NSW – Information Package*, p 17.

⁴⁵² Evidence, Mr Murphy, 7 October 2014, p 5.

⁴⁵³ Submission 145, Home Education Association, pp 129-130.

⁴⁵⁴ Submission 145, Home Education Association, p 174.

⁴⁵⁵ Submission 25, Ms Yeshe Thubten, p 4.

⁴⁵⁶ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 1, p 17.

the BOSTES since 2010'. The BOSTES explained that this change resulted from a risk assessment of that practice following the release of the judgment in the *Ebony* case.⁴⁵⁷

- 6.51** The BOSTES also stated that the NSW Ombudsman was supportive of the BOSTES' practice of sighting the child for whom registration was being sought. From the discussions with the Ombudsman, the conclusion was that to 'reduce this minimal level of oversight of the child would be unacceptable and inconsistent with the BOSTES obligations' in relation to child protection legislation'.⁴⁵⁸
- 6.52** The BOSTES provided further information about the limited use of this process, such as in situations where an experienced and successful home schooling family is seeking to register another child for a period that is less than two years, so as to align with registration periods for other children in the family.⁴⁵⁹

Removal of contacts for support

- 6.53** Another amendment highlighted for the committee was the removal of certain contacts for support in the Information Package.
- 6.54** The Sydney Home Education Network noted that they had been removed as a support contact in the 2013 Information Package, without any notification or consultation. They argued that this change had the effect of isolating home schooling families.⁴⁶⁰
- 6.55** Similarly, Mr Krogh, member of the Home Education Association, observed that the Muslim Home Education Network has also been removed as a support contact from the Information Package, as they were listed in the 2011 version but not the 2013 version.⁴⁶¹ On this issue, the committee noted that the only organisation listed as a support contact in the 2013 Information Package is the Home Education Association.
- 6.56** When the committee asked the BOSTES about this issue, they stated that they 'did not want to recommend or endorse any particular home schooling network or support group by way of publication'. However, they said that they chose to retain the Home Education Association's details in the document as they are a peak body, and because they list over 60 support contacts on their website.⁴⁶²

Impact of changes

- 6.57** A number of submission authors and witnesses at hearings provided evidence about the impact of the changes to the Information Package.

⁴⁵⁷ Answers to supplementary questions, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 22 October 2014, p 1.

⁴⁵⁸ Answers to supplementary questions, Mr Murphy, 22 October 2014, p 1.

⁴⁵⁹ Answers to supplementary questions, Mr Murphy, 22 October 2014, p 1.

⁴⁶⁰ Submission 155, Sydney Home Education Network, p 12.

⁴⁶¹ Evidence, Mr Krogh, 8 September 2014, p 34.

⁴⁶² Answers to supplementary questions, Mr Murphy, 3 October 2014, p 2.

6.58 Many argued that the changes had increased the prescriptiveness of the registration requirements, thereby reducing flexibility for parents to meet the educational needs of children. Others claimed that the requirements are now more onerous, due to large amounts of time and documentation being needed to demonstrate the requirements are being met. Some participants expressed concerns about the levels of anxiety and fear present in home schoolers as a result of these changes.

Increase in prescriptiveness

6.59 Generally, a number of participants claimed that the language, tone and content has changed to such an extent that the registration requirements have become overly prescriptive, thereby leaving less room for flexibility.

6.60 This view was shared by a number of other inquiry participants, who felt that the BOSTES was increasing their regulation of home schooling.⁴⁶³

6.61 On this issue, the Sydney Home Education Network asserted that the 2013 Information Package assumes a one size fits all approach, whereas home schooling parents believe that learning programs should be tailored on an individual level to suit each child.⁴⁶⁴

6.62 Ms Wu, a home schooling parent, stated that she felt the requirements were too prescriptive and stifling and that parents were being ‘micromanaged’. She wanted to see a more supportive and flexible regulatory structure in place:

As much as we love home education we were concerned that we would have to stop in August last year. The new Information Pack for home schooling outlined changes that seemed impossible to comply with as the new regulations were prescriptive and stifling. We registered for home schooling as we acknowledge that the government needs to manage society but we are concerned that it has almost become a form of micromanagement. We would like to see registration as supportive, guiding us rather than prescribing. We need a system that recognises and supports home education as a different and valid alternative.⁴⁶⁵

6.63 Another home schooling parent expressed a similar concern about the changes imposing less flexibility to tailor an education program to meet a child’s needs. Ms Stephanie Hayes provided evidence about this in relation to her son’s special needs, and how the registration process has changed over the last few years:

...my most recent application, my third, was much more formal; and much more stringent and directive. It was clearly communicated that the inspection was for the main purpose of complying with BOSTES policy requirements; there was much emphasis placed on the recording of information about outcomes (many of which my son is unable to meet on a regular basis due to his specific challenges); and within this context there was a definite decline in the recognition and allowance for meeting my

⁴⁶³ Submission 144, Home Education Support and Action Network, p 5; Submission 156, Home Schooling Encouragement Network and Support Group, Southern Sydney, p 2.

⁴⁶⁴ Submission 155, Sydney Home Education Network, p 12.

⁴⁶⁵ Evidence, Ms Wu, 5 September 2014, p 59.

son's specific needs as well as a clear lack of understanding regarding his learning situation.⁴⁶⁶

- 6.64** The Home Education Support and Action Network argued that the changes to the 2013 Information Package are too prescriptive and that there is little flexibility to tailor the educational program of a child:

...made a significant move from being a document which seeks to assist parents who desire to register for home education to one which is regulatory and prescriptive and at times restricting our flexibility to broaden the educational experiences of our home schooling children.⁴⁶⁷

- 6.65** During a hearing, the committee questioned Mr Murphy from the BOSTES about changes in the wording to the Information Package which reduced adaptability and flexibility for a child's needs, for example, with the word 'must' often being used. Mr Murphy responded to this by stating that the changes were about improving the clarity of the requirements:

One area of feedback we got from a variety of sources when we prepared the 2013 Pack was that there needed to be greater clarity around what was required. There are certain requirements which are mandatory rather than being discretionary. Where the language in the 2011 Pack may have suggested it was discretionary when in fact it was mandatory, it provided greater clarity to the users of the manual for that to be clear.⁴⁶⁸

Increase in time and documentation to meet requirements

- 6.66** A majority of the people that were unhappy with the changes to the 2013 Information Package expressed concerns about the amount of time and documentation involved in demonstrating that registration requirements are met.

- 6.67** The Sydney Home Education Network reported that they had received a lot of feedback about the changes to the Information Package, with many members worried about the paperwork and time involved in meeting the registration requirements. They informed the committee that the main group of people affected were those who were due for imminent renewal of registration. Ms Velly Pasas, Vice-President of the Network gave an example of the concerns expressed by members of the organisation:

I am trying to get my Year 10 certificate of completion and I am already up to 70 hours so I can believe that. Unfortunately, paperwork is a part of our society. I am happy to do paperwork and I do paperwork, particularly when I plan and program and all of that. That to me has value but when I have to do paperwork that does not have value it concerns us.⁴⁶⁹

- 6.68** In their submission, the Sydney Home Education Network argued that the regulatory system is cumbersome and time consuming, with too much focus on documentation:

⁴⁶⁶ Submission 21, Ms Stephanie Hayes, p 5.

⁴⁶⁷ Submission 144, Home Education Support and Action Network, p 2.

⁴⁶⁸ Evidence, Mr Murphy, 7 October 2014, p 4.

⁴⁶⁹ Evidence, Ms Pasas, 5 September 2014, p 76.

SHEN believes that the current regulatory regime is inflexible and cumbersome and places excessive focus on paperwork at the expense of learning. It is cumbersome and time consuming to maintain all the records required. SHEN feels that regulations should be such that the Authorised Person can assess the applicant on the Key Learning Areas, as stated in the Education Act. Parents will continue to develop programmes and keep work samples, however, the quantity of documentation should be less.⁴⁷⁰

- 6.69** They also argued that the procedural changes and amendments to the 2013 Information Package were trying to impose a ‘school at home’ model which is inappropriate for home education families:

SHEN objects to the content and intent of the 2013 Information Package and associated procedural changes. These have the effect of placing multiple obstacles in the way of parents who choose to home educate their children, rather than helping and supporting them. The changes do not demonstrate an understanding of home education, but seek to impose an inflexible, cumbersome, prescribed ‘school-at-home’ model. This model is inappropriate and unworkable for most families.⁴⁷¹

- 6.70** One individual raised a similar concern, arguing that the changes only allow for a ‘school at home’ model, which many home schooling families do not follow:

The tone and manner of the changes in the 2013 Information Pack read as only allowing for a home version of the public school system, an approach which the vast majority of home schooling families do not follow and for very good reasons. Further, from the manner in which the Information Pack is worded and presented and the manner of responses of the BOSTES and its Authorised Persons it would appear they are more concerned with focusing on burdensome procedures and excessive regulation in regard to the manner and type of education they think parents should be using in a home education environment.⁴⁷²

- 6.71** Ms Vieira, a home schooling parent, advised the committee that the volume of paperwork is so onerous that it took her over 200 hours to prepare.⁴⁷³

- 6.72** In contrast, Mr Guy Tebbutt, a home schooling parent, advised the committee that the changes had caused the process to become ‘a little bit more onerous’, although he felt the transition was fairly smooth, with paperwork only taking 15-20 hours to complete.⁴⁷⁴

- 6.73** The committee questioned the BOSTES about concerns that the changes had made registration requirements more onerous. In particular, the BOSTES was asked to respond to the Home Education Association’s comments that many parents find the registration process to be ‘burdensome, intrusive, unresponsive and more focussed on compliance than education quality’. Mr Murphy stated:

I am sure that there are a number of home schooling families who would hold that view, and I am not contesting their right to do so. However, the board has a set of

⁴⁷⁰ Submission 155, Sydney Home Education Network, p 15.

⁴⁷¹ Submission 155, Sydney Home Education Network, p 11.

⁴⁷² Submission 206, Name suppressed, p 2.

⁴⁷³ Evidence, Ms Vieira, 5 September 2014, p 43.

⁴⁷⁴ Evidence, Mr Guy Tebbutt, Home school parent, 8 September 2014, pp 39-40.

regulations that it is required to administer under the Act. Many of the concerns relate to the requirement for courses delivered to children to be based on and in accordance with the broad syllabuses. Many of the concerns relate to the view expressed by some that that is far too limited. The board would obviously have a different view about the value of following its syllabuses when delivering courses.⁴⁷⁵

- 6.74** Further, Mr Murphy explained that the legislation is compliance focused, given the unique nature of home schooling and the need for eligibility requirements:

It is worth making the point that the way the Act is framed is very much around compliance, unlike the way schooling occurs in government and nongovernment schools. There are no eligibility requirements to enrol or to attend a government or nongovernment school, but in the case of home schooling there are eligibility requirements.⁴⁷⁶

Increased fear and anxiety about registration

- 6.75** Several participants provided evidence that the changes to the 2013 Information Package had created increased levels of fear, anxiety and concern about the registration process, with many parents worried about not meeting requirements.

- 6.76** The Home Education Association argued that the changes to the system, coupled with the procedural implementation by Authorised Persons, has created heightened levels of fear and anxiety in the home schooling population:

The inappropriate policies of the current system, the inconsistency of Authorised Persons and the distressing registration experiences of many home educators, has led to an atmosphere of great anxiety and fear amongst parents as they approach registration.⁴⁷⁷

- 6.77** Similarly, the Home Schooling Encouragement Network and Support Group in Southern Sydney advised that the changes to the language in the 2013 Information Package had generated anxiety, with this influencing some people's decision about whether or not to register:

The language used in the 2013 IP made us feel as though we were on trial. That is why so many of us are anxious about the registration process. That is also a reason why some choose not to register.⁴⁷⁸

- 6.78** This was supported by Hear Our Voices Australia, who included in their submission a case study in which a person stated that the amount of paperwork was influencing people's decision on whether to renew their application for home schooling:

⁴⁷⁵ Evidence, Mr Murphy, 5 September 2014, p 17.

⁴⁷⁶ Evidence, Mr Murphy, 5 September 2014, p 17.

⁴⁷⁷ Submission 145, Home Education Association, p 17.

⁴⁷⁸ Submission 156, Home Schooling Encouragement Network and Support Group, Southern Sydney, p 2.

I know of one family who stopped renewing their registration around the time the 2013 Information Packet changes came in due to feeling overwhelmed by the amount of paperwork they would need to do.⁴⁷⁹

Consultation process

6.79 Several participants expressed concern about the lack of consultation with the home schooling population before the changes to the Information Package were made. Many contended that a consultation process was vital given the perceived significance of the changes to the registration requirements by home schoolers.

6.80 The Sydney Home Education Network stated that consultation with the home schooling population did not take place prior to the changes.⁴⁸⁰ Ms Pasas, Vice-President of the organisation, commented on this issue and acknowledged that the BOSTES held a different view:

...there was no interaction with the home education community before the introduction of these changes. The official line from Board of Studies, Teaching and Educational Standards [BOSTES], which the Minister for Education accepts, is that the changes were primarily made in relation to the introduction of the national curriculum. They claim that there were no changes made about the actual education process.⁴⁸¹

6.81 Ms Karen Chegwidden also raised this issue and shared her concerns with the committee about the Board's failure to consult with the home schooling population.⁴⁸²

6.82 The Home Schooling Encouragement Network and Support Group in Southern Sydney stated that consultation as part of the review of the Information Package has not taken place since 2006. They argued that this demonstrates a change in the approach to the regulation of home schooling over time.⁴⁸³

6.83 Several other inquiry participants also raised concerns about significant changes in the registration policy and requirements being implemented without consultation with home schooling parents and organisations.⁴⁸⁴

6.84 When representatives from the Board appeared before the committee, clarification was sought on whether consultation had taken place. Mr Murphy commented that consultation only took place on the revised syllabuses:

The view we took was that the consultation around the revised syllabuses was sufficient in and of itself in that home schoolers, along with Government schools and

⁴⁷⁹ Submission 172, Hear Our Voices Australia, p 18.

⁴⁸⁰ Submission 155, Sydney Home Education Network, p 12.

⁴⁸¹ Evidence, Ms Pasas, 5 September 2014, p 69.

⁴⁸² Evidence, Ms Chegwidden, 5 September 2014, p 48.

⁴⁸³ Submission 156, Home Schooling Encouragement Network and Support Group, Southern Sydney, p 4.

⁴⁸⁴ Submission 21, Ms Stephanie Hayes, p 7; Submission 206, Name suppressed, p 2; Submission 72, Ms Vanessa Buckland, p 3.

non-government schools, were invited to participate in the board's consultation around its revised K to 10 syllabuses. The view around the more procedural changes that were put to us by the Ombudsman was that those changes to the Information Package did not amount to change to the board's procedures. We took the view that there was not a need to explicitly consult about those.⁴⁸⁵

6.85 When the committee asked Mr Murphy to respond to an allegation from the Home Education Association that the 'registration process is open to change without meaningful consultation', he stated that the '2013 Information Package is certainly contested' and that consultation was not necessary as 'there was no change to registration requirements'. He further stated that 'the Information Package made the existing process more explicit in a publicly available document'.⁴⁸⁶

6.86 The committee then asked Mr Murphy whether the registration process can be changed without consultation. Mr Murphy responded that the Board will consult on material changes to the Information Package:

The Minister's expectation is that we will consult about a material change to the Information Package before it will be approved. When we became aware of the contested view about the 2013 Information Package we took steps to engage in a consultation process with both the Home Education Association and other home schooling representative bodies. However, one of the Home Education Association preconditions even to talk to us was that the 2013 Package be withdrawn. That was not something we were prepared to do.⁴⁸⁷

The BOSTES response to the concerns

6.87 In response to the issues raised about the changes made to the Information Package, the Board informed the committee that they had published a question and answer document on the website to help address the concerns.⁴⁸⁸

6.88 The committee received from Ms Vivienne Fox, Ms Marianne Vanderkolk and Ms Sharon Wu, from the Home Education Support and Action Network, among others, that this document contradicted the Information Package and did not satisfy parent concerns about excessive regulation by the BOSTES.⁴⁸⁹

6.89 When the committee asked Mr Murphy about the feedback the BOSTES had received about the amendments to the 2013 Information Package, he acknowledged:

At the time we received—I do not have the exact statistics to hand—about 60 to 70 individuals who corresponded with either the Minister, the board directly or via their local member of Parliament and had concerns about the Information Package.⁴⁹⁰

⁴⁸⁵ Evidence, Mr Murphy, 5 September 2014, p 3.

⁴⁸⁶ Evidence, Mr Murphy, 5 September 2014, p 17.

⁴⁸⁷ Evidence, Mr Murphy, 5 September 2014, p 17.

⁴⁸⁸ Evidence, Mr Murphy, 5 September 2014, p 14.

⁴⁸⁹ Evidence, Ms Vivienne Fox, Member, Home Education Association, 8 September 2014, p 25; Answers to questions on notice, Ms Marianne Vanderkolk, 3 October 2014, p 2.

⁴⁹⁰ Evidence, Mr Murphy, 5 September 2014, p 11.

- 6.90** The committee also asked Mr Murphy for his response to the proposition that the changes were more significant than what the BOSTES had thought, and that there was dissatisfaction at the lack of a consultation process. Mr Murphy acknowledged these views and explained that he was aware of some levels of dissatisfaction:

In terms of those people that corresponded with the board either directly or indirectly, there was a range of concerns around the view that the Information Package placed new limitations on the way in which learning programs could be developed and delivered...For example, there was a view that the Information Package precluded any learning outside the home...There were a variety of what I would characterise as misunderstandings that were not borne out by any plain reading of the Information Package.⁴⁹¹

- 6.91** The NSW Teachers Federation, in their submission, supported the response of the BOSTES to complaints about the Information Package. They stated that they do not believe the process changed with the revision of the Information Package. Whilst they acknowledged that there were changes to the text, they said that the changes clarified processes which already existed. In support of this argument, they stated that the Federation had correspondence from the Board dating back to 1998-99 which outlines the same processes that apply in the current version of the Information Package. In addition, they argued that the procedures allow the Government to meet its obligations in relation to ensuring a child's right to education:

The Federation does not believe there is anything in the procedures which does any more than reasonably allow the Government to meet its obligations regarding a child's right to an education. Parents are required to provide evidence of the planning and administration of an educational program which meets syllabus requirements, as well as records of the student's achievement of the goals and outcomes set out in the program. This has always been the case.⁴⁹²

- 6.92** In terms of the nature of concerns raised with the BOSTES, Mr Murphy stated that some related to compliance with the boards syllabuses, requirements that have not changed for a number of years:

My reading of the submission, and I can assure you I went through them all, was that when that type of issue arose it was more that the merits of compliance with the board's syllabuses was the issue. Many of the people who made submissions, albeit not a majority, made the point that they believed they should be able to pursue a learning program for their child that was not based on and taught in accordance with the board's syllabuses. That requirement has been in place for many years and it has not changed. That is a requirement that is specified in the Act.⁴⁹³

- 6.93** One organisation, the Home Education Support and Action Network, acknowledged that the changes may be a clarification of policy, rather than a new policy:

It is our opinion that significant changes noted in the 2013 IP were directly responsible for the difficulties in registration that home educators were experiencing and reporting. These changes probably began to be implemented directly after the

⁴⁹¹ Evidence, Mr Murphy, 5 September 2014, p 14.

⁴⁹² Submission, NSW Teachers Federation, p 2.

⁴⁹³ Evidence, Mr Murphy, 5 September 2014, p 14.

2011 IP was released and it appears that the 2013 IP is considered a “clarification” of policy rather than new policy.⁴⁹⁴

6.94 To help address the feedback provided by the Home Education Support and Action Network and the Home Education Association, the BOSTES advised the committee that they took steps to engage in a consultation process with various home schooling bodies. Mr Murphy explained that they wanted to consult with the Home Education Association but were unable to, as ‘one of the HEA preconditions even to talk to us was that the 2013 Information Package be withdrawn’, something they could not do.⁴⁹⁵

6.95 At a hearing, Mr Murphy further commented on the Board’s response to the concerns and his intention to meet with those with those that had complaints:

We generally know what the problems are in the eyes of the people who have raised their concerns with us and the way in which we have dealt with that is to publish a large number of questions and answers which go some way to address the misinformation that is currently out there around the Information Package. There is nothing better than sitting down and working through a document and that particular opportunity, despite it being offered a number of times, has been declined.⁴⁹⁶

6.96 The BOSTES also provided the committee with a copy of a letter written from Ms Tamara Kelly, the President of the Home Education Association, to Mr Murphy, from the BOSTES, dated 17 December 2013. The letter declines an invitation from the BOSTES to meet to discuss the concerns, unless the 2013 Information Package is withdrawn:

The HEA challenges the continued denial by OBOS of comparative changes between 2011 and 2013 Information Packs as reported by experienced HEA members.

The HEA appreciates that OBOS officers are available to meet with the HEA. However, given that the OBOS remains of the view that the registration process of home educators has not changed, regrettably it is not possible for meaningful discussion on the issues to occur at this time.

In order to move forward the HEA again requests that OBOS acknowledge issues raised by the home education community and withdraw the 2013 Pack, reverting in the interim to the 2011 Information Pack while a fair and thorough consultation process with New South Wales home educators is conducted.⁴⁹⁷

6.97 When the committee asked Mr Murphy about whether he would be prepared to review the evidence before the committee in order to create an Information Package for 2015 or 2016, Mr Murphy responded:

⁴⁹⁴ Submission 144, Home Education Support and Action Network, p 5.

⁴⁹⁵ Evidence, Mr Murphy, 5 September 2014, p 17.

⁴⁹⁶ Evidence, Mr Murphy, 7 October 2014, p 12.

⁴⁹⁷ Answers to questions on notice, Mr Murphy, 3 October 2014, Correspondence from Ms Tamara Kelly, President, Home Education Association, to Mr David Murphy, Deputy Chief Executive, Board of Studies NSW.

Certainly. I guess the issue that we need to be mindful of is I would be fairly reluctant to submit a 2015 Information Pack for approval without there being a lengthy consultation period, given the strength of the feedback.⁴⁹⁸

6.98 When the committee suggested reverting back to the 2011 Information Package, before working on a 2016 version, Mr Murphy commented:

The Board's view is that there are a number of features in the 2013 Package, particularly the recommendations of the Ombudsman, that we feel would not be appropriate to withdraw, and it goes beyond language. It goes to making it clear what home schoolers are required to do in terms of meeting the registration requirements under the Act.⁴⁹⁹

6.99 The committee also asked the BOSTES about what strategies they have put in place to improve stakeholder engagement, particularly in light of the difficult relationship that currently exists. The BOSTES advised the committee that since August 2013, they have:

- continued to invite the Home Education Association to meet for consultation and consideration of how their concerns might be addressed
- held productive discussions with members of another home schooling body
- improved access to information about home schooling on the website
- published additional questions and answers on their website to respond to emerging issues
- commenced planning for the website to have a mechanism for home schooling parents to provide individual feedback
- planned to invite home schooling parents to provide input for the training of Authorised Persons on a regular basis
- commenced preparation of a curriculum resource to assist home schooling parents in relation to the new syllabuses
- commenced planning for an updated Information Package to incorporate feedback from home schooling parents.⁵⁰⁰

Committee comment

6.100 By comparison of the two documents, the committee can see that a number of changes were made to the Information Package for home schooling. Many of these changes related to tone and language, such that the committee agrees that the current Information Package has quite a different presentation and flavour.

6.101 The committee accepts that the Board of Studies, Teaching and Educational Standards has made changes to improve transparency. However, the committee also understands that the shift in language and tone may have created a perception that the Board is more rigid and focused on compliance. In effect, the genuine intention of the Board to be more helpful and

⁴⁹⁸ Evidence, Mr Murphy, 7 October 2014, p 13.

⁴⁹⁹ Evidence, Mr Murphy, 7 October 2014, p 13.

⁵⁰⁰ Answers to supplementary questions, Mr Murphy, 22 October 2014, p 2.

transparent in clarifying existing processes may have been misinterpreted as an attempt to drastically amend the regulatory process.

- 6.102** The Committee finds that the 2013 Information Package accurately reflects the legislated requirements for home schooling and that while some parents were dissatisfied with the changes, the BOSTES made changes only to improve transparency and reflect legislated requirements.
- 6.103** The committee believes that these issues have not been helped by the fact that the Board of Studies, Teaching and Educational Standards failed to undertake a comprehensive consultation with the home schooling population as part of their review. Whilst the NSW Government is not obliged to design a regulatory process to suit stakeholders, the committee agrees that it is good practice to seek input and feedback from members of the community about government policy, including changes to procedure, particularly in a context where it could reasonably be envisaged that changes may cause concern to the community.
- 6.104** The committee does not accept that the changes to the Information Pack were as fundamental as many participants claimed. Indeed it must be remembered that many of the changes flowed from recommendations made by the Ombudsman. The committee accepts that those recommendations were made for good and substantial reasons and it was the obligation of BOSTES to implement them.
- 6.105** The committee acknowledges that the relationship between the Board and home schooling community needs to be improved. To this end, the committee recommends that the Board of Studies, Teaching and Educational Standards continue with regular consultation with the home schooling community. The committee believes that a statement of this intent should be included in the Information Package.
- 6.106** The committee also considers the actions of various of the home schooling representative groups in setting conditions prior to entering into any discussions with BOSTES as being unhelpful, to say the least.

Recommendation 13

That the Board of Studies, Teaching and Educational Standards continue with consultation with the home schooling population and ensure that this happens on a regular basis.

- 6.107** The committee acknowledges that the Board of Studies, Teaching and Educational Standards cannot revert to the 2011 version, however, the committee would encourage the Board to immediately commence a new review of the Information Package, as they have indicated they are doing. In undertaking this process, the committee suggests that the Board carry out adequate consultation, as outlined above, and that they carefully consider the language, tone and intention of all content. The committee would also encourage the Board to ensure that future versions of the Information Package acknowledge the diversity of home schooling practices. Therefore, the committee recommends that the Board of Studies, Teaching and Educational Standards undertake a review of the *Registration for Home Schooling in NSW – Information Package*, in consultation with key stakeholders, with this review to be finalised by June 2016.

Recommendation 14

That the Board of Studies, Teaching and Educational Standards undertake a review of the *Registration for Home Schooling in NSW – Information Package*, in consultation with key stakeholders, with this review to be finalised by June 2016.

- 6.108** The committee recognise that there are concerns about whether learning outside of the home and/or extra-curricular activities can be counted as part of a child’s educational program. The committee believes that the approach to this issue should be consistent with schools, such that activities undertaken outside of the school premises can still be classified as learning, subject to meeting syllabus outcomes. Whilst the committee accepts that this is the Board’s intention, we recommend that the Board of Studies, Teaching and Educational Standards ensure that any registration assessment recognise that educational experiences outside of the home can be valuable and incorporated into an educational program, subject to these activities contributing to syllabus outcomes.
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Recommendation 15

That the Board of Studies, Teaching and Educational Standards ensure that any registration assessment recognise that educational experiences outside of the home can be valuable and incorporated into an educational program, subject to these activities contributing to syllabus outcomes

Chapter 7 Safety and wellbeing of home schooled children

This chapter considers several issues related to the safety, welfare and wellbeing of home schooled children. Firstly, it looks at the question of socialisation and whether home schooled children are socially isolated. Secondly, it looks at the issue of collaborative learning and its connection to educational development. Thirdly, this chapter examines whether home schooled children are considered more at risk than their school counterparts. It looks at the issues of educational neglect, school connectedness and the role of mandatory reporters. Lastly, this chapter considers whether children in out of home care are best educated within a formalised school environment, rather than being home schooled.

Socialisation

- 7.1** This section discusses the socialisation of home schooled children, including the view held by some people that some home schooled children have little to no interaction or engagement with others and are socially isolated.
- 7.2** The Home Education Association acknowledged that some people are concerned about home schooled children's socialisation but pointed to research that shows some home schooled children have positive socialisation outcomes. For example, they looked to research from Allen and Jackson (2010) which reported that home educated children's socialising more closely reflects post-school experiences of engaging with people of diverse ages and peers. They stated that this is 'facilitated by participation in sport, special interest and volunteering activities, churches, or clubs'.⁵⁰¹
- 7.3** In addition, the Home Education Association also referred to research from Medlin (2013), who undertook a review of home educated students' socialisation. The findings from the review indicated that parents encouraged their home educated children to be 'active agents in their own socialising and socialisation, whilst supporting pro-social values of respect and getting along with others'.⁵⁰²
- 7.4** The committee asked several questions of Ms Anne Campbell, Deputy Chief Executive of Policy, Programs and Strategy with the Community Services Division of the Department of Family and Community Services, about the socialisation of home schooled children and whether their perceived social isolation could mean home schooled children are at a greater risk of harm.
- 7.5** Ms Campbell acknowledged that social isolation can lead to negative outcomes in a child's development but contended that in terms of home schooling, this premise is based on an assumption: 'It is assuming that because a child is home schooled they are socially isolated. That may not be the case'. Ms Campbell stated that 'they [home schooled children] may be

⁵⁰¹ Submission 145, Home Education Association, p 172.

⁵⁰² Submission 145, Home Education Association, p 172.

connected to their local footy club. They may be attending church. They could be doing a whole range of things where they are connected with others'.⁵⁰³

7.6 When the committee put to Ms Campbell that the Department of Family and Community Services would not know whether a home schooled children is connected on a social level to the community, she affirmed that this was true and that they could not know, as they do not investigate this aspect.⁵⁰⁴

7.7 In supporting the argument that home schooled children are well socialised and active participants in their community, several inquiry participants outlined for the committee how home schooled children are involved in social activities, groups and events.

7.8 One home schooling parent pointed out how her home schooled children are involved in the community in a number of ways:

My children interact with a broad section of the community through other home school families, church families, recreational pursuits, family friends and relatives. They also have home schooling excursions, visit the doctors, shop, use community facilities and interact with staff at libraries, art galleries, museums and retail outlets.⁵⁰⁵

7.9 Another individual recognised the importance of their home schooled children interacting with others outside of the home and family. In this regard, the person stated that their children are involved in a number of social activities such as visiting museums and art galleries, such that the 'children are in no way shut off from the outside world'.⁵⁰⁶

7.10 Dr Emma Vieira, a former home schooled student, presented a similar view, arguing that home schooled children interact with a variety of people of varying ages:

Home schooling requires students to interact with peers and adults across a range of ages compared with the quite narrow year group interaction encouraged at school. This ability to socialise with people of all ages and in a variety of settings is an invaluable life skill.⁵⁰⁷

7.11 The committee also took evidence from current home schooled students about their involvement in social activities. Mr Jesse Gibson, a home schooled student, provided examples of how his experience of home schooling promoted socialisation. He explained that members of the Home Education Support and Action Network group meet monthly for a picnic and that there are opportunities for him to socially participate in sports, such as swimming and going to the gym.⁵⁰⁸

7.12 Ms Talitha Vanderkolk also appeared before the committee and outlined the social activities available to her as a home schooled student, including drama, choir, debating, dance and

⁵⁰³ Evidence, Ms Anne Campbell, Deputy Chief Executive, Policy, Programs and Strategy, Community Services Division, Department of Family and Community Services NSW, 8 September 2014, p 11.

⁵⁰⁴ Evidence, Ms Campbell, 8 September 2014, p 11.

⁵⁰⁵ Submission 26, Name suppressed, p 5.

⁵⁰⁶ Submission 168, Name suppressed, p 5.

⁵⁰⁷ Evidence, Dr Emma Vieira, Former home schooled student, 5 September 2014, p 45.

⁵⁰⁸ Evidence, Mr Jesse Gibson, Home schooled student, 5 September 2014, p 66.

netball. She also explained that she has friends through her church group and that she socialises with other home schooled students.⁵⁰⁹

7.13 One submission author argued that their children have sufficient social interaction, thereby enabling them to develop strong social skills and resilience. They considered that the interactions occurring in the home schooling population are positive when compared with negative and harmful interactions that can take place at schools.⁵¹⁰

7.14 The Home Education Network stated that networking is particularly important in the home schooling population, and that it helps to prevent social isolation. They also asserted that home schooling is not a form of education confined to one place, with families engaging in a variety of external activities. They also observed the value of this networking, particularly in terms of the support provided between home schooling population members:

Networking also represents a form of self-regulation by providing valuable support to home educators; information on resources and home education methods etc and promotes good home educating and parenting practice.⁵¹¹

7.15 Ms Lyndell Williamson referred to research from Dr Larry Shyers (1992) who compared behaviours and social development test scores of two groups of seventy children aged from eight to ten. Ms Williamson stated that the results indicated that home schooled children did not lag behind in social development compared to other children and had consistently fewer behavioural problems.⁵¹²

Collaborative learning

7.16 The committee explored whether there are benefits to collaborative learning, such as group learning, group activities and collective learning, such as learning that typically occurs in a classroom and school context. This issue was relevant to identifying whether home schooled children are disadvantaged in terms of their educational development because of the decreased opportunity for collaborative learning in a home school environment.

7.17 When asked whether collaborative learning is of high value to a child's development, Mr Smyth King, Executive Director of Learning and Engagement from the Department of Education and Communities, responded that there is benefit to this approach:

The current knowledge that we have about teaching and learning, and growth in childhood and adolescent years is around what is referred to in a broader context as twenty-first century skills of education. It is around young people being able to work collaboratively together, work with others, share ideas, grow from the ideas and the contributions that people have. Schools are a really good place for that to be fostered and developed. When you look at the role young people will have in the future in their adult lives, they will be drawing very much on that range of skills and ability to be

⁵⁰⁹ Evidence, Ms Talitha Vanderkolk, Home schooled student, 5 September 2014, p 67.

⁵¹⁰ Submission 247, Name suppressed, p 14.

⁵¹¹ Submission 137, Home Education Network, p 9.

⁵¹² Submission 266, Ms Lyndell Williamson, p 5.

problem solvers and work collaboratively within the context of their adult environments that they are in.⁵¹³

- 7.18** In discussing access to the internet and the concept of ‘global learning’, Mr Smyth King also stated that whilst such access is valuable, it cannot replace the benefits of collaborative learning:

They [the internet and global learning] are valuable tools in the way in which we learn and the access we have to information, but at the end of the day you cannot really overcome the power of a group of young people or a group of people sitting in a space together and exploring a problem or a set of issues and learning from each other in that process. Our schools are very much moving in that direction as we go forward with our reforms.⁵¹⁴

- 7.19** Mr Smyth King also agreed that collaborative learning is about the skills of working in a group to solve problems and ‘the intellectual rigour that that provides’. He stated that ‘it is also about the socialisation and the wellbeing that comes from us being able to do that effectively with others’.⁵¹⁵

- 7.20** Although collaborative learning may have some importance in terms of educational development, the BOSTES explained that a collaborative learning environment is not one of the requirements for home schooling registration. Despite this, the BOSTES, in response to a question taken on notice, noted that many home schooling parents provide a range of opportunities for collaborative learning. They argued that the syllabus requirements provide for flexibility in delivery approach and can be delivered in the context of a highly collaborative learning environment.⁵¹⁶

- 7.21** Ms Karen Chegwiddden, a home schooling parent, provided a number of examples to demonstrate that collaborative learning takes place within her home schooling group, for example, by participation in drama classes, boating, theatre workshops and dance activities. She stated that learning occurs in ‘formal and informal ways, in small and large groups’.⁵¹⁷

- 7.22** Other examples of collaborative learning were outlined by Ms Velly Pasas, Vice-President of the Sydney Home Education Network, who explained that often, groups of home schooling parents shared the teaching of different subjects at times, enabling small groups of children to come together to learn.⁵¹⁸

- 7.23** On the issue of parents in a group sharing teaching and promoting collaborative learning, Mr David Murphy, Executive Director of Regulation and Governance with the Board of Studies, Teaching and Education Standards, provided evidence about the need to ensure that

⁵¹³ Evidence, Mr Brian Smyth King, Executive Director, Learning and Engagement, Department of Education and Communities NSW, 5 September 2014, p 27.

⁵¹⁴ Evidence, Mr Smyth King, 5 September 2014, p 27.

⁵¹⁵ Evidence, Mr Smyth King, 5 September 2014, p 27.

⁵¹⁶ Answers to supplementary questions, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Education Standards NSW, 3 October 2014, p 10.

⁵¹⁷ Answers to questions on notice, Ms Karen Chegwiddden, Home school parent, 6 October 2014, p 5.

⁵¹⁸ Evidence, Ms Velly Pasas, Vice-President, Sydney Home Education Network, 5 September 2014, p 79.

no ‘unregistered schools are being conducted under the guise of home schooling’. When asked by the committee what would make it an ‘unregistered school’, Mr Murphy replied:

I guess there would be a number of characteristics, for example, that the learning or at least the instruction would be being undertaken predominantly outside the home, that it also would be predominantly in the company of children outside the family.⁵¹⁹

- 7.24** When the committee put to Mr Murphy that it would be reasonable for home schooling parents to seek to supplement their children with education they cannot personally provide, such as learning in a group setting, Mr Murphy agreed, however, he also stated ‘I guess the way the board is required to view this is the way Parliament has made the Act: it is home schooling’.⁵²⁰

Committee comment

- 7.25** The committee recognises that there are many home schooled students who are actively engaged in the community and participating in events, groups and external activities. The committee supports and encourages all home schooled students to be involved in these types of activities, not only to help develop their individual social skills, but also as a broader measure of ensuring each child’s safety and wellbeing.
- 7.26** The committee also acknowledges that some parents have formed small groups to share learning of certain disciplines. The committee believes that this is a reasonable option for parents, and one that also promotes the principles of collaborative learning and socialisation. To this end, the committee would encourage all home schoolers to be a member of a home schooling organisation, so that they can be involved in and provided with such opportunities.
- 7.27** Whilst the committee does not believe it should be mandatory for a home schooling applicant to be a member of a home schooling organisation, the committee believes that the Board of Studies, Teaching and Educational Standards could help to facilitate referrals to such organisations when applicants are applying to register for home schooling or renewing their application.
- 7.28** For instance, the application for registration forms may include an option for an applicant to indicate that they would like to get support, information or assistance from a home schooling organisation, such that they would consent to their information being passed on to the relevant organisation who would follow up contact. Whilst there may be alternative ways of facilitating such referrals, the committee feels that such action may help to increase the support provided to home schooling parents and students.
- 7.29** Given this, the committee recommends that the Board of Studies, Teaching and Educational Standards develop, in consultation with stakeholders, a strategy that promotes membership of home schooling organisations to applicants of home schooling.

⁵¹⁹ Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Education Standards NSW, 7 October 2014, p 14.

⁵²⁰ Evidence, Mr Murphy, 7 October 2014, p 15.

Recommendation 16

That the Board of Studies, Teaching and Educational Standards develop, in consultation with stakeholders, a strategy that promotes membership of home schooling organisations to applicants of home schooling.

Protection of home schooled children

- 7.30** This section explores the protection of home schooled children, including child protection reforms that led to the introduction of educational neglect as a ground for a child or young person to be considered at risk of harm. It also looks at the issue of school connectedness and the information exchange that can take place between agencies as a mechanism to promote the protection of children.
- 7.31** This section also looks at the role of mandatory reporters and their contact with home schooled children, how quality can be assured in terms of the educational programs provided by parents home schooling their children and whether parents have the skills and aptitude to take on a teaching role for their children.

Educational neglect

- 7.32** Key findings from the 2008 *Report of the Special Commission of Inquiry into Child Protection Services in New South Wales* (the Wood Commission Report) led to the introduction of educational neglect as a ground for a child or young person to be considered at risk of significant harm.⁵²¹
- 7.33** The *Children and Young Persons (Care and Protection) Act 1998* states that a child or young person is at risk of significant harm if current concerns exist for the safety, welfare or wellbeing of the child or young person (because to a significant extent) the parents or other caregivers have not arranged and are unable or unwilling for the child or young person to receive an education in accordance with the *Education Act 1990*.⁵²²
- 7.34** The committee asked Ms Anne Campbell, the Deputy Chief Executive of Policy, Programs and Strategy with the Community Services Division of the Department of Family and Community Services to explain the concept of educational neglect. Ms Campbell provided the following definition:

Where the child or young person is of compulsory school age and is not enrolled at a school or registered for home schooling, despite attempts to contact the parents or the carer to ascertain reasons for the non-enrolment; or where the child or young person is enrolled at school but is habitually absent.⁵²³

- 7.35** In clarifying what might be considered as 'habitually absent', Ms Campbell further explained:

⁵²¹ Submission 140, Department of Family and Community Services, p 2.

⁵²² *Education Act 1990* s 23(1)(b).

⁵²³ Evidence, Ms Campbell, 8 September 2014, pp 2-3.

The definition for that is a ‘strong indication of habitual absence is 30 days absence within the last 100 school days’. Absence of less than 30 days can also indicate habitual absence if there are other significant issues in the home. A report concerning habitual absence can refer to either the number or percentage of days.⁵²⁴

- 7.36** In addition, Ms Campbell informed the committee that there may be other circumstances to indicate that a child or young person is experiencing educational neglect:

There may be concerns that the parent or carer is unwilling or unable to arrange for the child or young person to receive an education due to the parent or carer refusing to ensure school attendance, despite attempts to explore reasons for the absence; parent or carer alcohol or drug abuse, mental health or domestic violence; the parent or carer keeping the child or young person at home to care for others; family transience; and other significant concerns in relation to educational neglect.⁵²⁵

- 7.37** The Department of Family and Community Services explained that the Mandatory Reporter Guide, a key document providing guidance for mandatory reporters, outlines that children and young people who are not registered for home schooling be reported to the New South Wales Child Protection Helpline for educational neglect:

The helpline assesses the circumstances to determine whether the report reaches the statutory reporting threshold. If so, the report is forwarded to the Family and Community Services local community service centre. Further action would typically be undertaken in conjunction with the Department of Education and Communities.⁵²⁶

- 7.38** Mr Chris Krogh, a member of the Home Education Association, asserted that the concept of educational neglect is ‘complex and fraught’. He argued that it was intended to capture issues of chronic truancy as an indicator of neglect of children’s learning and wellbeing. Whilst he accepted that this is a reasonable indication of neglect, he argued that the idea of chronic truancy is not a measure that can be applied to home schooling.⁵²⁷ Mr Krogh called for the legislation to be amended to incorporate a detailed definition of educational neglect.⁵²⁸

- 7.39** Mr Krogh further argued that the inclusion of being unregistered for home schooling as a category of educational neglect is inappropriate and that the definition needs to be amended to ensure greater clarity regarding its intention:

I am arguing that clarifying the definition of educational neglect is required in order to ensure that matters which do risk causing harm to children are those which are reported as well as ensuring the appropriate use of the information exchange provisions of the Act.⁵²⁹

- 7.40** The committee does not agree with this view.

⁵²⁴ Evidence, Ms Campbell, 8 September 2014, pp 2-3.

⁵²⁵ Evidence, Ms Campbell, 8 September 2014, pp 2-3.

⁵²⁶ Evidence, Ms Campbell, 8 September 2014, p 2.

⁵²⁷ Submission 213, Mr Chris Krogh, p 11.

⁵²⁸ Submission 213, Mr Chris Krogh, p 11.

⁵²⁹ Submission 213, Mr Chris Krogh, p 9.

School connectedness

7.41 Another important concept that followed the findings of the Wood Commission Report was the notion of school connectedness, and the value of schools in providing a protective factor for children and young people.

7.42 In exploring the definition of school connectedness, the committee asked the Department of Education and Communities to explain the concept. Mr Paul Lennox of the Child Protection, Student Engagement and Interagency Partnerships division of the Department of Education and Communities, referred to Commissioner Wood, and stated that ‘by ‘connectedness’, he [Commissioner Wood] means ‘enrolment in school and attending school’ and that in the broader context it is also connection to education.⁵³⁰

7.43 The Department of Education and Communities noted comments in the Wood Commission Report that emphasised the importance of school:

The importance of participation in school as a protective factor which mitigates against extreme risk taking is reinforced by the Child Death Review Team study. The importance of the school as a site for education about help seeking and problem solving is also clear.⁵³¹

7.44 Further, they pointed to how school connectedness can improve children’s educational outcomes and wellbeing:

Research suggests that ‘school connectedness’ is an important protective factor for behavioural, emotional and school related problems and there is evidence that multi-component interventions that specifically target school connectedness improve children’s academic, behavioural and psychological outcomes.⁵³²

7.45 The NSW Teachers Federation stated that the state has a responsibility to ensure that children and young people are in an environment where they are ‘safe, free from violence and exploitation, and are cared for in a way which promotes their well-being’. They said that schools play an important role in this regard:

The school is an important point of contact between the State and the home in enabling the State to meet this responsibility. All those employed in a school have responsibilities in relation to child protection. Children and young people who are not enrolled in a school miss out on regular contact with these people. Their safety must not be put at risk as a result.⁵³³

7.46 Ms Chegwidden disputed Mr Lennox’s claim that connectedness means enrolment in and attending school. Whilst she agreed that children engaged with education are more likely to have improved outcomes later in life, she argued that connectedness is not the same as

⁵³⁰ Evidence, Mr Paul Lennox, Child Protection, Student Engagement and Interagency Partnerships, Department of Education and Communities NSW, 5 September 2014, p 24.

⁵³¹ Submission 78, Department of Education and Communities NSW, p 2.

⁵³² Submission 78, Department of Education and Communities NSW, p 2.

⁵³³ Submission 79, NSW Teachers Federation, p 3.

attendance. She stated that children could be attending school but be disconnected from education.⁵³⁴

- 7.47** The Department of Education and Communities highlighted the *Keep Them Safe* government initiative which emphasised the importance of engagement in the school system for children and young people, particularly in terms of their development and wellbeing:

Engagement in the school system is essential to a young person's overall development and wellbeing. For several years, we have examined issues relating to school absenteeism in a range of child protection contexts, and have observed that children who miss substantial periods of school are usually also exposed to other significant risks.

Our submission to the Wood Inquiry on mandatory reporting reinforced that children who experience significant interruptions to their schooling are not only being deprived of a fundamental right relating to their development, they also lose the social support network and structure that the school community can provide.⁵³⁵

- 7.48** Mr Krogh, in his submission, discussed the concept of school connectedness, and literature which argues that such connectedness has protective benefits in terms of suicidality, bullying and problem gambling. Mr Krogh stated that school connectedness is 'not a uni-dimensional concept', as 'school is but one aspect of a child or young person's life that influences their development and wellbeing'. He also presented other literature which pointed to school as being part of a bigger picture.⁵³⁶

- 7.49** The committee also questioned witnesses about findings of *Writing Themselves In*, a series of studies on the sexual health and wellbeing of same sex attracted and gender questioning young people. The committee wanted to explore the views of witnesses about whether students are more likely to make disclosures to teachers and fellow students on certain issues, such as sexuality.

- 7.50** The committee asked representatives from the Department of Education and Communities about circumstances in which students are more likely to make disclosures to teachers or fellow students, rather than parents, as related to the issue of school connectedness. Mr Smyth King stated:

What we are trying to build is very much a schooling system which offers safe places for young people. Schools are very safe places by and large for young people already but we want to extend that. It is the whole issue of us grappling and dealing as a society in the role schools play with this whole emerging issue of the way young people socialise with each other and I guess seek the support of older people or support in terms of what issues they may be facing. Teachers play a very important role in that place for many young people.⁵³⁷

⁵³⁴ Answers to questions on notice, Ms Chegwidan, p 8.

⁵³⁵ NSW Government, *Keep Them Safe – A shared approach to child wellbeing* (2009), as referred to in Submission 78, Department of Education and Communities NSW, p 2.

⁵³⁶ Submission 213, Mr Chris Krogh, p 6.

⁵³⁷ Evidence, Mr Smyth King, 5 September 2014, pp 31-32.

- 7.51 Ms Chegwidden, in her response to questions take on notice, argued that the results from the *Writing Themselves In 3* highlight that home schooling may be a safer option for sexually diverse young people, given that young people are more likely to disclose to friends, or to turn to the internet as source of information and support.⁵³⁸

Information exchange between agencies

- 7.52 In considering the protection of home schooled children, the committee explored how agencies work together to identify child protection matters.

- 7.53 The Department of Education and Communities informed the committee that the *Children and Young Persons (Care and Protection) Act 1998* was amended to broaden the provisions for information exchange between prescribed agencies. It also set out the requirement for certain agencies to co-ordinate service delivery and decision making ‘to effectively meet their responsibilities for the safety, welfare or wellbeing of children and young people’.⁵³⁹

- 7.54 The BOSTES commented on these provisions, noting that they enable the sharing of information between agencies. They advised the committee how this works in terms of home schooling:

The BOSTES regularly provides updated information to the DEC in relation to the registration status of home schooled children, including those registered, refused registration, ending a period of registration without being renewed, withdrawn from being registered and/or where an application for registration has been withdrawn. Such information may be considered by the DEC in relation to parents who may not be meeting their obligations for the schooling of children of compulsory school age in accordance with the Education Act.⁵⁴⁰

- 7.55 In particular, if applicants for home schooling are refused registration on the basis that contact cannot be made with them, the BOSTES will exchange information with the Department of Education and Communities to ensure that the child is enrolled at or is attending school elsewhere. In the period from 1 January 2013 to 30 June 2014, 53 applications for home schooling were refused due to lack of contact, with the information then exchanged with the Department of Education and Communities.⁵⁴¹

- 7.56 In terms of exchanging information with other agencies, the BOSTES advised the committee that since 2010, the BOSTES has exchanged information related to 346 children from 283 families.⁵⁴² When Mr Murphy was asked to clarify this data at a hearing, he explained that it includes applicants for home schooling, which can include those who have applied but have had their applications refused.⁵⁴³

⁵³⁸ Answers to questions on notice, Ms Karen Chegwidden, p 9.

⁵³⁹ Submission 78, Department of Education and Communities NSW, p 3.

⁵⁴⁰ Submission 139, Board of Studies, Teaching and Education Standards NSW, p 23.

⁵⁴¹ Submission 139, Board of Studies, Teaching and Education Standards NSW, p 23.

⁵⁴² Submission 139, Board of Studies, Teaching and Education Standards NSW, p 17.

⁵⁴³ Evidence, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 5 September 2014, p 9.

7.57 In terms of whether the data shows that there is a high rate of exchange of information for home schooling families, the BOSTES also explained that the numbers include mandatory reports to the Department of Family and Community Services, based on the assessment of risk of significant harm:

The exchange of information under the Care and Protection Act may or may not also involve a mandatory report to Community Services depending on whether the threshold of 'risk significant harm' is assessed to be present.⁵⁴⁴

7.58 In response to questions take on notice, the BOSTES clarified that of the 283 families subject to the information exchange, only 93 families had children registered for home schooling, whereas 190 families did not have children registered for home schooling at the time the information was exchanged.⁵⁴⁵

7.59 In a majority of instances, the information exchange occurred in response to a request from the Department of Education and Communities about an assessment of the risk of significant harm, being educational neglect, of a child.⁵⁴⁶ Importantly, the BOSTES qualified this data:

It should be noted that an exchange of information in relation to a child does not necessarily mean that the child is at risk of significant harm. It means that an agency is assessing the risk.⁵⁴⁷

7.60 Mr Krogh, in evidence to the committee at a hearing, and in a personal submission, highlighted the difference between information exchanges, and actual reports of significant harm for children and young people. In relation to the data provided by the BOSTES, he commented:

As very few people in the community understand the difference between information exchange and risk of significant harm and as it was stated that this information was exchanged with the child protection agency it is reasonable to expect that people will think that 346 children being or applying to be home educated were reported to community services. I have more to say but what I will quickly say is this; information exchange does not need to reach the threshold of risk of significant harm.⁵⁴⁸

7.61 Mr Krogh also tabled a document with the committee which showed that Ms Anne Keenan, Director of School Registration and Accreditation Standards with the Board of Studies, Teaching and Education Standards, estimated that less than 5 per cent of exchanges of information each year (from 2010 to July 2014) related to a report of 'risk of significant harm'.⁵⁴⁹ By comparison, the total number of risk of significant harm reports in New South Wales for 2012 to 2013 was 104,817, involving 64,470 children and young people.⁵⁵⁰

⁵⁴⁴ Answers to questions on notice, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 3 October 2014, p 4.

⁵⁴⁵ Answers to questions on notice, Mr Murphy, 3 October 2014, p 5.

⁵⁴⁶ Answers to questions on notice, Mr Murphy, 3 October 2014, p 5.

⁵⁴⁷ Answers to questions on notice, Mr Murphy, 3 October 2014, p 5.

⁵⁴⁸ Evidence, Mr Chris Krogh, Member, Home Education Association, 8 September 2014, p 27.

⁵⁴⁹ Tabled document, Email correspondence from Ms Anne Keenan, Board of Studies, Teaching and Educational Standards NSW, to Mr Chris Krogh, Home Education Association, 6 August 2014.

⁵⁵⁰ Answers to questions on notice, Ms Anne Campbell, Deputy Chief Executive, Policy, Programs and Strategy, Department of Family and Community Services NSW, 9 October 2014, p 2.

Are home schooled children more at risk?

- 7.62** A key issue discussed during the inquiry was whether home schooled children are more at risk of abuse and neglect. In this regard, the committee noted that this is a common concern levelled in relation to home schooling.
- 7.63** The Home Education Association acknowledged that people may be concerned that home schoolers are not visible to agencies, particularly those children that are not registered:
- The HEA understands that there are individuals and groups who may be concerned that children and young people who are home educated, particularly those who are not registered, may be invisible to agencies which can provide oversight of children's safety and wellbeing. Indeed, there is no certainty that this is not possible.⁵⁵¹
- 7.64** In examining this issue, the committee attempted to obtain data from the Department of Family and Community Services about the number of reports related to the risk of significant harm for home schooled children and young people. In their submission, the Department advised the committee that there is no data collected on abuse or neglect incidence for families where children are home schooled compared to others.⁵⁵²
- 7.65** This was confirmed following the hearing, when the Department of Family and Community Services provided further information to the committee that there is no aggregated data available on where children attend school and no data that provides a breakdown of public and private schools versus home schooling.⁵⁵³
- 7.66** At a hearing, Ms Campbell, from the Department of Family and Community Services, explained that individual files may record data on whether the child or young person is in school or if they are registered for home schooling, although she intimated that this information might be difficult to extract.⁵⁵⁴
- 7.67** When the committee asked Ms Campbell whether there was any evidence to suggest that home schooled children are neglected or more at risk, she stated 'I do not have any evidence'.⁵⁵⁵
- 7.68** The Home Education Association asserted that it is not possible to claim that home educated children are at increased risk when compared to their school counterparts, as there is no data to substantiate this claim. They explained that they had made a request to the Department of Family and Community Services for such information on this aspect, however they were advised that the data could not be extracted from the NSW child protection information database.⁵⁵⁶
- 7.69** The Home Education Association also told the committee that they had asked for data from the BOSTES about the number of reports made by Authorised Persons employed by the

⁵⁵¹ Submission 145, Home Education Association, p 165.

⁵⁵² Submission 140, Department of Family and Community Services NSW, p 3.

⁵⁵³ Answers to questions on notice, Ms Anne Campbell, p 2.

⁵⁵⁴ Evidence, Ms Campbell, 8 September 2014, p 9.

⁵⁵⁵ Evidence, Ms Campbell, 8 September 2014, p 4.

⁵⁵⁶ Submission 145, Home Education Association, p 166.

Board, to the Department of Family and Community Services. Whilst this data could not be provided precisely, the Home Education Association was informed that there was an estimate of only 17 reports between 2010 and 2014, out of a total 11,765 home schooling assessments in this period. Further, the BOSTES advised the Home Education Association that it was not possible to identify whether the reports related to educational neglect in terms of not being registered for home schooling, or if they related to risk of harm reports.⁵⁵⁷

- 7.70** Whilst the committee accepted that there is insufficient data about these issues, they asked Ms Campbell from the Department of Family and Community Services whether there could be a lower detection rate for abuse and neglect in the home schooling population. Ms Campbell agreed that that this is possible. When asked further whether the Department of Family and Community Services is concerned about this issue, Ms Campbell commented ‘that would be a risk, but in terms of reports that we get around children and young people, we still get a significant number from within a school setting’.⁵⁵⁸
- 7.71** The committee sought to understand why data is not collected on incidences of neglect or abuse for home schooled students. In an answer to a question take on notice, the committee was advised that staff have not been given a direction to record whether a child is home schooled when taking a report on the Child Protection Helpline. Whilst in some cases it may be recorded on individual files, the Department of Family and Community Services stated that ‘the reliability of the data is unknown but is expected to be poor’.⁵⁵⁹
- 7.72** The committee also questioned Ms Campbell about the rate of child protection notification in this state, and its use as an indicator for abuse or neglect within the home schooling population. After Ms Campbell estimated that the rate of notification was approximately 4 per cent in New South Wales, the committee put to her that there could be 100 children potentially, from 3,700 children in the home schooling population, who may have a child protection issue. When the committee asked Ms Campbell what the Department of Family and Community Services and Department of Education and Communities are doing to work together on this issue, she replied that ‘specifically on this issue we are not doing anything currently’.⁵⁶⁰
- 7.73** Following the hearing, the committee was advised that the actual rate of risk of significant harm reports per 1,000 of the New South Wales population up to the age of 17 years is 39.1 percent, for 2012/2013.⁵⁶¹
- 7.74** Whilst the Department of Family and Community Services acknowledged concerns that home schooling has the potential to mask child abuse, they explained that the ‘relative weight that should be given to these (and other) concerns though is a matter of some debate’. They highlighted research from the 2003 Queensland Review of Home Schooling which found that ‘there is no evidence, reputable research or judicial data’ to support the position that home

⁵⁵⁷ Submission 145, Home Education Association, p 166.

⁵⁵⁸ Evidence, Ms Campbell, 8 September 2014, p 5.

⁵⁵⁹ Answers to questions on notice, Ms Campbell, p 4.

⁵⁶⁰ Evidence, Ms Campbell, 8 September 2014, pp 8-9.

⁵⁶¹ Answers to questions on notice, Ms Anne Campbell, p 7.

schooled children are more at risk than children in schools because of perceived social isolation.⁵⁶²

- 7.75** The Home Education Association also referred to the Queensland Review of Home Education in 2003 and its finding that ‘the idea of home educated children being at risk is one of the myths’. They point to the following statement from the Review:

The argument often stems from an absence of understanding of what is home schooling and a confusion of this with issues of parental neglect, truancy from a school that a child is enrolled at and should be attending on a full and regular basis, children lost to any system, process or program of education and parental and familial abuse of children.⁵⁶³

- 7.76** The Home Education Association also relied on research from Rothermel (2012) which argued that the concern regarding the social and psychological wellbeing of home schooled children is ‘intuitive’ rather than evidence based. They stated that this research presented the opposite view, that is, that home schooled children compare equally, or better, to school educated children in terms of their wellbeing and development.⁵⁶⁴

Contact with mandatory reporters

- 7.77** Another issue related to whether home schooled children are at greater risk of harm than others is their contact with mandatory reporters. Mandatory reporters are those people that deliver services directly to children and young people, such as health professionals, teachers and the police.

- 7.78** According to the *Children and Young Persons (Care and Protection) Act 1998*, mandatory reporters have a legal obligation to report concerns about the safety, welfare and wellbeing of a child or young person.⁵⁶⁵

- 7.79** The Department of Education and Communities were asked to comment on the difference between schooling over home schooling, in terms of child protection and children’s contact with mandatory reporters. Mr Lennox stated that within a school environment there are ‘many eyes on the child’:

There are all those eyes on the student, making assessments about the student, the student's needs, issues that the student might be having. The point we are making is that in the situation of home schooling, it is important to ensure that the registration and monitoring of that situation is rigorous so that the students are supported, as they should be.⁵⁶⁶

- 7.80** Mr Lennox also pointed to the benefit of having other specialists in schools, such as school counsellors:

⁵⁶² Submission 140, Department of Family and Community Services NSW, p 3.

⁵⁶³ Submission 145, Home Education Association, p 165.

⁵⁶⁴ Submission 145, Home Education Association, p 171.

⁵⁶⁵ *Children and Young Persons (Care and Protection) Act 1998*, s 27.

⁵⁶⁶ Evidence, Mr Lennox, 5 September 2014, p 26.

There are also specialists in the school who are able to provide additional support where it might be identified that a child has a particular need. For example, school counsellors are able to provide specialist support. There are learning and support teachers. As well as the gradation in responsibilities, there are also specialists who are able to provide specific support if a child has an identified need or indeed is in need of support.⁵⁶⁷

- 7.81** Similarly, Ms Anna Uren, Relieving Research Officer with the NSW Teachers Federation, pointed to the benefit of regular contact with teachers as a means of protecting children:

It is not our assertion that something is necessarily more likely to go wrong, but it is more likely that if something does go wrong it will go unnoticed. Teachers are the biggest reporters of concerns about welfare simply because of the amount of contact they have with children and young people. Because teachers are around them for 40 weeks a year, six hours a day they see more.⁵⁶⁸

- 7.82** However, when challenged on whether contact with teachers provides a guarantee that a child is protected, Mr Michael Waterhouse, Director of Legal Services with the Department of Education and Communities, acknowledged that having many people around students does not necessarily guarantee an outcome in helping them to address issues in their life: 'I doubt that there can ever be a guarantee, and I doubt that parents looking after their own children can have a guarantee either'.⁵⁶⁹

- 7.83** In terms of whether teachers are the primary reporters of abuse or neglect, Ms Campbell from the Department of Family and Community Services commented:

...in New South Wales professional reporters make up about three-quarters of mandatory reporters, of which some would include teachers. Others would be police and health officials. That is, about 75 per cent of all mandatory reports made to the New South Wales helpline are professional reporters, of which there will be a percentage of educational reporters.⁵⁷⁰

- 7.84** In fact, the committee was advised that three out of four reports are made by mandatory reporters. In 2012/2013, 77.1 per cent of risk of significant harm reports were from mandatory reporters. The highest reporting group was the NSW Police, followed by mandatory reporters, including teachers, from the Department of Education and Communities and NSW Health.⁵⁷¹ In 2012/2012, the percentage of all reports made by education was 19.2 per cent, however, the committee was informed that the data does not capture what proportion were made specifically by teachers.⁵⁷²

- 7.85** When the committee questioned Ms Campbell about home schooled children having less contact with professionals who have mandatory reporting obligations, she agreed that they do

⁵⁶⁷ Evidence, Mr Lennox, 5 September 2014, p 26.

⁵⁶⁸ Evidence, Ms Anna Uren, Relieving Research Officer, NSW Teachers Federation, 5 September 2014, p 83.

⁵⁶⁹ Evidence, Mr Michael Waterhouse, Director, Legal Services, Department of Education and Communities NSW, 5 September 2014, p 27.

⁵⁷⁰ Evidence, Ms Campbell, 8 September 2014, p 4.

⁵⁷¹ Answers to questions on notice, Ms Campbell, p 3.

⁵⁷² Answers to questions on notice, Ms Campbell, p 3.

not have contact with teachers but stated ‘there are other mandatory reporters in local communities’.⁵⁷³

7.86 This argument was supported by the Home Education Association, who contended that the vast majority of home schooled children are actively engaged in their local community, and are in the presence of other mandatory reporters, including health professionals:

As such, they are in the presence of mandatory reporters on a regular basis. For example, home educated children come into contact with mandatory reporters whenever they attend local libraries, swimming lessons, youth groups in their church, doctors’ surgeries and other health services.⁵⁷⁴

Child protection reports by Authorised Persons

7.87 The committee also considered the role of Authorised Persons in reporting child protection concerns to the Department of Family and Community Services.

7.88 Given the nature of their role, Authorised Persons are considered mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998*. They have a legal obligation to report a matter to the Department of Family and Community Services if they suspect a child or young person is at risk of significant harm.⁵⁷⁵

7.89 The Board advised the committee that Authorised Persons are informed of their legislative role as mandatory reporters during their induction program. The obligations are also outlined in the *Authorised Persons Handbook*.⁵⁷⁶

7.90 In terms of data on this issue, Table 6 shows the number of mandatory reports made by Authorised Persons in the last four years.

Table 6 Number of mandatory reports by Authorised Persons

Year	Number of children and families
2010	Nil
2011	2 children from 2 families
2012	6 children from 5 families
2013	12 children from 6 families
2014	8 children from 5 families

Source: Answers to supplementary questions, Board of Studies, Teaching and Education Standards, 3 October 2014, p 9.

⁵⁷³ Evidence, Ms Campbell, 8 September 2014, p 13.

⁵⁷⁴ Submission 145, Home Education Association, p 165.

⁵⁷⁵ Answers to supplementary questions, Mr Murphy, 3 October 2014, p 8.

⁵⁷⁶ Answers to supplementary questions, Mr Murphy, 3 October 2014, p 8.

7.91 Additionally, Authorised Persons will consider information that may have been received from another agency, for example, the NSW Police or Department of Education, when assessing a registration for home schooling. The BOSTES explained that the Authorised Person, in these situations, will also examine whether the home learning environment is suitable for effective home schooling. If it is not, then they may refuse an application for home schooling.⁵⁷⁷

Quality assurance and the need for protective measures

7.92 One of the issues of concern to the committee was how the quality of education delivered to home schooled students can be assured. Whilst many in the home schooling population called for less regulation of home schooling, as outlined in Chapter 6, the committee discussed with witnesses the importance of quality assurance in the home schooling context, to ensure high quality educational outcomes and to promote the wellbeing of each child.

7.93 As outlined by Mr Smyth King, from the Department of Education and Communities, the state has a duty to ensure that every child receives an education of the highest quality.⁵⁷⁸ Dr Vieira, a former home schooled student, also acknowledged the role of parents in this equation: 'home schooling does not exempt parents from providing a quality and indeed academically rigorous education for their children'.⁵⁷⁹

7.94 Ms Uren from the Teachers Federation highlighted the importance of high quality education, and argued that this is best delivered in a school context. Whilst Ms Uren said that she did not advance a philosophical position of being opposed to home schooling, she commented:

The Federation does not have a specific policy on home schooling. It has a number of policies that emphasise that our position is that for the vast majority of students the most effective way of delivering education and realising their right to a quality education is through comprehensive public schools.⁵⁸⁰

7.95 When the committee asked Dr Glenda Jackson, Director, Australian Home Education Advisory Service, about how the government can monitor home schooling education programs to ensure quality, Dr Jackson suggested:

Perhaps coming back to understanding the reason why the parent removed the child or has home educated the child in the first place. Perhaps having a professional assessment of their learning problems, which is more telling than just saying these are the reasons. We should actually find out why their child is being home schooled. If they are having learning difficulties that should be assessed and then we should make sure that the parents have the resources to fulfil those needs.⁵⁸¹

7.96 Ms Tamara Kidd, a home schooling parent, acknowledged that the BOSTES has a responsibility in terms of quality assurance. She explained what she believed their role should be in terms of assessing learning programs and outcomes:

⁵⁷⁷ Submission 139, Board of Studies, Teaching and Education Standards NSW, p 23.

⁵⁷⁸ Evidence, Mr Smyth King, 5 September 2014, p 22.

⁵⁷⁹ Evidence, Dr Vieira, 5 September 2014, p 45.

⁵⁸⁰ Evidence, Ms Uren, 5 September 2014, p 84.

⁵⁸¹ Evidence, Dr Glenda Jackson, Director, Australian Home Education Advisory Service, 5 September 2014, p 41.

In order to ascertain that children are actually learning they should be requiring the parents to write individual learning plans according to the Education Act and be assessing those and actual learning experiences...Those programs can be assessed at the end of a period of time. When the AP comes back they should be able to see how well that plan went. Plans change as the child's learning needs change and to document the learning. Making the procedure that the Board of Studies goes through the basis, rather than having to mimic school documents, is how they can assure the public that these children are being educated.⁵⁸²

7.97 Dr Vieira pointed to the role of NAPLAN as a measure of testing of learning:

Fundamentally, speaking from my experience being home schooled, it is possible to assess home schooled children in the way you would assess children who are schooled. I know that when I was being taught at home we used to participate in NAPLAN testing and obviously there were no issues with that.⁵⁸³

7.98 The use of the syllabus as a benchmark or measure in helping to promote quality in terms of education was also discussed. Whilst Ms Krogh and Ms Katie Watson from the Home Education Association accepted the need for minimum standards, they pointed to issues with the implementation of the curriculum and syllabus requirements by Authorised Persons, as outlined in Chapter 4. Ms Watson agreed that there is a need for generic requirements, such as key learning areas, but she argued against the use of requirements more suited to a school system than the home education context.⁵⁸⁴

7.99 A number of other witnesses stressed the importance of regulation and monitoring for home schooled students, both in terms of ensuring the quality of education being delivered and in ensuring the child's safety, welfare and wellbeing.

7.100 The Department of Education and Communities recognised that home schooling is a sanctioned educational pathway, however, they stressed the importance of adequate regulation and monitoring to ensure that the learning, wellbeing and development of children is occurring in a home schooled environment:

Given the importance of education for a child's development and wellbeing, and also given Government and community focus on educational engagement and the child protection and wellbeing system, it is most important that there are rigorous systems in place for home schooling registration and monitoring. These systems need to ensure that the learning and wellbeing needs of children engaged in home schooling are of primary concern. Any measure that diminishes registration requirements for home schooling is not supported. Measures that strengthen opportunities to ensure the learning and wellbeing needs of children registered for home schooling are met, and which take action to reduce the number of students not receiving compulsory schooling, or not having these needs met, are most important.⁵⁸⁵

⁵⁸² Evidence, Ms Tamara Kidd, Home school parent, 5 September 2014, p 53.

⁵⁸³ Evidence, Dr Vieira, 5 September 2014, p 53.

⁵⁸⁴ Evidence, Ms Katie Watson, Member, Home Education Association, 5 September 2014, p 31.

⁵⁸⁵ Submission 78, Department of Education and Communities NSW, p 5.

- 7.101** They also stated that the regulatory process for home schooling needs to be rigorous, especially in comparison to schools who have other opportunities to ensure student learning and wellbeing:

Schools provide opportunities for comparative assessment and monitoring of students' learning and wellbeing amongst their cohort. It is more difficult for students to receive this when they are home schooled. Home schooling systems that enable student learning and wellbeing to be monitored and supported may enhance the likelihood of educational success. It is most important that there are rigorous systems in place for home schooling registration, and monitoring, and that the learning and wellbeing needs of children engaged in home schooling are of primary concern.⁵⁸⁶

- 7.102** The Department of Family and Community Services also argued that home schooling regulation and monitoring is important, as home schooled children 'may not have the same level of outside surveillance'.⁵⁸⁷

- 7.103** They NSW Teachers Federation also supported the need for monitoring, including contact with Authorised Persons and home visits, with the student present at the time of the visit:

While it would no doubt never be more than a very small number of cases, it is not acceptable for the safety of those children to be compromised through any reduction in contact between Authorised Persons and students of home schooling. The registration process must continue to include home visits with the student present at the time of the visit, in order for the State to be able to meet its obligations.⁵⁸⁸

- 7.104** In relation to arguments for less regulation, the NSW Teachers Federation noted that it is not necessarily the states responsibility to make registration requirements less onerous or to ensure parents are trained or supported to more easily meet registration requirements:

If those registration requirements are onerous or parents find them difficult to meet then it is not necessarily the State's responsibility to make that easier or to provide support or training for parents to meet the registration requirements, particularly if those steps would expose children to risk of educational neglect or drain resources from the State's primary responsibility, which is public education. Home schooling advocates are certainly free to develop their own support mechanisms and obviously they have done so.⁵⁸⁹

- 7.105** The Home Education Association contended that the current registration system is negatively impacting children's wellbeing in a number of ways. Firstly, because visits by Authorised Persons can be very stressful, particularly on some children, although they acknowledged that there are some children will always be more sensitive to these visits because of other issues, such as previous trauma or anxiety.⁵⁹⁰

⁵⁸⁶ Submission 78, Department of Education and Communities NSW, p 3.

⁵⁸⁷ Submission 140, Department of Family and Community Services NSW, p 3.

⁵⁸⁸ Submission 79, NSW Teachers Federation, p 3.

⁵⁸⁹ Evidence, Ms Uren, 5 September 2014, p 81.

⁵⁹⁰ Submission 145, Home Education Association, p 175.

- 7.106** Secondly, they also contended that occasional visits by Authorised Persons are unlikely to be an effective measure in ensuring the safety of children. Thirdly, they argued that a more inclusive registration system would help to monitor any concerns:

The HEA considers that an inclusive registration system is most likely to engage with such families in a manner sufficient to allow monitoring of any concerns up to and including the potential to cancel the registration for home schooling.⁵⁹¹

- 7.107** When the committee questioned the Home Education Support and Action Network about the need for effective measures of regulation to ensure all children are being looked after, Ms Marianne Vanderkolk stated that she understands that there needs to be ‘appropriate measures of registration’, however, she argued in favour of ‘meaningful’ measures that reflect the practice of home schooling:

We do understand that there are appropriate measures of registration. We would like to see measures that are just appropriate, which are really meaningful, which understand the nature of home education and where the paperwork that we might be involved in and so on is actually reflective of what we are doing rather than reflective of a school-based idea.⁵⁹²

- 7.108** The committee then asked Ms Marianne Vanderkolk about how to ensure opportunities are given to home schooled children, such as engagement in social activities. She replied that it could be a requirement of registration that children are engaged.⁵⁹³ When the committee asked how this would be ‘policed’, Ms Marianne Vanderkolk argued in favour of a more supportive system so that home schoolers would not be anxious about being involved in the regulatory process.⁵⁹⁴

Capacity of parents to provide quality education

- 7.109** Related to the issue of quality assurance is the capacity of parents to provide quality education, particularly as there is no requirement for teaching qualifications or experience.

- 7.110** The Department of Education and Communities discussed the importance of teaching in influencing student performance:

Research suggests that the quality of teaching is the single most important influence on student performance. Within NSW Government schools there are systems in place that help to support the development and maintenance of teacher professional practice. This helps to ensure a quality learning experience for all students. It is important that parents or other caregivers, who are providing home schooling for their children, have the necessary ability and support to meet the child’s learning needs, and that this is considered when registration for home schooling is sought.⁵⁹⁵

⁵⁹¹ Answers to questions on notice, Mr Chris Krogh, Member, Home Education Association, 3 October 2014, p 3.

⁵⁹² Evidence, Ms Marianne Vanderkolk, Chair, Home Education Support and Action Network, 5 September 2014, p 67.

⁵⁹³ Evidence, Ms Marianne Vanderkolk, 5 September 2014, p 67.

⁵⁹⁴ Evidence, Ms Marianne Vanderkolk, 5 September 2014, p 68.

⁵⁹⁵ Submission 78, Department of Education and Communities NSW, pp 3-4.

- 7.111** The Home Education Association stated that there is no evidence to suggest that a parent without tertiary qualifications will not be able to provide a quality education for their child.⁵⁹⁶ They also argued that there is no fixed measurable characteristic to identify whether a person is able to provide quality home education. They did, however, state that a ‘key determinant of educational quality is not parent capacity but parent engagement’.⁵⁹⁷
- 7.112** When the committee discussed this issue with a panel of home schooling parents and a former home schooled student, Ms Chegwiddden argued that if a parent is committed and enthusiastic about taking responsibility for their child’s education, then they should be able to try home schooling, even in circumstances where the parent may not have the skills or aptitude.⁵⁹⁸
- 7.113** The committee also asked representatives from the Sydney Home Education Network about parent skills and abilities, and whether there has to be mechanisms to ensure quality educational outcomes. Ms Carla Ferguson, President, argued that having a qualification does not necessarily mean someone is a great teacher. She stated ‘some teachers are really brilliant and some are just really mediocre. I do not think you need that qualification to teach’.⁵⁹⁹
- 7.114** Whilst the committee noted the purpose of home visits by Authorised Persons in assessing learning programs, they asked Dr Terry Harding, Academic and General Manager of Australian Christian Home Schooling, about the lack of auditing or quality assurance to ascertain whether the child is actually receiving quality education. Dr Harding responded:
- In a qualitative way, parents have the greatest vested interest in the success of their children, in their development, in their educational outcomes and in their entry into the adult world. While it is not quantitatively demonstrable, parents have a responsibility to have a vested interest. It has been my experience since 1994 that the majority of these people want to provide a quality education.⁶⁰⁰
- 7.115** When the committee put to Dr Harding that there are no real measures of quality in the home schooling sector, Dr Harding emphasised the role of parents: ‘It is done by the parents. We have seen families return to traditional schooling if home schooling is not working. It is monitored, but not by a professional’.⁶⁰¹
- 7.116** The committee asked Dr Jackson about the appropriateness of a child with a disability being home schooled if the parent does not have qualifications in the area of special education. Dr Jackson pointed to research on this aspect which contradicted this assumption, as the:
- ...children were learning better, the families were happier and the children learnt to integrate into society better by doing home education than when the families were trying to work with the school system.⁶⁰²

⁵⁹⁶ Answers to questions on notice, Mr Krogh, 3 October 2014, p 2.

⁵⁹⁷ Answers to questions on notice, Mr Krogh, 3 October 2014, p 1.

⁵⁹⁸ Evidence, Ms Karen Chegwiddden, Home school parent, 5 September 2014, p 54.

⁵⁹⁹ Evidence, Ms Carla Ferguson, President, Sydney Home Education Network, 5 September 2014, p 76.

⁶⁰⁰ Evidence, Dr Terry Harding, Academic and General Manager, Australian Christian Home Schooling, 5 September 2014, p 20.

⁶⁰¹ Evidence, Dr Harding, 5 September 2014, p 20.

⁶⁰² Evidence, Dr Jackson, 5 September 2014, p 41.

- 7.117** The committee also questioned the NSW Teachers Federation about whether there needs to be quality mechanisms for home schooling parents, similar to those that currently exist for qualified teachers, such as the Teacher Accreditation standards and Great Teacher, Inspired Learning Policy. Ms Uren from the Federation commented:

The Federation would say that there absolutely needs to be some quality assurance mechanisms in place. Whether it is appropriate that they are the same set of standards I do not know. We have never looked at the standards in that context to be able to assess whether we think that would be appropriate.⁶⁰³

Benefits of home schooling for children's safety, welfare and wellbeing

- 7.118** Several inquiry participants argued that home schooling has the capacity to improve children and young people's safety, welfare and wellbeing, particularly given some of the negative social issues in schools.
- 7.119** The Sydney Home Education Network noted that many home schooled children have been removed from mainstream schooling due to unsafe school situations, for example, serious bullying. They also claimed that children with special needs often have difficulties in the school system, and that their confidence, self-esteem and wellbeing improve when they are in a safe environment, such as a home schooling environment.⁶⁰⁴
- 7.120** The Home Education Association also supported the value of home schooling in providing refuge from 'institutional abuse'. They suggested that schools may not be a safe place for many children because of violence, abuse, bullying, threats, drug possession and inappropriate behaviour.⁶⁰⁵
- 7.121** Dr Terrence Harding also observed potential benefits to home schooled children's safety, wellbeing and welfare. The results of a survey he undertook showed that many parents felt home schooling had benefited their child because it enabled them to avoid bullying and negative peer pressure, and to improve confidence and a love of learning.⁶⁰⁶
- 7.122** One individual involved in the inquiry asserted that their child's safety, wellbeing and welfare are more closely monitored and nurtured in a home schooling environment. This person argued that their child is 'highly visible' in the community, probably more so than if they attended school:

I have heard the view expressed that home schooling children are in danger of neglect or abuse if they are not seen at school every day. I absolutely refute this view as a general stance. We are very active members of our community (as are most of the other home schoolers we know), and it is a rare day indeed that we do not leave the house at some point. My children are highly visible and interactive in our community and I would argue that they are much more publically visible than a child who spends

⁶⁰³ Evidence, Ms Uren, 5 September 2014, p 82.

⁶⁰⁴ Submission 155, Sydney Home Education Network, p 15.

⁶⁰⁵ Submission 145, Home Education Association, pp 167-168.

⁶⁰⁶ Submission 163, Dr Terry Harding, p 28.

a majority of their week at school. It is a tragic fact that there are still children who turn up to school every day and continue to be abused at home.⁶⁰⁷

7.123 Ms Lyndell Williamson similarly contended that traditional schooling does not necessarily ensure better socialisation for children. She pointed to unhealthy peer pressure, bullying and drug use as examples of negative socialisation in school environments.⁶⁰⁸

7.124 The committee took evidence from the NSW Teachers Federation about the issue of bullying in schools and whether home schooling is a good option or solution. Ms Lenore Hankinson, an Industrial Officer with the Federation, explained that schools have anti-bullying programs. She argued that removing children from school due to bullying may not teach the child conflict resolution skills:

We have anti-bullying programs. To just remove a child whenever there is some sort of conflict is not teaching those lifelong skills of conflict resolution and dispute resolution that will enhance that child's ability to cope later in life with any sort of anxiety or social phobia.⁶⁰⁹

7.125 Whilst the NSW Teachers Federation explained that they were not opposed to home schooling, they contended that schools need to be better resourced to deal with bullying, so as to avoid cases where parents feel they have to home school:

The Federation's position would be that if a school is unable to deal with an issue of bullying, then that constitutes the fact that the school is inadequately resourced to be able to do so. The Federation's position is always around ensuring that the programs that exist within schools to deal with bullying are properly resourced because not every child will have a parent who is capable of doing that.⁶¹⁰

7.126 Ms Anna Uren, a Relieving Research Officer with the NSW Teachers Federation, emphasised that 'a parent should not find themselves in the position where they feel they have no choice but to home school':

The Federation is not saying that we need to go and change the Education Act to remove home schooling as an option but that the public system must be able to cope and needs to be properly resourced to be able to do so.⁶¹¹

Committee comment

7.127 The committee acknowledges that there is insufficient evidence to suggest that home schooled students are more at risk, in terms of their safety and wellbeing, when compared to their school counterparts. However, in the absence of such data, the committee cannot be satisfied as to whether a problem exists or not. Indeed, it is difficult to assess the validity of child protections concerns when the Department of Family and Community Services cannot provide helpful data.

⁶⁰⁷ Submission 198, Name suppressed, p 8.

⁶⁰⁸ Submission 266, Ms Lyndell Williamson, p 5.

⁶⁰⁹ Evidence, Ms Lenore Hankinson, Industrial Officer, NSW Teachers Federation, 5 September 2014, p 87.

⁶¹⁰ Evidence, Ms Uren, 5 September 2014, p 87.

⁶¹¹ Evidence, Ms Uren, 5 September 2014, p 88.

- 7.128** The committee accepts the argument that home schooled children are not exposed to the same level of independent expert surveillance that occurs in a school. The committee is also concerned by the suggestion that the low rates of mandatory reporting amongst children who are home schooled may be related to low levels of detection.
- 7.129** The committee supports the sharing of information between agencies as a measure to determine whether a child is receiving compulsory education and as a mechanism to promote a child's safety, health and wellbeing. This is a particularly important initiative, and part of a whole of government response to addressing child protection concerns.
- 7.130** Whilst the committee accepts that many of the instances in which information is exchanged with other agencies may not meet a threshold of the child or young person being at risk of significant harm, the existence of this mechanism helps to ensure that no one child falls through the gaps. Whilst most parents have their child's best interests at heart, the committee cannot escape the fact that there are cases in which children are neglected or abused, and it is about these children that the committee is concerned.
- 7.131** It is realistic to conclude that abusive parents will adopt strategies that limit access by children to important 'others'. The committee remains concerned that home schooling may exacerbate social disconnection from other children. The committee is also concerned that such children, such as GLBTI and gender questioning teenagers, may suffer even greater levels of isolation when home schooled. Such isolation is a significant precursor to self-harm.
- 7.132** The committee recognises that school is an important place in which children and young people come into contact with others, including mandatory reporters. Whilst many home schooling students also interact with other adults and possibly mandatory reporters, it is less guaranteed, simply by virtue of the nature of home schooling. Given this, the committee supports home visits by Authorised Persons and Assessment and Support Officers, with the requirement that the child be present.
- 7.133** In addressing these concerns, as covered earlier in this chapter, the committee would also encourage home schooling parents to be a member of a home schooling organisation, with this helping to create more opportunities for socialisation and collaborative learning, particularly in the context of also promoting greater visibility of home schooled children.
- 7.134** In terms of data, the committee recommends that the Department of Family and Community Services review their policies and systems, with the objective of identifying and improving the collection and reporting of data related to child protection matters within the home schooling population.

Recommendation 17

That the Department of Family and Community Services review their policies and systems, with the objective of identifying and improving the collection and reporting of data related to child protection matters within the home schooling population.

Children in out of home care

7.135 Out of home care is the term used to describe the placement of children away from their parents or home, due to concern that they are at risk of significant harm.⁶¹² Out of home care for a child or young person may be pursuant to a care order made in the Children's Court, or it may occur if parents voluntarily make such an arrangement.⁶¹³

7.136 During this inquiry, the committee received information to suggest that children in out of home care benefit greatly from a formal educational environment, which may not necessarily include home schooling. In particular, the Department of Family and Community Services asserted that school environments and networks are particularly important for children in out of home care:

School environments and networks provide vulnerable children and young people with greater opportunity for 'visibility', as well as normal social interactions with peers and adults outside other immediate family networks

...

Home school does not provide the best opportunity for these children and young people to maintain and engage in normal social networking opportunities that schooling outside the home will offer.⁶¹⁴

7.137 When appearing before the committee, Ms Campbell, from the Department of Family and Community Services, reinforced this view. She stated that children in out of home care receive greater support, skills and resources within the school context:

...evidence does show that children and young people in out-of-home care have some of the lowest health, educational and employment outcomes compared to their New South Wales counterparts. For these children and young people, evidence also shows that support, specialised skills and resources are best offered within a school environment to provide the opportunity to enhance their educational outcomes.⁶¹⁵

7.138 Ms Karleen Gribble, an Adjunct Fellow in the School of Nursing and Midwifery at the University of Western Sydney, disputed the proposition that children in out of home care are best supported in a formal educational environment. Ms Gribble relied on her experience with abused, neglected and traumatised children in coming to this view, in addition to her experience in home schooling two children herself, both of who have had a history of severe neglect and abuse.⁶¹⁶

7.139 Ms Gribble contended that the Department of Family Community Services had no evidence to support the argument that children in out of home care benefit more from a school environment, and that research proves the contrary viewpoint:

⁶¹² *Children and Young Persons (Care and Protection) Act 1998* s 135.

⁶¹³ *Children and Young Persons (Care and Protection) Act 1998* s 135A and s135C.

⁶¹⁴ Submission 140, Department of Family and Community Services NSW, p 4.

⁶¹⁵ Evidence, Ms Campbell, 8 September 2014, p 2.

⁶¹⁶ Submission 179, Ms Karleen Gribble, p 2.

...existing research, including that from the NSW Department of Family and Community Services and the NSW Department of Education and Communities, supports the proposition that meeting the educational, social and emotional needs of children in out of home care in schools can be extremely difficult and children are commonly failed by the NSW education system. Most children in out of home care have a history of abuse, neglect and trauma to a lesser or greater extent and it is this background that makes providing them with an adequate education challenging.⁶¹⁷

7.140 In addition, Ms Gribble, in her submission, outlined a number of issues which tended to support that children in out of home care have difficulty in the school environment. In fact, she asserted that the research indicates that children who have been abused and neglected are best supported by an educational environment that:

- recognises the impact of adverse early experiences on the child and responds with flexible and individually tailored learning experiences
- fosters positive relationships with peers
- involves caregivers who are committed to the child, and who value education and prioritise it
- respond appropriately to their behaviour.⁶¹⁸

7.141 Ms Gribble further contended that 'home education is able to provide an environment that includes all of these characteristics'.⁶¹⁹

7.142 The committee requested further information about the number of children and young people in out of home care who are registered for home schooling. In response to a question on notice about this issue, the Department of Family and Community Services explained that they are unable to inform the committee about the number of children and young people in out of home care who are home schooling as the information is not captured consistently and is not reliable.⁶²⁰

⁶¹⁷ Submission 179, Ms Karleen Gribble, p 2.

⁶¹⁸ Submission 179, Ms Karleen Gribble, p 4.

⁶¹⁹ Submission 179, Ms Karleen Gribble, p 4.

⁶²⁰ Answers to questions on notice, Ms Campbell, p 6.

Chapter 8 Resources and support for home schooling families

This chapter considers the resources and support provided to home schooling families. It begins by looking at the transition pathways available to home schooled students for work and further study. The chapter then examines the financial impacts of home schooling. Here particular focus is given to the loss of income experienced by parents who take on a teaching role, and the expenses incurred on items such as books, computers and excursions. The chapter concludes by identifying some other areas where home schooling families believed they could be better supported.

Transition and access to further study

8.1 This section explores the transition pathways for home schooled students to work, university or other study. It also looks at home school students access to the Higher School Certificate, TAFE-delivered vocational education and training courses and Open High School. Additionally, it considers whether home schooled students can access Hospital Schools, and barriers to their part-time enrolment in mainstream schooling and distance education.

Access to the Higher School Certificate

8.2 The committee also considered whether home schooled students can access the Higher School Certificate, and whether the limited access available is a barrier to tertiary study.

8.3 In the *Registration for Home Schooling in NSW – Information Package* (2013) the committee noted the following statement:

Home schooling does not provide for a child to be eligible for the award of the Record of School Achievement or the Higher School Certificate. To be eligible for either of these awards, a child must have attended a government school, a registered and accredited nongovernment school or a college of TAFE in order to complete the prescribed study, assessments and examinations for the awards.⁶²¹

8.4 The Home Education Association stated that home schooled students studying at Year 12 level are not currently eligible for the Higher School Certificate. In their submission, they explained that this means it is not a feasible pathway to further education or work unless students are willing to enrol in a school. They did, however, note that alternative entrance ways are available by TAFE and universities which enables many students to continue their studies.⁶²²

8.5 Dr Emma Vieira, a former home schooled student, also told the committee that home schooled students cannot access the Higher School Certificate. However, she also stated that this does not necessarily affect students' future studies as there are other pathways to

⁶²¹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 1, p 8.

⁶²² Submission 145, Home Education Association, p 36.

university. The committee was informed by Dr Vieira that she was able to enter University after sitting the American equivalent of the Higher School Certificate, the SAT.⁶²³

- 8.6** The committee sought to understand why the Higher School Certificate is not accessible to the students in the home schooling population. Ms Michelle Vieira, a home schooling parent, explained that there are limitations on the subjects that can be undertaken, particularly for those with practical components:

We can do self-tuition subjects but not all subjects through the HSC are available as self-tuition. Anything with a practical component, like science, you cannot do as a self-tuition candidate.⁶²⁴

- 8.7** Ms Karen Chegwidden, a home schooling parent, in answers to questions on notice, also advised the committee that the Higher School Certificate is not available to home schooled students. She stated that there is a limited capacity for students to undertake examinations in some subjects, which is then used to generate an Australian Tertiary Admission Rank (ATAR). Ms Chegwidden explained the impact of this:

So while a high school student will undertake assessment in a variety of ways over an extended period, the home schooled student is only able to access a final examination in a limited number of subjects. The value of this is therefore limited. I know of no one who has taken this pathway to further education.⁶²⁵

- 8.8** Ms Chegwidden pointed out that, despite limited access to the Higher School Certificate, many home schooled students go on to tertiary study, using other pathways such as TAFE, OTEN or Open Universities.⁶²⁶

- 8.9** The committee asked Mr Guy Tebbutt, a home schooling parent, about whether students would access the Higher School Certificate if there was no impediment. Mr Tebbutt replied:

I could see no impediment at all, as long as it is freely available to those students. As long as they can attend there, sit there exams under appropriate conditions, monitored by appropriate people, then I can see no reason at all why that would inhibit anybody.⁶²⁷

- 8.10** When asked whether it is appropriate to require home schooling students to sit the Higher School Certificate as a testing measure to assess outcomes, Mr Tebbutt replied in the negative. He explained that it is not mandatory for school children to sit the Higher School Certificate, and as such, should not be mandatory for home schoolers.⁶²⁸

⁶²³ Evidence, Dr Emma Vieira, Former home schooled student, 5 September 2014, p 57.

⁶²⁴ Evidence, Ms Michelle Vieira, Home school parent, 5 September 2014, p 57.

⁶²⁵ Answers to questions on notice, Ms Karen Chegwidden, Home school parent, 6 October 2014, p 3.

⁶²⁶ Answers to questions on notice, Ms Chegwidden, p 3.

⁶²⁷ Evidence, Mr Guy Tebbutt, Home school parent, 8 September 2014, p 41.

⁶²⁸ Evidence, Mr Tebbutt, 8 September 2014, pp 41-42.

Access to TVET courses and TAFE

- 8.11** The committee also explored the issue of whether home schooling students are able to access TAFE-delivered vocational education and training courses, called TVET courses.
- 8.12** The Home Education Association explained that TVET courses are short TAFE courses that older high school students, usually in Years 10, 11 or 12 can undertake as part of their studies. They noted that students from government and non-government schools can enrol in TVET courses but said that home schooled students are barred.⁶²⁹
- 8.13** Ms Vieira also commented on the lack of access to TVET courses, arguing that such opportunities need to be available to all students, and that home schooled students should not be discriminated against.⁶³⁰
- 8.14** Similarly, in their submission, the Sydney Home Education Network, stated that home schooled students are unable to access TVET courses.⁶³¹ This was emphasised when Ms Velly Pasas from the organisation appeared before the committee:
- TVET, which is a wonderful initiative by TAFE, is delivered either on the school grounds or on the TAFE campus but our children cannot participate. We believe that is fundamentally unjust and is discriminatory and we would like the inquiry to look at that issue.⁶³²
- 8.15** However, in their response to a question on notice about this issue, Ms Pasas explained that the information she had provided the committee was incorrect and as she has since received information to indicate otherwise. In fact, Ms Pasas explained that she had liaised directly with TAFE on this issue, and after a number of contacts about the issue, it had been clarified that home school students could in fact access TVET courses for a fee, similar to non-public school students.⁶³³
- 8.16** Ms Pasas argued that there needs to be a specific policy that shows the pathways for a home schooled student to access TVET courses, as the information is not easy to obtain. She also felt that this was necessary given the misconception in the home schooling population that TVET courses are not accessible. Ms Pasas asserted that there should be information in the Registration Information Package for home schooling about this as an option.⁶³⁴
- 8.17** Another issue raised during the inquiry related to the TAFE enrolment procedures for students who have completed Year 10 but are under the age of 17. As it stands, school students seeking to access TAFE after Year 10 are required to obtain the permission of their principal. For home schooled students, there is a requirement to obtain the signature of an

⁶²⁹ Submission 145, Home Education Association, p 213.

⁶³⁰ Evidence, Ms Vieira, 5 September 2014, p 44.

⁶³¹ Submission 155, Sydney Home Education Network, p 13.

⁶³² Evidence, Ms Velly Pasas, Vice-President, Sydney Home Education Network, 5 September 2014, p 70.

⁶³³ Answers to questions on notice, Ms Velly Pasas, Vice-President, Sydney Home Education Network, 6 October 2014, p 2.

⁶³⁴ Answers to questions on notice, Ms Velly Pasas, 6 October 2014, p 2.

Authorised Person on the application form for TAFE. In their submission, the Home Education Association referred to the BOSTES policy which explains this process:

As part of TAFE's enrolment procedures for students who are registered for home schooling and seeking to complete the equivalent of Year 10 at TAFE, an Authorised Person from the Office of the Board of Studies must first sign the application form for the TAFE course.

Sections A and B of the TAFE application form must be completed by the parent and then sent to the Home Schooling Unit. An Authorised Person from the Office will contact the parent to discuss the application and to make arrangements for signing the application form. The form will be forwarded to the relevant TAFE by the Office's Home Schooling Unit.⁶³⁵

- 8.18** The Home Education Association argued that the requirement for home schooled students to obtain a signature of an Authorised Person to enrol in TAFE 'seems very much like an overstepping of the duties of the BOSTES'.⁶³⁶

Access to Open High School

- 8.19** Open High School is a secondary distance education school offering courses in 12 languages to students in Years 9-12, located in the eastern Sydney suburb of Randwick. It caters for students who attend a government or non-government school which does not offer certain languages.⁶³⁷
- 8.20** According to the Open High School website, all applications for enrolment at Open High School must be made through the student's school principal. The application must also meet the enrolment criteria established by the Department of Education and Communities.⁶³⁸
- 8.21** A number of inquiry participants raised concerns about home schooled students being ineligible for enrolment to Open High School. The Sydney Home Education Network noted that students are denied access to a variety of programs, including Open High School. They stated that 'it is inherently unfair that home educated children do not have access to the same opportunities as children in the public and private education systems'.⁶³⁹
- 8.22** The Home Education Association supported this view, and noted that access is given to other school students, such as those in the Australian Capital Territory and Papua New Guinea.⁶⁴⁰

⁶³⁵ Submission 145, Home Education Association, p 198.

⁶³⁶ Submission 145, Home Education Association, p 198.

⁶³⁷ Open High School, *Enrolment*, (accessed 17 October 2014): http://www.theopenhs-d.schools.nsw.edu.au/index.php?option=com_content&view=article&id=3&Itemid=104

⁶³⁸ Open High School, *Enrolment*, (accessed 17 October 2014): http://www.theopenhs-d.schools.nsw.edu.au/index.php?option=com_content&view=article&id=3&Itemid=104

⁶³⁹ Submission 155, Sydney Home Education Network, p 12.

⁶⁴⁰ Submission 145, Home Education Association, p 213.

Access to Hospital Schools

- 8.23** Hospital Schools are schools that operate in many major hospitals for injured or ill children. They deliver education to children or young people who are missing school because of hospital treatment. During the inquiry, the committee received evidence highlighting that Hospital Schools cannot be accessed by home schooled students who are hospitalised.
- 8.24** MissingSchool, a national parent advocacy organisation established to raise awareness of the educational needs of students who miss school because of serious illness or injury, highlighted that children and young people who are home schooled are excluded from participating in Hospital Schools when they are admitted to hospital for treatment. They stated that one of the reasons used to justify this exclusion is that home schooled students normal learning program can be delivered by their parent teacher regardless of where they are needed. Another reason advanced to support their exclusion is that Hospital Schools are not in a position to deliver a program which has been developed by the parent.⁶⁴¹
- 8.25** MissingSchool asserted that the reasons above fail to recognise certain difficulties associated with having an ill child in hospital, such as lack of access to educational resources. They also disagreed with the proposition that a Hospital School would not be able to provide a program according to the curriculum:
- ...the student's normal learning resources may not be available to them on a hospital ward, and that their normal teacher may be a parent who has effectively taken leave from their normal work of teaching in order to care for a sick child. It also assumes that the parent has ready access to their child, which is not always the case... it is difficult to identify why the provenance of the curriculum should be problematic; Hospital Schools routinely advertise their ability to support the programs provided by public and independent schools which are accredited by the same Board of Studies.⁶⁴²
- 8.26** MissingSchool argued that it is the state's responsibility to ensure that all children and young people have access to quality education, particularly for those children in state care, such as those in hospital. They argued that 'it is the responsibility of the state to investigate and remove any barriers to the participation of the child or young person in education'.⁶⁴³
- 8.27** MissingSchool also contended that this issue needs to be addressed as it is a discriminatory practice to home schooled students:
- MissingSchool respectfully submits that all children and young people receiving treatment in public hospitals in NSW have a right to continued access to quality education, and that it is discriminatory to deny home-schooled students access to Hospital School services on the basis of their enrolment outside hospital.⁶⁴⁴
- 8.28** The Home Education Association also raised concerns about the lack of access to Hospital Schools for home schooled students. They stated that the reasons provided as to why home schooled students are excluded do not taking into account other circumstances, such as the parent not necessarily being able to be in the hospital with their child all day. Additionally,

⁶⁴¹ Submission 134, Missing School, p 2.

⁶⁴² Submission 134, Missing School, p 2.

⁶⁴³ Submission 134, Missing School, p 2.

⁶⁴⁴ Submission 134, Missing School, p 3.

they said that the parents may be geographically located distant from the hospital and that some wards do not allow parental visitations for the day, such as the eating disorders ward.⁶⁴⁵

8.29 The Home Education Association observed the impact of this policy on the children. They noted that the ill or injured children are often isolated, as they watch other children going to learn at the Hospital School and are left on their own and not able to participate in the activities.⁶⁴⁶

8.30 Ms Vivienne Fox stated that this policy is ‘heartless’ and only affects vulnerable families:

Hospital schools, which are available to children hospitalised for significant periods with serious health issues, and their siblings whose schooling might be affected, are not available to home educated children. This is heartless - affecting as it does very vulnerable families. This policy should be overturned immediately.⁶⁴⁷

8.31 When the committee asked Mr Murphy from the BOSTES about this policy, he stated that a child in hospital may be able to receive distance education material, but only if the child was enrolled in a school:

The way the legislative arrangements currently work is that if you wish to be in receipt of distance education materials you have to be enrolled in a government or non-government school rather than be registered for home schooling.⁶⁴⁸

Pathways to university

8.32 Many inquiry participants highlighted the alternative pathways that exist for home schooled students to enter university after they have completed their secondary education. This is important to note given home schooled students have limited access to the Higher School Certificate, and consequently an ATAR.

8.33 The Sydney Home Education Network noted that for many home schooled students access to further study has been ‘without concern’.⁶⁴⁹ This view was supported by Dr Terry Harding, who found in 2006 in a research study of 438 graduates, that home schooled students were able to access tertiary institutions to undertake various studies. In particular, his findings showed that 36 per cent of students were able to start a Bachelor degree and 21 per cent commenced Diploma studies.⁶⁵⁰

8.34 The Home Education Support and Action Network noted from a recent Home School Graduate Study in 2014, with responses from 137 graduates, that the most common pathway to university was through TAFE courses (36 per cent) and through online university (31 per cent).⁶⁵¹

⁶⁴⁵ Submission 145, Home Education Association, p 214.

⁶⁴⁶ Submission 145, Home Education Association, p 214.

⁶⁴⁷ Submission 171, Ms Vivienne Fox, p 24.

⁶⁴⁸ Submission 163, Dr Terry Harding, p 6.

⁶⁴⁹ Submission 155, Sydney Home Education Network, p 3.

⁶⁵⁰ Submission 163, Dr Terry Harding, p 6.

⁶⁵¹ Submission 144, Home Education Support and Action Network, p 4.

8.35 The Home Education Association explained that there is a variety of methods used by home schooled students to enter tertiary studies. They stated that TAFE and online university are the major transition pathways to work or university.⁶⁵²

8.36 A number of other individuals who had completed home schooling, or who were parents of home schooled students, also suggested that access to university was not a significant issue. Dr Vieira explained that she had gone on to study a Bachelor of Arts, and then medicine, at the University of Newcastle, after sitting the American equivalent of the Higher School Certificate, the SAT. She was also able to study some university subjects by correspondence through various universities.⁶⁵³

Part-time enrolment in schools and distance education

8.37 Many inquiry participants advocated for home schooling students to be able to enrol in mainstream schooling or distance education on a part-time basis.

8.38 On this issue, the committee noted that the *Registration for Home Schooling in NSW – Information Package* (2013) states that:

Part-time home schooling is not possible for children registered for Kindergarten to Year 10. All children of compulsory school age must be enrolled in a school (government or non-government) or registered for home schooling on a full-time basis.⁶⁵⁴

8.39 The Home Education Association pointed out that in other jurisdictions, such as the Northern Territory, Victoria and Australian Capital Territory, students can be part time enrolled in school as well as being home educated. They argued that this would suit some families and would allow access to resources, or to group activities such as chess clubs or inter-school sporting competitions.⁶⁵⁵

8.40 One individual pointed to the benefits of part time enrolment in schools, particularly in terms of preparing secondary students for tertiary study:

One practice that I would definitely like to see implemented in NSW is the ability for parents to utilize part time school like you can do in Victoria and ACT. This would be of particular benefit in the latter years of high school when part time based school study may assist with the transition to tertiary education.⁶⁵⁶

8.41 Another inquiry participant argued that there are benefits of part time enrolment for home schooling students in mainstream schooling, particularly in terms of skills development and socialisation:

It would be wonderful if there was scope for home schooled children to interact with schools, whether through shared learning, skill-swapping, sports or socially. It would

⁶⁵² Submission 145, Home Education Association, p 38.

⁶⁵³ Evidence, Dr Vieira, 5 September 2014, p 57.

⁶⁵⁴ Submission 139, Board of Studies, Teaching and Educational Standards NSW, Appendix 1, p 8.

⁶⁵⁵ Submission 145, Home Education Association, p 201.

⁶⁵⁶ Submission 26, Name suppressed, p 7.

also be wonderful for home school families to have access to the same support networks and programs school children have access to.⁶⁵⁷

8.42 The Home Education Association felt that home schooled students should be able to access components of schools, such as school sport competitions. They explained that local school principals often allow home schooled children to participate in the school sports carnival but, where the children are good enough to proceed to a regional level, they are often excluded.⁶⁵⁸

8.43 The Home Education Association also contended that many of the problems experienced by the home schooling population in terms of access to support could be addressed if there were no restrictions on part time school enrolment. As an example, they stated that there should be access to school health programs, vaccinations, inter school concerts and music camps.⁶⁵⁹

8.44 In terms of access to free vaccinations, the committee acknowledged that home schooling students can attend their GP or another immunisation provider for free age appropriate vaccinations.⁶⁶⁰

8.45 The committee asked Ms Vivienne Fox, a member of the Home Education Association, to clarify how she would see part time home schooling and mainstream schooling working together. Ms Fox stated:

If they were part-time enrolled in a school there would be days they are expected to turn up. Students have, for example, been in a school part-time... in the morning and they would go home and do other stuff in the afternoon or they might turn up on a single day and do those particular subjects. Part-time enrolment implies that they are enrolled in the school for part of the five days of the week... In a structured way, it is not just randomly turning up.⁶⁶¹

8.46 When the committee asked the Department of Education and Communities about home schooling students engaging on a part time basis with local schools, Mr Paul Lennox of the Child Protection, Student Engagement and Interagency Partnerships division of the Department commented:

I guess the current situation is that a student that is enrolled in home schooling is not eligible in those circumstances. If there were to be a proposal to change that, it is a complex area with resourcing implications and a range of other implications.⁶⁶²

8.47 When the committee asked what the resourcing implications are, Mr Lennox stated that: 'The department would need to look at it, but we would have to take any such suggestion on notice for consideration'.⁶⁶³

⁶⁵⁷ Submission 34, Name suppressed, p 15.

⁶⁵⁸ Submission 145, Home Education Association, p 215.

⁶⁵⁹ Submission 145, Home Education Association, p 223.

⁶⁶⁰ NSW Health, *NSW School-Based Immunisation Program 2014*, (accessed 17 October 2014): <http://www.health.nsw.gov.au/immunisation/Pages/schoolvaccination.aspx>

⁶⁶¹ Evidence, Ms Vivienne Fox, Member, Home Education Association, 8 September 2014, p 30.

⁶⁶² Evidence, Mr Paul Lennox, Child Protection, Student Engagement and Interagency Partnerships, Department of Education and Communities NSW, 5 September 2014, p 24.

⁶⁶³ Evidence, Mr Lennox, 5 September 2014, p 25.

8.48 Adding to Mr Lennox's comments, Mr Michael Waterhouse, Director of Legal Services, stated that an important consideration is the principle of duty of care and who would have legal responsibility for the students:

One of the considerations to bear in mind is who individual schools have a duty of care for. If a child simply comes up on a casual basis to use the library or comes up at lunchtime and is not recognised by the teachers and is not understood in terms of their needs at school, that raises duty of care issues. There would be some fairly extensive policy work that would need to be done if we were to move to allowing that, which is not the current practice.⁶⁶⁴

8.49 Mr Waterhouse noted that if students are enrolled in a non-government school, they are not subject to the duty of care of a Government school if they come on to their premises. He stated that there 'has to be clarity about who has legal responsibilities for caring for children'. He also stated that there are 'probably resourcing aspects' that need to be considered as well.⁶⁶⁵

8.50 When asked whether the Department has done any work on this, Mr Lennox stated 'Not to my knowledge'. Mr Lennox did, however, explain that one of the issues would be that there would be a need to accommodate any special needs of students, particularly any that might constitute a risk:

Also in enrolment, the principal needs to consider and accommodate any special needs that the child might have, any potential risk that the child's behaviour might have for anyone else on the school's site. So there are a range of issues that the principal needs to consider when enrolling a child in the school, or having somebody else on the site interacting with the students and the teachers.⁶⁶⁶

8.51 In response to a question taken on notice, the Department of Education and Communities reiterated some of the 'complexities' of home schooling students accessing their local school for activities, in circumstances where they would not be formally registered with the school. In addition to duty of care issues, they also raised concerns about resourcing, with staffing being determined usually on student numbers. Other issues were the obligations in terms of support needs for students and measures to maintain a safe school environment. On the latter point, they stated that schools would need to have all health and safety information pertaining to the student.⁶⁶⁷

8.52 The Home Education Association noted the argument that there are 'logistical problems' in terms of home schooled students accessing schools on a part time basis but stated that this has been managed in other jurisdictions.⁶⁶⁸ Other jurisdictions that treat this issue differently have been noted in Chapter 5.

⁶⁶⁴ Evidence, Mr Michael Waterhouse, Director, Legal Services, Department of Education and Communities NSW, 5 September 2014, p 25.

⁶⁶⁵ Evidence, Mr Waterhouse, 5 September 2014, p 25.

⁶⁶⁶ Evidence, Mr Lennox, 5 September 2014, p 25.

⁶⁶⁷ Answers to questions on notice, Mr Brian Smyth King, Executive Director, Learning and Engagement, Department of Education and Communities NSW, 7 October 2014, pp 2-3.

⁶⁶⁸ Submission 145, Home Education Association, p 224.

8.53 The Home Education Association also highlighted that it is often teachers and principals who raise the desirability of part time home school options, particularly for students who may not be coping at school, where a mix of both education forms may be of benefit.⁶⁶⁹

8.54 Mr Chris Krogh, a member of the Home Education Association, provided the committee with a case study in which a child was enrolled for home schooling but was able to attend school on a part time basis, as agreed to by the principal:

At the principal's discretion there has been an arrangement made with a home educating student who is really interested in some engagement with the school. That was possible and has presented no concerns to the school. In addition I think other States around the country, including Victoria, allow part-time home education attendance at school.⁶⁷⁰

8.55 The committee noted overwhelming support from the home schooling population in terms of being able to access schools on a part time basis.⁶⁷¹

8.56 The Home Education Association also raised a concern about not being able to access a variety of specialist learning centres operated by the Department of Education and Communities. As an example they explained that home schooled students were excluded from the Camden Park Environmental Education Centre which offers an educational program for school students, such as at the historic Belgenny Farm at Camden.⁶⁷²

8.57 In terms of access to distance education, the eligibility requirements were outlined in Chapter 2 of this report. A number of inquiry participants also argued in support of easier access to distance education courses and subjects, including Ms Vieira who stated that it would have been a good option for her son who wanted to study engineering:

One good way would be to allow us access to distance education. I wanted my sons to do engineering but there was no pathway for them to do HSC engineering. I do not have the skills to teach them engineering. Access to distance education would allow us to provide quality education in areas we do not feel comfortable educating in.⁶⁷³

8.58 The Home Education Association also felt that easier access to distance education could be a 'bridge' between mainstream schooling and home schooling:

Easier access to distance education would help many families, particularly those whose children are not adequately learning in the mainstream school environment, but do not have a clear preference for a non-school educational method. For others, distance education could provide a bridge between school and home education.⁶⁷⁴

⁶⁶⁹ Submission 145, Home Education Association, p 224.

⁶⁷⁰ Evidence, Mr Chris Krogh, Member, Home Education Association, 8 September 2014, p 30.

⁶⁷¹ Submission 40, Ms Korina Ivatt, p 3; Submission 61, Ms Samantha Nimmo, pp 17-18; Submission 63, Name suppressed, p 10; Submission 115, Ms Sally Knoechel, p 3; Submission 149, Name suppressed, p 9; Submission 174, Mr Tim and Mrs Georgina Close, p 9; Submission 138, Homeschooling Registration Reform Alliance of NSW, p 4.

⁶⁷² Submission 145, Home Education Association, p 216.

⁶⁷³ Evidence, Ms Vieira, 5 September 2014, p 54.

⁶⁷⁴ Submission 145, Home Education Association, p 201.

- 8.59** The NSW Teachers Federation pointed out that distance education is more expensive to provide. They argued that it would not be an appropriate use of public money to make distance education available for anyone who wants access to it:

Distance education is obviously more expensive to provide than mainstream classroom education...I do not think it would be an appropriate use of public money to make it available for anyone who wanted it just because they wanted it. It is designed as an important part of the equitable provision of public education. It ensures that students who would suffer a significant educational disadvantage if they were to attend a mainstream school are still able to access education.⁶⁷⁵

Committee comment

- 8.60** The committee received insufficient evidence on the barriers to home schooling students participating in the Higher School Certificate. Whilst a number of inquiry participants pointed to issues related to access to examinations involving practical components, the committee believes it would be worth investigating this issue further to determine whether strategies could be put in place which would allow home schooling students to have greater access. Given this, the committee recommends that the Minister for Education investigate and report on the barriers to home schooling students participating in and being awarded a Higher School Certificate.

Recommendation 18

That the Minister for Education investigate and report on the barriers to home schooling students participating in and being awarded a Higher School Certificate.

The committee acknowledges that home schooled students are currently unable to access Hospital Schools. Although reasons for this exclusion were provided by a number of participants, the committee is not satisfied that such exclusion is justified, nor in the best interests of each child. In cases where a child or young person is ill or injured and receiving treatment in hospital, it must be recognised that the usual circumstances in which home schooling is normally provided may not exist. Whilst there may be variances in the learning programs provided, the committee agrees that inclusion is better than exclusion, particularly in the context of supporting a child's overall wellbeing. The committee understands that not all families may take up this option; however, they should not be precluded from accessing such a program if they choose. The committee recommends that the Department of Education and Communities review their policies to ensure that home school students can access and participate in Hospital School Programs.

Recommendation 19

That the Department of Education and Communities review their policies to ensure that home school students can access and participate in Hospital School Programs.

⁶⁷⁵ Evidence, Ms Anna Uren, Relieving Research Officer, NSW Teachers Federation, 5 September 2014, p 85.

- 8.61** The committee notes that many inquiry participants advocated in favour of home schooling students being able to participate in components of the school system, such as sport, or to enrol for part time schooling. Whilst the committee recognises that there are a number of complexities relating to this issue, the committee acknowledges that other states have implemented this feature successfully.
- 8.62** In the committee's opinion, access to schools in this manner may provide a number of benefits. Firstly, it may enable individual students to access subjects or activities in which they want to learn and in which the parent may not be able to provide instruction, and secondly, it may help to promote increased socialisation and collaborative learning for students. In addition to these benefits, the committee believes that such access may also help to allay some concerns about home schooled children's safety and wellbeing, as it would enable students to have increased visibility and regular contact with teachers, being mandatory reporters. That aside, the committee recognises that such access should be considered to be voluntary and would need to be approved by the Principal of each school.
- 8.63** The committee is concerned that part time enrolments can create substantial problems for the schools, including disruption to teaching and child protection and safety challenges.
- 8.64** Given the potential benefits, the committee recommends that the Department of Education and Communities investigate and report on any barriers to home schooling students accessing schools, either on a part time basis, or for particular components.

Recommendation 20

That the Department of Education and Communities investigate and report on the impacts of home schooling students accessing schools, either on a part time basis, or for particular components, on schools educational delivery and child protection and safety.

Financial impact and assistance

- 8.65** This section examines the financial costs of home schooling, particularly in terms of the loss of income experienced by a parent taking on a teacher role. It also looks at other costs incurred and the limited financial assistance provided to families.

Cost of home schooling on families

- 8.66** A number of submissions highlighted the financial costs involved in home schooling, including the loss of income by a parent taking on a teaching role, and other educational expenses, such as books, materials and excursions.
- 8.67** The Sydney Home Education Network noted that home schooling parents bear the cost of education for their child as no government support or assistance is available. They claimed that the costs include 'the actual cost of resources, the time required to develop the education

program and the cost of the forgone income of the parent who delivers the home education program'.⁶⁷⁶

- 8.68** The Home Education Association also acknowledged the significant financial commitment of parents to home schooling, largely because of the loss of an income source, investment in educational resources and increases in household expenses.⁶⁷⁷ In terms of forgoing income, the Home Education Association noted that many families choose to make such a substantial financial sacrifice for the benefit of the best education possible for their children.⁶⁷⁸
- 8.69** The Home Education Association estimated that it can cost on average \$3,500 per child per annum for educational resources and services, such as books, computing products, online courses, excursions and other equipment and material. They noted that this cost was less than the fees and expenses of most private schools, but that it tends to exceed the cost of a child attending a government school.⁶⁷⁹
- 8.70** The Home Education Network in Victoria noted that the Ministerial Working Party on Home Education found that the cost of home educating a child in Tasmania was approximately \$2,000, only 40 per cent of the cost of public education at the time.⁶⁸⁰
- 8.71** Ms Amy Butler, a home schooling parent, argued that home schooling is 'the most expensive form of education possible given that it requires one parent to forego an income in order to educate the child'. She noted other expenses, such as resources, books, private tuition and field trips. She also stated:
- If we were to judge quality of education by the amount of money spent on each child's education, I believe home schooling would be comparable to the most expensive private school fees in the State.⁶⁸¹
- 8.72** In terms of costs for materials and educational resources, Ms Elizabeth Parnell, a home schooling parent, stated that her current annual budget is \$3,300 to home school her three children, including pre-purchased passes to relevant venues and other educational equipment. She also noted the impact of this cost, particularly as her family has forgone a second income.⁶⁸²
- 8.73** Another person explained the financial costs they had experienced to home school their children, for example, to purchase text books, computer programs, musical instruments, books, craft supplies and textiles. This family also paid for gymnastic lessons, competitions, memberships and theatre tickets.⁶⁸³ Similarly, another individual pointed out the expenses involved in home schooling, and noted that by comparison, their children were not able to access certain things, such as free laptops, school music programs, dental vouchers and free

⁶⁷⁶ Submission 155, Sydney Home Education Network, p 4.

⁶⁷⁷ Submission 145, Home Education Association, p 49.

⁶⁷⁸ Submission 145, Home Education Association, p 50.

⁶⁷⁹ Submission 145, Home Education Association, p 52.

⁶⁸⁰ Submission 137, Home Education Network, p 6.

⁶⁸¹ Submission 77, Ms Amy Butler, p 2.

⁶⁸² Submission 16, Ms Elizabeth Parnell, p 3.

⁶⁸³ Submission 166, Name suppressed, p 3.

immunisations.⁶⁸⁴ The committee notes earlier in this chapter that home schooled students can access free vaccinations.

- 8.74** An inquiry participant stated that it costs at least \$4,000 a year to home educate their two children. This includes the cost of school supplies and extra-curricular activities. This person compared her financial costs to the amount of money received by schools per child:

While we knew when we made this choice that there was not funding to assist us along the way, it does seem unfair that there is no support for us when schools are receiving a certain amount of money per child (including my children if they were at school). Obviously my children being at home is saving the government money. Maybe if the money schools were receiving for each child was made accessible for home educating families people would feel more inclined to register- why should we be forced to do it 'your' way, when other children doing 'your way' within schools get funding. If we aren't getting funding why can't we be left to do it as we see fit?⁶⁸⁵

- 8.75** Ms Samantha Nimmo explained that when she sent her children to public school she incurred certain financial expenses, such as paying for stationary, books and subscriptions. Whilst she agreed that the costs of home schooling can be significant, she noted that some of the expenses would still apply even if the child was attending public school. Ms Nimmo acknowledged that the state may be losing out on tax from her wages because she is not working, but she argued that the state has an overall financial benefit as it does not have to pay the minimum per head payment that it makes towards all children in school.⁶⁸⁶

- 8.76** When the committee put to Ms Velly Pasas from the Sydney Home Education Network the argument that the government is losing tax revenue because a parent is staying home to educate rather than working, Ms Pasas stated that is not a strong argument as 'some parents are stay-at-home parents, whether they home educate or not'.⁶⁸⁷

- 8.77** Several other inquiry participants argued that home schooling saves the government money. One inquiry participant said that that the financial cost to the government of home schooling is minimal, and that the government is saving money because they do not have to pay the costs of maintaining a child in school. This person also noted that there are no financial benefits to families and no provision in the taxation system.⁶⁸⁸

- 8.78** Home schooling parents, Mr Tim Close and Ms Georgina Close also reflected on the amount of money the government is saving if parents home school their children. They contended that the government is getting good value and that this should be reflected in a fairer registration process:

Currently the figure that the government pays for education per student is roughly \$15,000 for public and \$8000 for private student each year! As home educating parents we are taking the full responsibility to educate our children and gain no financial help, while others abdicate their responsibility and get paid huge sums for it.

⁶⁸⁴ Submission 166, Name suppressed, p 3.

⁶⁸⁵ Submission 192, Name suppressed, p 2.

⁶⁸⁶ Submission 61, Ms Samantha Nimmo, p 3.

⁶⁸⁷ Evidence, Ms Pasas, 5 September 2014, p 73.

⁶⁸⁸ Submission 48, Name suppressed, p 3.

We feel the government is getting extremely good value from the home education community and the registration process should reflect this value.⁶⁸⁹

Financial assistance and support

8.79 This section considers the financial assistance and support available to home schooling families in New South Wales. The committee noted that many inquiry participants called for greater financial support, either via tax deductions, vouchers for educational resources or financial payments.

8.80 The committee received evidence about the Assistance for Isolated Children Scheme, a federal financial payment available to school age students who live in an isolated area, or a school age child with a disability or special need that cannot be met at a local school. The Home Education Association explained that under this scheme a distance education allowance of up to \$3,833 per student per year may be available if the student lives at home and is registered for home education, subject to meeting all of the other eligibility criteria. They stated that the BOSTES does not provide any information on this scheme, and that the assistance is not well known in the home schooling population.⁶⁹⁰

8.81 When appearing before the committee, Ms Tamara Kidd, a home schooling parent, also stated that this form of assistance is only available in ‘extreme circumstances’:

There are a limited number of people who access the isolated children's allowance but that is very limited and that is not a normal procedure through the Board of Studies. It is an external procedure that people go through and it is only in extreme circumstances.⁶⁹¹

8.82 The Home Education Association also noted that some home schooling families receive the Schoolkids Bonus, a payment made to a parent receiving Family Tax Benefit A for a dependent child in primary or secondary education. They said that this payment may end if recently introduced legislation passes the Australian Parliament. Currently, the payment is \$410 per year for each child in primary school and \$820 for each child in secondary school.⁶⁹²

8.83 One participant explained that they use the Schoolkids Bonus to pay for school books and external classes. This parent estimated that they spend approximately \$1,700 above what they would if their son was in public education.⁶⁹³

8.84 In their submission, the Home Education Association also discussed the financial schemes and/or support offered to home schooling families in other jurisdictions, for example, in Western Australia, where some families are eligible for a \$115 clothing allowance and \$235 Education Program Allowance. In addition, the Home Education Association stated that home schooling families in Western Australia can access state government swimming classes

⁶⁸⁹ Submission 174, Mr Tim Close and Ms Georgina Close, p 3.

⁶⁹⁰ Submission 145, Home Education Association, pp 58-59.

⁶⁹¹ Evidence, Ms Tamara Kidd, Home school parent, 5 September 2014, p 56.

⁶⁹² Submission 145, Home Education Association, p 59.

⁶⁹³ Submission 193, Danielle Wheeler, p 1.

through the local public primary school or an education office. Students can also access school medical and dental services, and concessions on public transport.⁶⁹⁴

8.85 The Home Education Association also noted that in Victoria, home schooled students can access the school start bonus payment for children in prep to Year 7. They also said that students can access the out of hour's foreign language lessons at a reduced cost. In addition, home schooling students in Victoria are entitled to student travel concession cards.⁶⁹⁵

8.86 The Home Education Association also discussed the assistance provided in Queensland and in the Australian Capital Territory. In Queensland, the Government does not provide any resources or services to home schooling families outside of the Textbook and Resource allowance, which for Years 8 -10 was \$115 per student, and \$250 for Year 11 and 12 students per year.⁶⁹⁶ In the Australian Capital Territory, low income parents of children in home education for Years 7 to 10 may be eligible for the Australian Capital Territory Secondary Bursary Scheme, administered by the Education and Training Directorate. The Bursary payment is \$750 per year for eligible students.⁶⁹⁷

8.87 Several participants advocated in favour of tax breaks for home schooling parents. Ms Monica Brown stated that she would like to be able to claim their education costs as a tax deduction.⁶⁹⁸ Similarly, another individual stated that there should be tax breaks for home schooling families, or a yearly payment or rebate, such as by way of a textbook or resource allowance.⁶⁹⁹

8.88 Mr Francis Young asserted that there should be greater support for home schooling households and that it should not be means-tested:

I recommend a scale of support funding to home schooling households considering the number and ages of the students, with some relationship to the level of funding provided to other non-government students in New South Wales. It should not be means-tested, because it is about funding the universal provision of education, just like a government school.⁷⁰⁰

8.89 Another submission author argued that the financial assistance and support should include payments and tax breaks:

I would like to see access to government payments, travel concessions, education supplements to help with materials and tax concessions that recognise the role home schooling parents play as teachers of relatively small classrooms. We may be paid nothing but certainly our jobs should be recognised through the tax system so that we can deduct expenses related to our work.⁷⁰¹

⁶⁹⁴ Submission 145, Home Education Association, p 59.

⁶⁹⁵ Submission 145, Home Education Association, p 59.

⁶⁹⁶ Submission 145, Home Education Association, p 60.

⁶⁹⁷ Submission 145, Home Education Association, p 60.

⁶⁹⁸ Submission 257, Ms Monica Brown, p 1.

⁶⁹⁹ Submission 174, Mr Tim and Ms Georgina Close, p 8.

⁷⁰⁰ Submission 129, Mr Francis Young, p 3.

⁷⁰¹ Submission 29, Name suppressed, p 6.

- 8.90** Dr Vieira also asserted that parents who choose to home school their children should receive tax cuts, because they are ‘already costing the government less due to their decision to home school their children’ and because they are supporting everyone else’s children by paying tax.⁷⁰²
- 8.91** FamilyVoice Australia argued in favour of concessions and funding for home schooling. They stated:
- It would seem reasonable to provide the same concessions and funding that state and private schools receive to other legitimate forms of education such as home schooling, provided that the home educators have registered and achieved a good report by an inspector.
- The fairest way to achieve this help is for the government to provide education vouchers, of equal value for each child, dependent on age, direct to the parents. These vouchers should be restricted to government-approved home education materials or services. This leaves the choice of education up to the parents, while still supporting educational standards.⁷⁰³
- 8.92** Mr Guy Tebbutt, a home schooling parent, suggested that home schoolers be given monetary payments as a means of financial support, in return for meeting requirements of the curriculum and syllabus. He said that the payment should be optional, and that it may work as an incentive in terms of registration. He asserted that \$10,000 per year would be an appropriate amount, given approximately \$16,000 per year is invested by the government in schools for each child.⁷⁰⁴
- 8.93** One individual, Ms Amy Butler, stated that she did not want financial support from the government, but ‘recognition of the economic benefits of home schooling being translated into a more collaborative and supportive registration process’.⁷⁰⁵
- 8.94** The Home Education Association also noted that in some circumstances, families do not want any financial assistance or support. The committee noted that this issue may be linked to philosophical reasons in which people home school their children. The Home Education Association noted the experience of New Zealand, where many families have declined financial payments:
- Whilst many home educators would be grateful for assistance from the state in terms of access to resources or other support, there are some who do not need or want any support. This is the case throughout Australia and New Zealand; in fact in New Zealand, where financial support is provided to home educators, a substantial number of home educators decline the payment. The HEA believes that the uptake of any support made available to home educators should be voluntary.⁷⁰⁶
- 8.95** Ms Kay O’Carroll claimed that the lack of financial assistance for home schooling parents means that home schooling is not a means of education valued by the Government.

⁷⁰² Evidence, Dr Vieira, 5 September 2014, p 45.

⁷⁰³ Submission 79, FamilyVoice Australia, p 6.

⁷⁰⁴ Answers to questions on notice, Mr Guy Tebbutt, Home school parent, 4 October 2014, p 2.

⁷⁰⁵ Submission 77, Ms Amy Butler, p 2.

⁷⁰⁶ Submission 145, Home Education Association, p 226.

Ms O'Carroll argued that the New Zealand provides financial assistance to help with expenditure and that it is of great benefit.⁷⁰⁷

- 8.96** When the committee asked the BOSTES whether home schooling families are entitled to any form of financial assistance, and whether they provide such information to applicants for home schooling, they stated: 'The BOSTES does not have any responsibility for funding of schooling of any kind'.⁷⁰⁸

Access to Centrelink payments

- 8.97** The committee received evidence about the difficulties some home schooling families have had accessing Centrelink payments, including the Family Tax Benefit (for adults) and youth allowance (for young people).

- 8.98** The Home Education Association, in their submission, explained that once a home schooled person turns 16, subject to other eligibility criteria, the family may be entitled to continue receiving the Family Tax Benefit or the young person may be eligible for youth allowance. However, because of the wording of the legislation and associated definitions, home schooling does not necessarily classify as further study being undertaken, which may impact a parent's entitlement to the continued benefit, or the young person is not entitled to Newstart allowance.⁷⁰⁹

- 8.99** The Home Education Association argued that families are being 'penalised for their choice':

Home educated students who would be eligible for Family Tax Benefit or Youth Allowance until as late as the end of the calendar year in which they turn 19 if they attended an institutional school are denied that support purely because they are home educated.⁷¹⁰

- 8.100** Furthermore, the Home Education Association stated that because of this issue, some lower income families are often forced to send their children to tertiary institutions earlier than anticipated, for example, when the student turns 16, so that the young person can qualify for youth allowance.⁷¹¹

- 8.101** Ms Catherine Cavanagh, a home schooling parent, also argued that this issue was an 'injustice which needs to be rectified'.⁷¹² Dr Terry Harding, General Manager, Australian Christian Home Schooling, also argued that this policy was unfair and that it needs to be addressed:

Whilst it is fair that home schooled children do not attract schooling subsidies it is a disgrace that they and their families do not qualify for such social welfare benefits. I

⁷⁰⁷ Submission 238, Ms Kay O'Carroll, p 4.

⁷⁰⁸ Answers to supplementary questions, Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards NSW, 22 October 2014, p 2.

⁷⁰⁹ Submission 145, Home Education Association, p 58.

⁷¹⁰ Submission 145, Home Education Association, p 58.

⁷¹¹ Submission 145, Home Education Association, p 58.

⁷¹² Submission 175, Ms Catherine Cavanagh, p 2.

encourage this Committee to look into this and other similar social injustices at both the State and Commonwealth levels and to make fair and just recommendations...⁷¹³

- 8.102** When the committee asked Dr Harding whether he had made representations to the Government on this issue, he stated:

Minister Andrews was very responsive in 2005. I spent time with his senior adviser discussing the family tax benefit issue when he came to see me in my office in Brisbane. I will not say what he said. It has not been dealt with quickly and with open arms, nor has it been mean. Changing regulations, Acts or even policies is a slow process.⁷¹⁴

Travel concessions

- 8.103** A number of stakeholders also argued that home schooling students have difficulty accessing travel concessions.

- 8.104** The Sydney Home Education Network stated that home school students who are over 17 years but are still studying Year 11 or 12 are denied access to concession travel fares as they are unable to be registered with the BOSTES, given compulsory education ends at the age of 17:

This is causing significant levels of distress in the home educating community because full time students are entitled to concession travel fares and their families to Centrelink payments. These are denied to home educated children because they cannot show that they are full time students despite the fact they are studying a full time Year 11 and Year 12 course. This is unjust and inequitable.⁷¹⁵

- 8.105** This issue was also pointed out by Ms Velly Pajas, from the Network, at a hearing before the committee. Ms Pajas stated:

The child is entitled to a concession card until they turn 17. Once they turn 17 compulsory education ends in New South Wales. However, a lot of our children actually take on a Year 11 and 12 workload. For example, my son is planning to go on to university but there is nothing that BOSTES or anyone can do to provide some sort of documentation that the child is in full-time study, so they are paying adult fares until they go to university.⁷¹⁶

- 8.106** Ms Karen Chegwidden provided evidence that it is difficult to get concessions cards for children, even in circumstances where they are of compulsory school age. After much lobbying, she secured cards for her children:

⁷¹³ Evidence, Dr Terry Harding, Academic and General Manager, Australian Christian Home Schooling, 8 September 2014, p 15.

⁷¹⁴ Evidence, Dr Harding, 8 September 2014, p 21.

⁷¹⁵ Submission 155, Sydney Home Education Network, p 16.

⁷¹⁶ Evidence, Ms Pajas, 5 September 2014, p 70.

I was successful in obtaining a concession card for both of my older children once they reached the age of 14 and 15 via the department of transport after significant lobbying and letter writing to the relevant Government Ministers by myself.⁷¹⁷

- 8.107** When asked what the barrier was for Ms Chegwidden to obtain concession cards for her children, she explained that it related to not having a student card:

Schools issue student ID cards to their students. Our students do not have ID cards so the issue then becomes how you access concession passes. The issue for us raised its head quite early on when my daughter was 13 or 14 and bus drivers started saying to her that she was going to have to pay full fare unless she could produce a concession card. That is what prompted my letter writing campaign. We successfully have obtained concession passes for those students.⁷¹⁸

- 8.108** In this regard, the committee noted evidence by Ms Vieira that there is no form or option to apply for a student card when registering for home schooling.⁷¹⁹
- 8.109** The committee also wrote to The Hon Gladys Berejiklian, Minister for Transport, to seek additional information on the eligibility of home schooled students to access student travel concessions, however a response had not been received as at the time of writing this report.

Committee comment

- 8.110** The committee recognises that many home schooling families incur a variety of costs in order to provide education to their child, including in many cases, forgoing of income. A number of inquiry participants also explained that they have financial expenses in terms of resources, materials and external activities. Whilst some of these costs would apply even if the child was attending school, or enrolled in distance education, the committee acknowledges that a small financial payment may provide assistance.
- 8.111** The committee acknowledges that some financial assistance is already provided by the Federal Government, both in terms of the School Kids Bonus and payments under the Assistance for Isolated Children Scheme, however, it also recognises that eligibility for these payments is limited, particularly for the latter option, in which there would only be a small number of cases in which people are eligible.
- 8.112** Although a number of participants called for tax concessions, the committee does not support this view, nor is it in the practical position to make such a recommendation. The committee would also not support the NSW Government in providing a financial incentive to home schoolers.
- 8.113** The committee notes that the Board of Studies, Teaching and Educational Standards does not provide any information on possible options for financial assistance to applicants of home schooling. Given arguments that the Board needs to be more supportive, the committee also recommends that the Board of Studies, Teaching and Educational Standards provide information to home schooling applicants about options for financial assistance.

⁷¹⁷ Evidence, Ms Karen Chegwidden, Home school parent, 5 September 2014, p 56.

⁷¹⁸ Evidence, Ms Chegwidden, 5 September 2014, p 56.

⁷¹⁹ Evidence, Ms Vieira, 5 September 2014, p 56.

Recommendation 21

That the Board of Studies, Teaching and Educational Standards provide information to home schooling applicants about options that exist for financial assistance.

- 8.114** The committee notes evidence about the difficulties some home schooled students have had in accessing concession cards for student travel. In a number of the examples provided to the committee, the challenge related to the issue of obtaining a student card from the Board of Studies, Teaching and Educational Standards. The committee believes it should be a matter of course for each student enrolled in home schooling to receive a student card, just as they would if they were attending school. Accordingly, we recommend that the Board of Studies, Teaching and Educational Standards take whatever action is necessary to ensure students registered for home schooling receive a student card for the purpose of obtaining student concessions.
-

Recommendation 22

That the Board of Studies, Teaching and Educational Standards and the Minister for Education take whatever action is necessary to ensure students registered for home schooling receive a student card for the purpose of obtaining student concessions.

Access to resources

- 8.115** The BOSTES, in their submission, outlined that their website has a diverse and extensive range of support documents and resources in relation to the New South Wales curriculum. They stated that these resources provide assistance for all education providers in New South Wales, including home schooling families.⁷²⁰
- 8.116** In their submission, the BOSTES also discussed the Program Builder and Assessment Resource Centre on their website, two resources that support the delivery of the BOSTES syllabuses. They also explained that the Program Builder resource is linked to Scootle, a national repository for digital resources related to the curriculum.⁷²¹
- 8.117** Whilst several participants acknowledged the availability of these resources, the committee received evidence about the need for greater resources and support for families with children that have special needs or a disability. Many pointed to the support provided in schools in these circumstances, yet the lack of similar resources and support if parents have removed a child from the school context to provide education.
- 8.118** The Australian Home Education Advisory Service explained that they regularly receive requests for information and support from people considering home education. Over 55 per cent of these calls for assistance related to parents seeking support in relation to home schooling for a child with a disability or special need.⁷²²

⁷²⁰ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 21.

⁷²¹ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 26.

⁷²² Submission 141, Australian Home Education Advisory Service, p 5.

- 8.119** The Home Education Association explained that parents of children with a disability and/or learning difficulty would like greater support to access resources and services, such as those provided by specialist units, such as the Special Education Resources Unit in South Australia and Vision Education in Western Australia.⁷²³
- 8.120** They noted that home educated children with disabilities do not currently have access to additional resources and assistance provided to students that attend a government school, such as teachers' aids, teacher training and access to specialist resources.⁷²⁴
- 8.121** The Home Education Association also noted that there is no disability support for home schoolers, despite it being available in schools. They questioned how this is in the best interests of the child:

Families made a direct connection between their child being unable to be educated at school and their disability and thought that there should be some specialist disability support for home education from the government disability support organisation. As stated by one parent, "They have no role in home schooling ... [disability support] don't see education as part of their framework. I find that a struggle ... It's not in the best interest of the child".⁷²⁵

- 8.122** Ms Vivienne Fox supported the view that there be enhanced resources and services for home schooled children with special needs:

Many home educators, particularly those whose children have special needs, are prevented from accessing special resources, such as the vision impaired child I know, who was not able to access the special help she needed one-on-one in the school, for enough time, and yet when home educated, with plenty of individual attention, was unable to access the specialist equipment, or attend the Vision Impaired Camp she enjoyed.⁷²⁶

- 8.123** Ms Pasas, from the Sydney Home Education Network, similarly argued that the equivalent monetary amount in terms of support and resources for children with special needs in schools should be given to home schooled students.⁷²⁷

Committee comment

- 8.124** The committee supports increased access to resources for home schooling parents and students, particularly for families with children that have special needs, disabilities or learning difficulties. Whilst the committee recognises that the Board of Studies, Teaching and Educational Standards already provide access to a number of resources, such as the Program Builder and Assessment Resource Centre, the committee believes that it is worthwhile for the Board to consult with home schoolers on the development of other possible resources. Therefore, the committee recommends that the Board of Studies, Teaching and Educational Standards identify and develop, in consultation with home schoolers, additional resources that may provide assistance to home schoolers in providing quality educational programs.

⁷²³ Submission 145, Home Education Association, p 204.

⁷²⁴ Submission 145, Home Education Association, p 53.

⁷²⁵ Submission 145, Home Education Association, p 208.

⁷²⁶ Submission 171, Ms Vivienne Fox, p 23.

⁷²⁷ Evidence, Ms Pasas, 5 September 2014, p 71.

Recommendation 23

That the Board of Studies, Teaching and Educational Standards identify and develop, in consultation with parents and students, additional resources that may provide assistance to home schoolers in providing quality educational programs.

Support for families

8.125 During this inquiry, many people provided evidence about the lack of support provided by the BOSTES, and in particular, by Authorised Persons. Generally, the view held by home schoolers was that the regulatory process needed to be more supportive, and in particular, that the Authorised Person should give support when assessing whether families meet the registration requirements.

8.126 One individual participant stated that they would like to see an increase in support for home schoolers, particularly those new to the practice:

I would like to see genuine support in place - Information Packs, research, support teams in place for crises or beginning home schoolers. People are more likely to reach out for help if they know there is genuine support out there.⁷²⁸

8.127 Similarly, another person stated that the regulatory system for home schooling offers no support and information for new home schoolers, which is different to the approach in other jurisdictions:

The regulatory system in NSW currently offers no support and little information to new home schoolers. Other states in Australia, such as Tasmania, have support integrated into the process of registration. I believe it would benefit our students to have a system such as this, which eases the transition from school to home school. This is particularly important as children who are withdrawn from school are often in crisis.⁷²⁹

8.128 Whilst home schooling organisations are supportive, an inquiry participant argued that it would be helpful if there was built in support to the regulatory model, particularly as new home schoolers may not be aware of support networks when starting:

NSW also has a lack of support for new home educators in that the regulatory system has no built-in support...It would be useful if there were better support in the system to help parents make a successful transition to home education. There are various bodies and groups available, such as SHEN and HEA, and other support groups, but one must be aware of their existence in order to make use of them.⁷³⁰

8.129 Other participants felt that Authorised Persons should be more supportive. The Home Education Association believes that Authorised Persons are not encouraged to assist families, although they acknowledged that some do. They argued that, where they are less supportive,

⁷²⁸ Submission 29, Name suppressed, p 6.

⁷²⁹ Submission 166, Name suppressed, p 17.

⁷³⁰ Submission 63, Name suppressed, p 10.

the unwillingness to assist often extends to even helping the families understand the outcomes of the syllabus:

The unwillingness to assist goes so far as to even being unwilling to provide assistance with understanding the outcomes of the NSW Syllabuses that the Authorised Person told the family they must use in the planning, assessing and reporting of their educational programs. As explained by one mother, ‘When we asked for clarification about one of the outcome statements under the maths KLA, he stated that he was not a mathematician and was unable to tell us what it might have meant’.⁷³¹

8.130 Ms Tamara Kidd also contended that Authorised Persons used to give support and advice but that her experience of this has changed.⁷³² By contrast, the BOSTES explained the reasons as to why Authorised Persons must be primarily focused on regulation rather than support:

In delivering this regulatory purpose, the BOSTES’ Authorised Persons are required to conduct assessments for home schooling registration in a manner that is supportive, open to the diversity of home schooling family situations and resourceful in the provision of helpful feedback and advice. Authorised Persons are also required to be mindful of balancing the regulatory purpose of the role with the provision of support so as to ensure that the primary regulatory purpose of the role is not confused with an advisory or supportive role.⁷³³

8.131 The Home Education Association argued that New South Wales should learn from more supportive registration systems in other jurisdictions. Whilst they felt that the system in Victoria was more supportive, the committee noted that the process is distinctly different, as parents only have to provide a letter and birth certificate to register for home schooling. The Home Education Association also pointed to the perceived benefits of the Tasmanian model in terms of support:

THEAC also maintains a library of resources for parents to borrow to help in their home education, and provides new home educators contact with people who will be an invaluable source of support, learning, and experience-based understanding of home education. Whilst much of this is undertaken informally in NSW, to have it integrated into the formal system of home education would encourage more families to participate in the registration process.⁷³⁴

8.132 In terms of what support home schoolers would like, the Home Education Association stated that families would like to be linked to local home educating networks and that they would like help with getting started. They also wanted support with information on activities, options for students, access to programs and provisions of students’ cards.⁷³⁵

8.133 There were also calls for greater communication by the BOSTES, such as a newsletter to inform families about matters of interest, such as events, school tests and changes to regulation. Similarly, another person noted that they would like a regular newsletter, similar to

⁷³¹ Submission 145, Home Education Association, p 145.

⁷³² Evidence, Ms Kidd, 5 September 2014, p 46.

⁷³³ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 26.

⁷³⁴ Submission 145, Home Education Association, p 200.

⁷³⁵ Submission 145, Home Education Association, p 205.

the Queensland approach where a quarterly newsletter is distributed containing information about news, events, the curriculum and resources.⁷³⁶

- 8.134** In contrast with arguments that there is limited support by the BOSTES, a number of people pointed to the support networks within the home schooling population, such as the organisations that were involved in this inquiry.
- 8.135** One individual stated that the home schooling population is very supportive and that the families are a great resource, as they help and support each other. This person argued in favour of increased support from the BOSTES, so as to help people ensure they ‘deliver the high quality education the government seeks’.⁷³⁷
- 8.136** The Home Education Association noted that their members also have other support mechanisms, such as help from their extended families, friends, community groups and online support.⁷³⁸
- 8.137** In terms of the increasing availability of online support, the Home Education Association stated that this may be a contributing factor to the increasing prevalence of home schooling:

The advent of the internet and the ability to connect easily with others who are home educating, as well as easy access to educational resources online has made an enormous change to the practice of home education. The HEA is of the view that the ease of access to support and educational resources via the Internet is partially responsible for the increase in the number of home educated children over the last decade.⁷³⁹

- 8.138** The BOSTES acknowledged the support networks that have been established within the home schooling population, and the increasing availability of online support and resources:

The BOSTES is aware that in addition to the resources available through the BOSTES, many home schooling families establish support networks or join home schooling associations, some of which are online through social media, to assist home schooling families in establishing teaching and learning routines, keep records, share teaching ideas and access resources.

The BOSTES is also aware of the increasing availability of educational resources, planning formats and learning activities via the internet and that these resources provide an easily accessed source of support.⁷⁴⁰

Committee comment

- 8.139** During this inquiry, a number of participants who are currently home schooling commented on the lack of support they feel from the Board of Studies, Teaching and Educational Standards. However the committee acknowledges that the Boards role is regulatory in nature,

⁷³⁶ Submission 160, Name suppressed, p 3.

⁷³⁷ Submission 18, Name suppressed, p 10.

⁷³⁸ Submission 145, Home Education Association, p 210.

⁷³⁹ Submission 145, Home Education Association, p 211.

⁷⁴⁰ Submission 139, Board of Studies, Teaching and Educational Standards NSW, p 26.

and that broadening its role would undermine its mission and its ability to act as an independent arbiter of standards.

8.140 The committee believes that additional information to applicants of home schooling at the time they are applying for registration or renewing registration could be provided by the Board where appropriate. Other support should be provided by the Home Schooling organisations including the development of more information material, such as brochures or resources.

8.141 The committee cannot see any impediment to home schooling organisations providing information to applicants on access to student cards, possible financial payments, access to resources, transitioning pathways to university and contact details for home schooling organisations. Whilst these may be some suggestions, there may be a number of other measures that can be undertaken to improve support for the home schooling population. Given this, the committee recommends that home schooling organisations be encouraged to develop and implement strategies that promote increased support for home schooling parents and students.

Recommendation 24

That home schooling organisations be encouraged to develop and implement strategies that promote increased support for home schooling parents and students.

Appendix 1 Submissions

No	Author
1	Name suppressed
2	Name suppressed
3	Name suppressed
4	Cardinal Newman Catechist Consultants
5	Name suppressed
6	Mrs Jennifer Marie Carles
7	Dr Emma Vieira
8	Miss Helen O'Hara
9	Dr Rebecca English
10	Miss Heidi van Schaik
11	Mrs Samantha Bryan
12	Mr Brian and Mrs Ruth Bosveld
13	Name suppressed
14	Mrs Julie McEwan – Partially confidential
15	Confidential
16	Ms Elizabeth Parnell – Partially confidential
17	Mrs Maureen Nathan
18	Name suppressed
19	Name suppressed
20	Mr Jeremy Fox
21	Ms Stephanie Hayes – Partially confidential
22	Name suppressed
23	Ms Anastasia Ur – Partially confidential
24	Name suppressed
25	Ms Yeshe Thubten
26	Name suppressed
27	Name suppressed
28	Ms Gail Oakley – Partially confidential
29	Name suppressed
30	Mrs Robyn Thomas
31	Miss Peta Thomas
32	Mrs Tahlia Sweeney

No	Author
33	Name suppressed
34	Name suppressed
35	Name suppressed
36	Name suppressed
37	Mr Daniel and Mrs Michele Vieira – Partially confidential
37a	Mr Daniel and Mrs Michele Vieira
38	Name suppressed
39	Mr Ken and Mrs Cathy Newby
40	Ms Korina Ivatt
41	Ms Tracey Mansted – Partially confidential
42	Name suppressed
43	Mr Andrew Shirtliff
44	Name suppressed
45	Name suppressed
46	Name suppressed
47	Mrs Suzanne Johnson
48	Name suppressed
49	Mrs Elizabeth Cooper
50	Mrs Joanne Curtis
51	Confidential
52	Revd Jon Cox
53	Confidential
54	Mr John Barratt-Peacock
55	Name suppressed
56	Name suppressed
57	Name suppressed
58	Mr Oliver Watkeys
59	Mr Mark Watkeys – Partially confidential
60	Name suppressed
61	Ms Samantha Nimmo
62	Name suppressed
63	Name suppressed
64	Name suppressed
65	Confidential
66	Name suppressed

No	Author
67	Ms Leisel Solomon
68	Mr Guy Tebbutt
69	Mrs Alison Clark – Partially confidential
70	Rev and Mrs Ross Trumble
71	Ms Cathy Choo
72	Mrs Vanessa Buckland – Partially confidential
73	Name suppressed
74	Name suppressed
75	Ms Katie Nagy – Partially confidential
76	William Campbell Foundation
77	Mrs Amy Butler
78	Department of Education and Communities
79	NSW Teachers Federation
80	Name suppressed
81	Name suppressed
82	Name suppressed
83	Name suppressed
84	Name suppressed
85	Name suppressed
86	Name suppressed
87	Name suppressed
88	Name suppressed
89	Name suppressed
90	Name suppressed
91	Mrs Wendy Bennett
92	Rev Keith Sharples
93	Name suppressed
94	Name suppressed
95	Name suppressed
96	Name suppressed
97	Name suppressed
98	Name suppressed
99	Name suppressed
100	Name suppressed
101	Name suppressed

No	Author
102	Name suppressed
103	Name suppressed
104	Ms Kellie Walsh
105	Name suppressed
106	Name suppressed
107	Name suppressed
108	Name suppressed
109	Mrs April Webber
110	Name suppressed
111	Name suppressed
112	Name suppressed
113	Ms Vanessa Winter
114	Name suppressed
115	Mrs Sally Knoechel
116	Name suppressed
116a	Name suppressed
116b	Name suppressed
116c	Name suppressed
116d	Name suppressed
117	Name suppressed
118	Name suppressed
119	Ms Anne Regan
120	Name suppressed
121	Name suppressed
122	Ms Laura Chegwiddden
123	Name suppressed
124	Name suppressed
125	Name suppressed
126	Name suppressed
127	Confidential
128	Ms Beverley Paine
129	Mr Francis Young
130	Home School Legal Defense Association
131	Name suppressed– Partially confidential
132	Shopfront Theatre for Young People Co-op Ltd – Partially confidential

No	Author
133	HENCAST Inc
134	MissingSchool Inc.
135	Shire Education Group – Partially confidential
136	SouthEast Home Education
137	Home Education Network
138	Homeschooling Registration Reform Alliance of N.S.W. (HRRAN)
139	Board of Studies, Teaching and Educational Standards NSW (BOSTES)
140	Department of Family and Community Services
141	Australian Home Education Advisory Service
142	Ms Glenda Jackson (PhD)
143	Ms Colleen Strange
144	Home Education Support and Action Network (HESAN) – Partially confidential
145	Home Education Association (HEA) – Partially confidential
146	Name suppressed
147	Ms Susan de Wall – Partially confidential
148	Ms Mathilda Element
149	Name suppressed
150	Ms Dianne Bond
151	Ms Tamara Kelly, President, Home Education Association (HEA)
152	Name suppressed
153	Ms Sharon Moulang
154	Name suppressed
155	Sydney Home Education Network (SHEN)
156	Home Schooling Encouragement Network and Support Group (HENS), Southern Sydney
157	Dr Andrew McGuinness
158	Dr Garrick Small
159	Dr Alan Thomas
160	Name suppressed
161	Name suppressed
162	Confidential
163	Dr Terry Harding
164	Confidential
165	Mrs Carol Ordish
166	Name suppressed

No	Author
167	Ms Tamara Kidd
168	Name suppressed
169	Mr Jack Blair
170	Ms Alicia Parker – Partially confidential
171	Ms Vivienne Fox – Partially confidential
172	Hear Our Voices Australia (HOVA) – Partially confidential
173	Dr Deborah and Mr Tane Brunt
174	Mr Tim and Mrs Georgena Close
175	Mrs Catherine Cavanagh
176	FamilyVoice Australia
177	Mrs Tammy Drennan
178	Ms Sophia Platthy
179	Ms Karleen Gribble PhD
180	Mr Leslie Hughes
181	Mr Lex Stewart
182	Name suppressed
183	Name suppressed
184	Name suppressed
185	Name suppressed
186	Name suppressed
187	Mrs Lorraine Wallis
188	Mrs Celeste Sell
189	Name suppressed
190	Name suppressed
191	Ms Helen Lynne
192	Name suppressed
193	Ms Danielle Wheeler
194	Mrs Suzanne Rosenberg
195	Confidential
196	Ms Jacki Oliver
197	Ms Catherine Little
198	Name suppressed
199	Mrs Emily Ventura
200	Mr Joshua Ventura
201	Miss Sophie Fox

No	Author
202	Name suppressed
203	Name suppressed
203a	Name suppressed
204	Ms Michelle Price
205	Confidential
205a	Name suppressed
206	Name suppressed
207	Ms Lynda Newnam
208	Name suppressed
209	Mr Gerald and Mrs Marianne Vanderkolk
210	Mr Robert Menzies
211	Mrs Marion Semtner
212	Confidential
213	Mr Chris Krogh
214	Name suppressed
215	Confidential
216	Confidential
217	Name suppressed
218	Confidential
219	Name suppressed
220	Ms Sarah Bromwich
221	Name suppressed – Partially confidential
222	Ms Mary Rose Fanning
223	Ms Jo Tonitto
224	Dr Buddhi Lokuge
225	Confidential
226	Mr Joshua Mortimer
227	Ms Naomi Scott
228	Ms Hannah Cox
229	Name suppressed
230	Name suppressed – Partially confidential
231	Name suppressed
232	Mrs Lyndell & Mr Andrew Clark – Partially confidential
233	Ms Philippa Clark
234	Name suppressed

No	Author
235	Name suppressed
236	Name suppressed
237	Name suppressed
237a	Name suppressed
238	Mrs Kay O'Connell – Partially confidential
239	Name suppressed – Partially confidential
240	Mrs Jodie Faulks
241	Name suppressed
242	Name suppressed
243	Name suppressed
244	Fizzics Education Pty Ltd
245	Ms Esther Hughes
246	Name suppressed – Partially confidential
247	Name suppressed
248	Mrs Esther Lacoba – Partially confidential
249	Name suppressed
250	Ms Norma Mou – Partially confidential
251	Mr Don McAllan
252	Ms Carolyn Ramage
253	Name suppressed
253a	Name suppressed
254	Confidential
255	Mrs Rosanne Trevaskis
256	Ms Susan Field
257	Ms Monica Brown
258	Mrs Koula Giakoumatos
259	Ms Sara Taylor and Mr Merv Taylor
260	Name suppressed – Partially confidential
261	Dr Tamara Shatar and Dr Thomas Bishop
262	Name suppressed
263	Mrs Diane Sylvester
264	Name suppressed
265	Name suppressed
266	Mrs Lyndell Williamson
267	Confidential

No	Author
268	Confidential
269	Name suppressed
270	Name suppressed
271	Confidential
272	Name suppressed
272a	Name suppressed
272b	Name suppressed
273	Name suppressed
274	Mr Ken Woolford and Ms Suesette Adams
275	Mr Graeme and Dianne Young
276	Ms Madeleine Rutherford

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Friday, 5 September 2014 Macquarie Room Parliament House	Mr David Murphy	Executive Director, Regulation and Governance, Board of Studies, Teaching and Education Standards NSW (BOSTES)
	Ms Anne Keenan	Director, School Registration and Accreditation Standards, Board of Studies, Teaching and Education Standards NSW (BOSTES)
	Mr Brian Smyth King	Executive Director, Learning and Engagement, Department of Education and Communities
	Mr Michael Waterhouse	Director, Legal Services, Department of Education and Communities
	Mr Paul Lennox	Child Protection, Student Engagement and Interagency Partnerships, Department of Education and Communities
	Dr Glenda Jackson	Director, Australian Home Education Advisory Service
	Mr Michele Vieira	Home school parent
	Dr Emma Vieira	Former home school student
	Mrs Karen Chegwidden	Home school parent
	Ms Tamara Kidd	Home school parent
	Mrs Sharon Wu	Member, Home Education Support and Action Network
	Mrs Marianne Vanderkolk	Chair, Home Education Support and Action Network
	Ms Talitha Vanderkolk	Home school student, Home Education Support and Action Network
	Mr Nathaneal van der Kolk	Former home school student, Home Education Support and Action Network
Mr Jesse Gibson	Home school student, Home Education Support and Action Network	

Friday, 5 September 2014 Macquarie Room Parliament House - continued	Ms Carla Ferguson	President, Sydney Home Education Network
	Ms Velly Pasas	Vice President, Sydney Home Education Network
	Ms Anna Uren	Relieving Research Officer, NSW Teachers Federation
	Ms Lenore Hankinson	Industrial Officer, NSW Teachers Federation
Monday, 8 September 2014 Macquarie Room Parliament House	Ms Anne Campbell	Deputy Chief Executive, Policy, Programs and Strategy, Community Services Division, Department of Family and Community Services
	Dr Terry Harding	Academic and General Manager, Australian Christian Home Schooling
	Mr Chris Krogh	Member Home Education Association Lobby Sub-Committee
	Ms Vivienne Fox	Member Home Education Association Committee, Member Home Education Association Lobby Sub-Committee
	Ms Esther Lacoba	Member Home Education Association Lobby Sub-Committee, Home Education Association President 2005 - 2010
	Ms Katie Watson	Member Home Education Association Lobby Sub-Committee
	Mr Guy Tebbutt	Home school parent
	Dr Rebecca English	Lecturer, School of Curriculum, Faculty of Education, Queensland University of Technology
	Mr Michael Brearley	Consultant, Cardinal Newman Catechist Consultants
Tuesday, 7 October 2014 Macquarie Room Parliament House	Mr David Murphy	Executive Director, Regulation and Governance, Board of Studies, Teaching and Education Standards NSW (BOSTES)
	Ms Anne Keenan	Director, School Registration and Accreditation Standards, Board of Studies, Teaching and Education Standards NSW (BOSTES)

Appendix 3 Tabled Documents

Friday 5 September 2014

Macquarie Room, Parliament House

- 1 Opening Statement, Department of Education and Communities, *tendered by Mr Smyth-King*.
- 2 The What, Whys, and Wherefores of Home Education and its Regulation in Australia, by Sonia Allan, University of Adelaide Australia and Glenda Jackson, Monash University, Melbourne Australia, *tendered by Dr Glenda Jackson*.
- 3 Understanding Home Educated Students Transitions into Mainstream Institutions: The Perspectives of Teachers, Glenda Jackson, Monash University, Melbourne, Australia, *tendered by Dr Glenda Jackson*
- 4 Recommendations for the Parliamentary Hearing: By the Home Education Support and Action Network (HESAN), *tendered by Mrs Wu*.

Monday 8 September 2014

Macquarie Room, Parliament House

- 5 Supplementary information from the HEA, *tendered by Ms Fox*.
- 6 Opening Statement, HEA, *tendered by Mr Krogh*.
- 7 Correspondence between Mr Krogh and Ms Keenan, Director – School Registration and Accreditation Standards, BOSTES, *tendered by Mr Krogh*.

Appendix 4 Answers to questions on notice

The Committee received answers to questions on notice from:

- Board of Studies, Teaching and Education Standards NSW (BOSTES)
- NSW Department of Education and Communities
- Ms Michele Vieira, Home school parent
- Mrs Karen Chegwidan, Home school parent
- Ms Tamara Kidd, Home school parent
- Home Education Support and Action Network (HESAN)
- Sydney Home Education Network (SHEN)
- NSW Teachers Federation
- Department of Family and Community Services NSW
- Hear Our Voices Australia (HOVA)
- Home Education Association (HEA)
- Mr Guy Tebbutt
- Cardinal Newman Catechist Consultants
- Dr Rebecca English, Academic, Queensland University of Technology

Appendix 6 Overview of amendments to the Information Package

Amendment
<p>Section: Title Change the title from <i>Home Education in NSW information Package</i> to <i>Registration for Home Schooling in NSW- Information Package</i></p> <p>The amended title is more consistent with the purpose of the document, that is, to provide information about registration for home schooling as provided for by the <i>Education Act 1990</i> ('the Act').</p>
<p>Part 2: Requirements for home schooling registration</p> <p>Clarify that the minimum curriculum of the Act is the curriculum provided by the relevant BOSTES syllabuses.</p> <p>Clarify that the educational program for each child is required to be based on and taught in accordance with BOSTES syllabuses.</p> <p>Clarify that the capacity of an applicant to plan and provide for the educational needs of the child is assessed by an Authorised Person based on the evidentiary documentation provided by the applicant.</p>
<p>Part 3: The registration process</p> <p>Explicitly reference in the Information Package the BOSTES' practice of requiring the child for whom registration is being sought to be present in the home during an assessment for home schooling registration.</p> <p>Clarify that the Authorised Person will consider records of the previous educational attainment of the child during the assessment of whether the planned educational program is suitable to cater for the identified learning needs of the child. Such records might include previous school reports, assessment records and the results of external testing, for example NAPLAN.</p>
<p>Part 3: Recommendation of the Authorised Person</p> <p>Explicitly reference in the Information Package the BOSTES' practice of approving up to a one year period for initial registration.</p> <p>The Act provides for a maximum period of up to two years home schooling registration.</p> <p>Applicants for initial registration, who do not already have other registered children, are assessed in relation to a capacity to comply with the requirements for registration. Compliance with the requirements may only be demonstrated once the educational program is being delivered during a period of registration.</p> <p>The amendments continue to provide for a maximum two year period of initial registration for an applicant who already has children registered for home schooling and who has demonstrated compliance with the requirements for registration over successive periods of registration for the</p>

<p>maximum time possible.</p>
<p>Part 3: The registration process</p> <p>Explicitly reference in the Information Package the BOSTES' provision for monitoring compliance with the requirements for home schooling registration during a period of registration.</p>
<p>Part 3: Remove section on assessment by documentation</p> <p>Assessment by documentation has not been a routine practice of the BOSTES for many years. The amendments continue to provide for consideration of an assessment by documentation on the basis of a recommendation from an Authorised Person.</p>
<p>Part 3: Changes to registration details</p> <p>Consolidate information about notifying the BOSTES into one section of the Information Package. Parents are requested to notify the BOSTES of changes to the home address, a decision to stop home schooling, change of contact details and if there is a need to change the Years of schooling on the certificate of home schooling registration.</p>
<p>Part 4: Curriculum requirements</p> <p>The minimum curriculum guidelines previously contained in the Information Package are redundant as the minimum curriculum for all students in NSW is based on the BOSTES' syllabuses. The syllabus stage statements contained within each syllabus provide an overview or guide to the learning per stage. Part 4 of the Information Package clarifies that the curriculum must be based on and taught in accordance with BOSTES' syllabuses.</p>
<p>Part 4: New BOSTES' syllabuses for Kindergarten to Year 10</p> <p>Part 4 provides information about the implementation schedule for the BOSTES' new Kindergarten to Year 10 syllabuses for English, Mathematics, Science and History.</p> <p>The amendments require parents to follow the same implementation schedule as for schools, noting the following exception to provide greater flexibility for home schooling parents.</p> <p>The amendments provide flexibility for a parent who is planning an educational program for siblings who are in the same curriculum 'stage' but in consecutive Years of secondary schooling, for example, a parent with one child in Year 7 and another child in Year 8. Under the implementation schedule, in 2014 the parent is required to provide the new syllabus to the child in Year 7 and the old syllabus to the child in Year 8. In these circumstances, curriculum planning may be more efficient if it was based on the same syllabus for both children. The amendments provide that, in these circumstances, a parent may seek approval to bring forward the implementation of the new syllabus so that the new syllabus may be used for both children in 2014. As all children in secondary education will be required to study the new syllabuses from 2015, the impact of any such approval for a small number of children registered for home schooling in 2014 is considered to be minimal.</p>
<p>Various sections</p> <p>A range of minor edits and clarifications</p>

Appendix 7 2011 Information Package



Home Education in NSW Information Package

2011

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Introduction

Under the *Education Act 1990*, home schooling is recognised as a legitimate way of providing for the educational needs of children in NSW.

Parents who choose to educate their children at home do so for a variety of reasons. Successful home educators demonstrate a high level of commitment, time and energy in providing for their children's education.

In NSW, parents who decide to educate their children at home must have the approval of the Minister for Education and Training or delegate. Approval to home school is through registration. The Office of the Board of Studies ('the Office') is responsible for the administration of the home schooling registration program and has been delegated the authority to register children for home schooling.

This information package provides a guide to applying for home schooling registration, describes the requirements and process and provides information which may be helpful for those who are registered. Further information on services and resources that may be of interest to home educators can be found on the Parents Page on the Board of Studies website <www.boardofstudies.nsw.edu.au>.

If you have questions about home schooling registration please phone the Home Education Unit on 02 9367 8149 or email homeeducation@bos.nsw.edu.au

Part 1 – Registration for Home Schooling: an overview

Part 1 Registration for home schooling: an overview

About home schooling

Home schooling is education delivered in a child's home by a parent or guardian. Under the *Education Act 1990* it is a legitimate option available to NSW parents and guardians.

Home schooling requires that parents accept responsibility for developing, implementing and evaluating their child's learning program.

Home schooling, also called home education, allows a parent to integrate the NSW curriculum with the learning processes that occur naturally in the home throughout a child's development.

Home schooling is different to distance education. Distance education is where a child is enrolled in a school which delivers all or a significant majority of the educational program through means of distance education such as by mail, email, telephone and/or other electronic communication. In this case, the educational program is developed, delivered and evaluated by the distance education school.

Purpose of registration

Registration is a legal requirement for home schooling while a child is of compulsory school-age and not enrolled in a school.

The Office of the Board of Studies ('the Office') is responsible for the administration of the registration program and has been delegated the authority to act on behalf of the Minister.

Registered home schooled children are authorised to be home schooled in accordance with the conditions specified on the relevant certificate of registration including the period of time (from six months to two years) and the Year or Years of schooling for the educational program to be delivered.

In NSW, home schooling is subject to the registration requirements and process outlined in this package.

Families with a genuine conscientious objection, on religious grounds, to registration may apply for exemption from registration. This does not exempt parents from their responsibilities to provide children with a quality education as, in order to be exempt from registration, parents must demonstrate that they meet the same requirements as registered home educators.

Part 1 – Registration for Home Schooling: an overview**Eligibility for registration**

Children are eligible to be registered for home schooling during the compulsory years of schooling.

In NSW the compulsory years of schooling are from the age of 6 years until the minimum school leaving age specified in the *Education Act 1990*. Education in the home outside this age group is not subject to registration requirements.

In June 2009 the *Education Act 1990* was amended to raise the minimum school leaving age effective from 1 January 2010.

Under the amended legislation, the minimum school leaving age is the age at which the child completes Year 10 of secondary education or the age of 17 years, whichever comes first.

The completion of Year 10 of secondary education is the completion of Year 10 of secondary education in NSW whether by school education or home schooling.

A child who completes Year 10 of secondary education but who is below 17 years of age is of compulsory school-age unless the child participates on a full-time basis in approved education or training or, if the child is of, or above, the age of 15 years, in paid work or a combination of approved education or training or paid work.

The new requirements do not apply to children who turn 15 before 1 January 2010 unless they:

- have completed Year 10 of secondary education during the 2009 school year, or
- were enrolled in a government or registered non-government school at the end of the 2009 school year, or
- were registered for home schooling at the end of 2009.

Years of schooling

From 2010 certificates of registration for home schooling will specify a Year or Years of schooling for primary education (from Kindergarten to Year 6), secondary education (Year 7 to Year 10) or for the curriculum beyond Year 10 (Year 11 and Year 12).

The specific Year or Years of schooling recorded on the certificate will be based on the educational program to be delivered in the home and the period of registration.

For some children, in order to address specific learning needs, the curriculum to be taught in the home may be advanced or delayed in comparison to children of a similar age who attend school.

Discussion with an Authorised Person when reviewing an application for home schooling registration may be part of the process for determining the Year or Years of schooling to be recorded on the certificate.

Part 1 – Registration for Home Schooling: an overview**Completion of Year 10**

From 2010 home schooled children who have completed Year 10 may apply to the Home Education Unit for a certificate of completion of Year 10.

Eligibility for such a certificate is based on the child having been registered for secondary education (Year 10) and the provision of evidence showing completion of the learning program upon which registration was based including records of the educational program, learning progress and samples of student work.

An Authorised Person will assess applications for a certificate of completion of Year 10. If you wish to apply you must submit a written application to the Home Education Unit. Information about the application form is provided in Part 8 of this package.

In addition to completing Year 10 at a government school, a registered non-government school or by being registered for home schooling, a child of compulsory school age may also complete Year 10 by completing certain courses provided by NSW TAFE or, in special circumstances, equivalent courses of study approved by the Board. Further details are contained in the Board's *Guidelines for Equivalent and Alternative Courses of Study* as published on the Board's website <www.boardofstudies.nsw.edu.au>.

School Certificate and Higher School Certificate

Home schooling does not provide for a child to be eligible for the award of the School Certificate or the Higher School Certificate. To be eligible, a student must have attended a government or registered and accredited non-government school or a college of TAFE in order to complete the prescribed study, assessments, tests and examinations for the awards.

Registration for part-time home schooling

Part-time home schooling is not possible for children registered for Kindergarten to Year 10. All children of compulsory school age must be enrolled in a school (government or non-government) or registered for home schooling on a full-time basis.

Children registered for home schooling beyond Year 10 may be approved to undertake a program based on part-time home schooling in combination with approved education or training and/or paid work. Participation in all aspects of the approved program must be equivalent to a full-time load.

Part 2 – Requirements for registration

Part 2 Requirements for registration

Requirements for home schooling registration

Registered home schoolers must meet the requirements for registration that:

- the educational program is based on the curriculum provided by the *Education Act 1990*; that is, the minimum curriculum for primary education (from Kindergarten to Year 6), the minimum curriculum for secondary education (Year 7 to Year 10) or the curriculum for beyond Year 10 (Year 11 and Year 12) (Part 4 of this package details the curriculum requirements)
- the educational program is based on and taught in accordance with the relevant Board of Studies syllabuses
- the educational program is suitable to cater for the identified learning needs of the child
- there is an adequate system of recording learning experiences and the child's progress and achievement
- the time allocated to learning is sufficient to allow coverage of the curriculum and is comparable to the time allocated by schools
- the learning environment is suitable for effective home education
- the resources within the home and those accessed externally are adequate to support the learning needs of the child.

As evidence of meeting these requirements, records must be kept of the teaching/learning program, time allocated, assessment of achievement and progress and resources used.

Parents do not need formal teacher training or teaching experience to be home educators. However, a capacity to plan and provide for the educational needs of the child must be demonstrated.

Part 3 – The registration process**Part 3 The registration process****Overview of the registration process**

The process of registering for home schooling involves the following key steps:

- application is submitted
- application is assessed by an Authorised Person, usually by home visit
- Authorised Person makes a recommendation
- if the application is approved, a certificate of registration is issued
- if the application is not approved, the decision may be appealed.

Typically, the registration process takes about three months from time of application to receipt of certificate.

The following information details the process for applying for initial registration and applying for renewal of registration. The same process is used for applications for exemption from registration.

Initial registration**Initial decision to home school your child**

The first step in registering for home schooling is deciding that this form of education is appropriate for your child. This is a significant and important decision.

Some of the points to consider and investigate before applying for registration include:

- your child's individual needs, abilities and special interests
- how you would address the requirements for registration
- your capacity to develop and deliver an appropriate educational program
- the demands on your time and energy including the time to research the curriculum to be taught, prepare the educational program and keep records of learning progress
- how you will prepare the educational program and your approach to record keeping
- the resources you will need and their availability
- the learning space(s) to be used
- when you intend to commence (it takes about three months for an application to be processed)
- how much lead time you will need for discussion, planning and resource gathering.

As with other forms of education there is no single approach to home schooling. Some home educators have a structured approach that is based on a set timetable and formal instruction. Others prefer an approach that is less formal and responds to the child's developing interests and needs. Whatever approach is taken, the requirements for registration must be met.

Part 3 – The registration process

You may wish to discuss home schooling with experienced home educators to gain an insight into different approaches to home schooling. Contact details of home education organisations are provided in Part 7 of this package.

The following checklist may assist in determining whether you are prepared for, or wish to proceed with, an application for initial home schooling registration.

Have you:

- (a) reviewed the curriculum requirements and the relevant Board of Studies syllabuses to be taught?
- (b) written a plan or outline of the educational program you intend to teach your child?
- (c) planned a method for recording learning activities completed by your child?
- (d) planned a method for recording achievement and progress in each area of study?
- (e) arranged for sufficient access to resources and facilities to support the learning program?
- (f) found a suitable area for educational purposes in terms of light, ventilation and space in your home?

If you answer yes to each of these questions you are ready to proceed with your application.

The application

To apply for initial registration you must complete *Form 1: Application for initial registration for home schooling*. Information about how to access the application form is provided in Part 8 of this package. A separate application form must be completed for each child.

The application form is required to be signed by one parent. The other parent may also sign. If the child is the subject of a court order, a copy of the court order must be attached to the application.

The completed application form can be emailed, faxed or mailed to the Home Education Unit of the Office of the Board of Studies as indicated on the form.

Applications are processed by the Home Education Unit and forwarded to an officer (the Authorised Person) who has been authorised to assess applications.

The Authorised Person will contact you to arrange a mutually acceptable time to visit you in your home to discuss your application and review the curriculum and other documentation you have prepared in support of your application.

It may take up to three months for an application to be finalised.

Assessment by an Authorised Person

Applications for registration for home schooling are assessed by an Authorised Person during a home visit.

Part 3 – The registration process

The Authorised Person will consider the evidence you provide to show how you intend to meet the requirements for registration. This process involves discussing your application and assessing the educational program you have developed. The visit provides an opportunity for you to demonstrate that the quality of your child's education will be satisfactory and that the requirements for registration will be met. You may also wish to raise and discuss any other home schooling issues.

During the home visit, the Authorised Person will assess:

- the proposed educational program and how it addresses the relevant curriculum requirements by identifying intended learning outcomes, content and teaching approach
- the suitability of the proposed educational program to cater for the identified learning needs of the child
- the proposed system for recording learning experiences
- the proposed system for recording learning progress and achievement
- the time intended to be allocated to student learning and whether this is sufficient to allow coverage of the curriculum and is equivalent to a full-time load for the minimum curriculum or, for beyond Year 10, the required hours of study
- the suitability of the learning environment for effective home schooling
- the adequacy and availability of resources to support delivery of the educational program.

Recommendation of the Authorised Person

At the conclusion of the home visit, the Authorised Person will inform you of the recommendation to be made. While this is not an official notification of registration, it is an indication that your application has been considered and it provides a written record of the recommendation that the Authorised Person intends to make.

Registration may be recommended for a period up to a maximum of two years. The Authorised Person will outline to you the reasons for recommending a particular period for registration. The recommendation will specify the Year or Years of schooling for home schooling registration. Any matters requiring attention will also be explained at this time.

If your child is currently enrolled in a school you should inform the principal that you have been recommended for registration for home schooling. Your child must remain at school until the certificate of registration is received.

In the case of a recommendation not to register, you will have the reasons for this decision outlined and confirmed in writing. Your right to a review of the decision and the review process will be explained. The review process is explained in detail later in this part of the package.

Following the visit the Authorised Person reports his/her findings and recommendation to the Home Education Unit. The report comments on the teaching/learning program, the learning environment and the capacity of the home educator to meet the registration requirements. Areas requiring development over the registration period and any special conditions of registration are noted.

Part 3 – The registration process

If your application is approved, a *Certificate of Registration for Home Schooling* will be forwarded to you. On receipt of the certificate you may commence home schooling.

You are advised to retain the certificate, as it is a formal proof of registration and a record of your child's home education. It may be an important document if enrolment is sought in a school, TAFE college or other educational institution at some future time.

It is important that your child continues to attend school until receipt of the certificate of registration.

A flow chart showing the key steps in the initial registration process is provided at the end of this part of the package.

Renewal of registration

Renewal notice

Approximately three months before a period of registration expires you will receive written advice from the Home Education Unit notifying you of the need to renew home schooling registration if you wish to continue with education in the home.

If you choose to apply for renewal of registration you will need to complete *Form 2: Application for renewal of registration for home schooling*. Information about how to access the application form is provided in Part 8 of this package. A separate application form must be completed for each child.

The application form is required to be signed by one parent. The other parent may also sign. If the child is the subject of a court order, a copy of the court order must be attached to the application.

The completed application form can be emailed, faxed or mailed to the Home Education Unit as indicated on the form. You are not required to send any curriculum documentation with your application.

Renewal process

Your application for renewal of registration is processed by the Home Education Unit and allocated to an Authorised Person to assess. The Authorised Person will contact you to arrange a mutually acceptable time to visit you in your home to assess your application.

During the visit the Authorised Person will assess:

- records of the educational program currently being delivered showing learning outcomes, content, teaching approach and learning experiences
- records to show learning progress and achievement
- the proposed educational program for the next registration period showing how it is based on the relevant curriculum requirements (see Part 4 of this package)
- the suitability of the educational program to cater for the identified learning needs of the child

Part 3 – The registration process

- the time allocated to student learning and whether this is sufficient to allow coverage of the curriculum and is equivalent to a full-time load for the minimum curriculum or, for beyond Year 10, the required hours of study
- the suitability of the learning environment for effective home schooling
- the adequacy and availability of resources to support delivery of the educational program.

At the conclusion of the home visit, the Authorised Person will inform you of the recommendation to be made. While this is not an official notification of registration, it is an indication that your application has been considered and it provides a written record of the recommendation that the Authorised Person intends to make.

Registration may be recommended for a period up to a maximum of two years. The Authorised Person will outline to you the reasons for recommending a particular period for registration. The recommendation will specify the Year or Years of schooling for home schooling registration. Any matters requiring attention will also be explained at this time.

Following the visit, the Authorised Person reports his/her findings and recommendation to the Home Education Unit. Areas requiring development over the registration period and any special conditions of registration are noted.

If your application is approved, a *Certificate of Registration for Home Schooling* will be forwarded to you.

You are advised to retain the certificate, as it is a formal proof of registration and a record of your child's home education. It may be an important document if enrolment is sought in a school, TAFE college or other educational institution at some future time.

A flow chart showing the key steps in the renewal process is provided at the end of this part of the package.

Renewal by documentation

In some cases, following a successful two year period of registration and the recommendation of the previous Authorised Person, home educators are notified by the Home Education Unit to apply for renewal of registration by documentation. This process involves submitting an application including supporting curriculum documentation. The application is assessed by an Authorised Person without visiting your home.

To apply for renewal by documentation you will need to complete *Form 3: Application for renewal of registration for home schooling by documentation* with the relevant supporting documentation including:

- a sample of the educational program you have delivered showing examples of teaching activities and records of progress and achievement
- an overview of the curriculum that you will be providing in the next period of registration for each key learning area
- the period of time that the above overview covers
- a description of the methods used for recording learning activities and experiences

Part 3 – The registration process

- a description of how learning is assessed and how progress and achievement are recorded
- a description of the key resources used in each key learning area.

In the process of assessing your application it is possible that the Authorised Person will contact you to obtain more information or to clarify a particular matter.

The Authorised Person will report his/her findings and recommendation to the Home Education Unit.

If your application for registration is successful a *Certificate of Registration for Home Schooling* will be forwarded to you.

You are advised to retain the certificate, as it is a formal proof of registration and a record of your child's home education. It may be an important document if enrolment is sought in a school, TAFE college or other educational institution at some future time.

No more than four years may elapse without a home visit by an Authorised Person.

A flow chart showing the key steps in the renewal process is provided at the end of this part of the package.

Recommendation to refuse

If an Authorised Person notifies you of the intention to recommend against initial registration or renewal of registration you will be notified of the reasons for this recommendation. You will also be informed of your right to seek an internal review of the recommendation.

Formal written notification of the Authorised Person's recommendation will be mailed to you from the Office of the Board of Studies. You will be offered 30 days from the time of this notification in which to seek an internal review of the decision.

If you choose to seek a review, a different Authorised Person will be appointed to consider your request. The review process may involve a second visit by the new Authorised Person to clarify matters that remain unresolved and review the documentation you have in support of your application.

If it is found that your application satisfies the registration requirements, a revised report and recommendation will be made to the Home Education Unit.

If the new Authorised Person independently arrives at a decision that affirms the original recommendation you will be advised of your right to seek a further review before the Administrative Decisions Tribunal (ADT). An appeal must be lodged within 28 days of being notified of the outcome of the internal review. Following the ADT's determination of the appeal, a recommendation is provided for the consideration of the Minister or delegate.

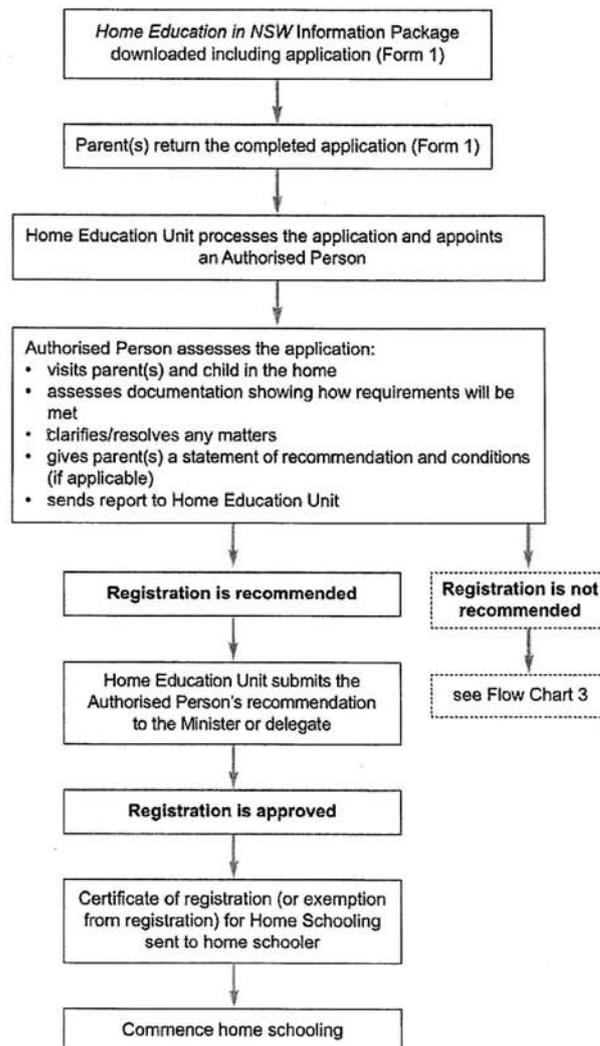
A decision to refuse registration does not preclude a subsequent application and registration if all requirements are met.

A flow chart showing the key steps in the registration review process is provided at the end of this part of the package.

Part 3 – The registration process

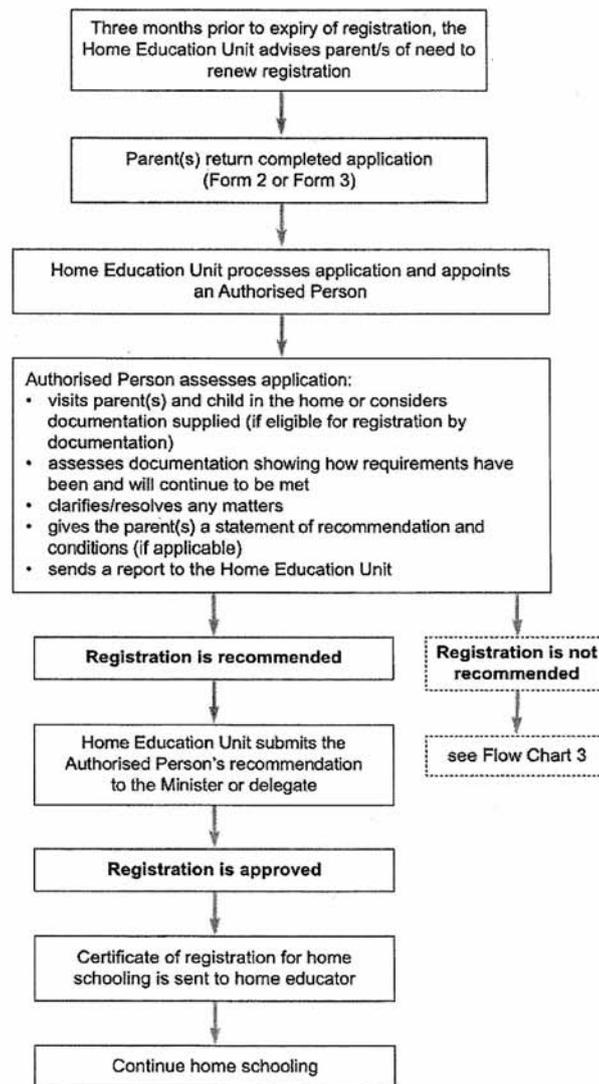
Registration and review process flow charts

Flow Chart 1: Initial registration for home schooling



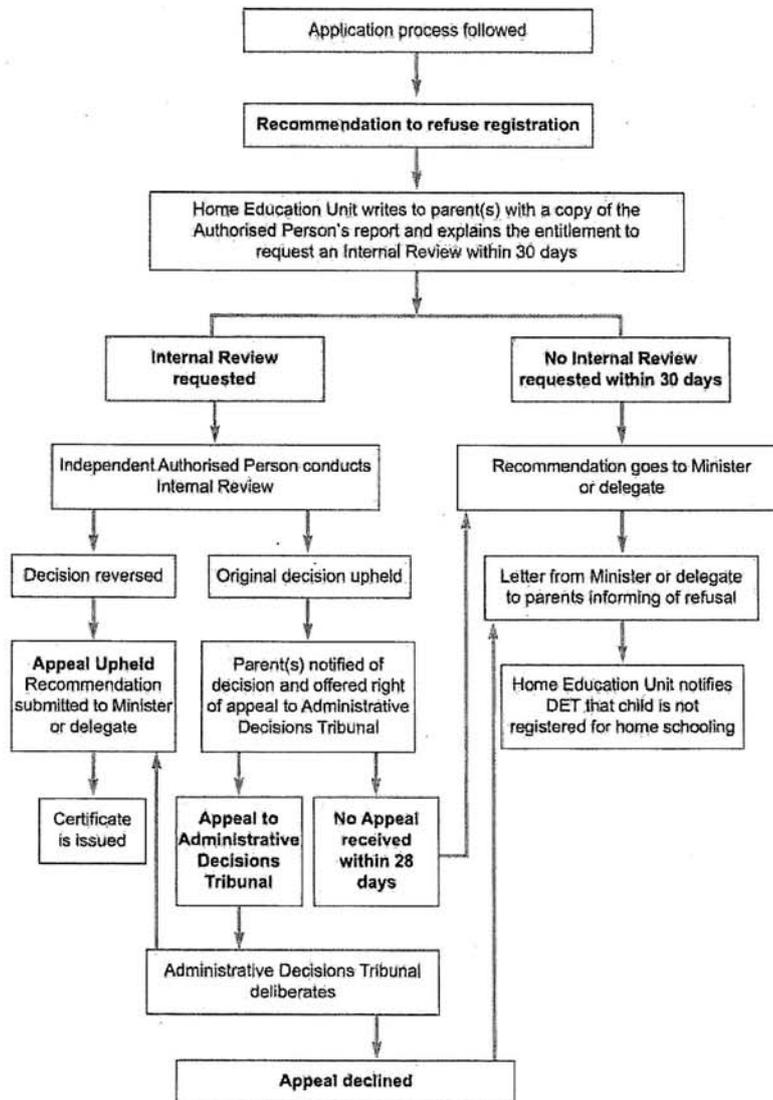
Part 3 – The registration process

Flow Chart 2: Renewal of registration for home schooling



Part 3 – The registration process

Flow Chart 3: Review of a recommendation to refuse registration for home schooling



Part 4 – Curriculum requirements

Part 4 Curriculum requirements

The curriculum requirements for home schooling registration are detailed in relation to:

- primary education (Kindergarten to Year 6)
- secondary education (Year 7 to Year 10)
- beyond Year 10.

**Curriculum requirements for primary education
(Kindergarten to Year 6)**

The *Education Act 1990* establishes minimum curriculum requirements for primary education (Kindergarten to Year 6). Part 3, Division 1, Section 8 of the Act provides that the primary curriculum must meet the following requirements:

- (a) courses of study are offered in each of the six key learning areas of primary education for each student during each Year
- (b) courses of study relating to Australia are included in the key learning area of Human Society and Its Environment
- (c) courses of study in both Art and Music are included in the key learning area of Creative and Practical Arts
- (d) courses of study in each key learning area are appropriate for the students concerned, having regard to their level of achievement and needs
- (e) courses of study in a key learning area are to be provided in accordance with any relevant guidelines developed by the Board and approved by the Minister
- (f) courses of study in a key learning area are to be based on, and taught in accordance with, a syllabus developed or endorsed by the Board and approved by the Minister.

The curriculum for primary education (Kindergarten to Year 6) is based upon the following six key learning areas:

1. English
2. Mathematics
3. Science and Technology
4. Human Society and Its Environment
5. Creative and Practical Arts
6. Personal Development, Health and Physical Education.

The Board of Studies' syllabuses are available on the Board's website <www.boardofstudies.nsw.edu.au>.

The Board's *Primary Curriculum Foundation Statements* publication provides a summary of the outcomes for primary education which may be useful in preparing an educational program. More information about the Board's curriculum resources is provided in Part 7 of this package.

The curriculum guidelines for primary education are detailed below.

Part 4 – Curriculum requirements**Curriculum guidelines for primary education**

The curriculum guidelines for primary education include:

- adequate opportunities for practical experience and application of theory
- adequate opportunities for the acquisition of competence in the English language
- adequate opportunities for students to relate appropriately to, and cooperate with, their peers and others
- courses that aim to develop the potential of students
- courses that allow for appropriate interaction among students and between students
- opportunities that enable students to develop a set of values consistent with life in a democratic society
- courses of study that develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

English Key Learning Area

Courses of study in this key learning area should:

- develop students' skills in listening, talking, reading, viewing and writing, including handwriting
- encourage students to read, listen to and view widely with understanding and enjoyment
- teach students to spell and punctuate accurately, and to write grammatically
- teach students to communicate in a variety of situations for a variety of purposes and audiences
- provide students with opportunities to experience a range of good literature
- provide students with opportunities for diverse writing and speaking activities
- provide students with opportunities to understand the nature of the mass media
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Mathematics Key Learning Area

Courses of study in this key learning area should:

- develop students' skills in questioning, problem-solving, analysis, synthesis, communication, information-gathering, research, reasoning, reflection and the use of a range of technologies, including computer-based technologies
- develop students' knowledge, skills and understanding in:
 - the application of mathematics to real-world situations and problems, including those needed to the general demands of everyday life
 - mental and written computation and numerical reasoning
 - pre-algebra concepts by patterning and generalisation
 - collecting, representing, analysing and evaluating information
 - identifying and quantifying the attributes of shapes and objects and applying measurement strategies
 - spatial visualisation and geometric reasoning.

Part 4 – Curriculum requirements**Science and Technology Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the natural and made environments
- provide first-hand experiences for students in investigating, designing, making and using technology
- develop, through first-hand experiences, students' knowledge and understanding of the processes of scientific investigation, designing and making and the technologies people select and use
- develop knowledge and understanding that is consistent with accepted scientific and technological understanding appropriate to their own stages of development
- develop students' skills in problem-solving, analysis, synthesis, information gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Human Society and Its Environment Key Learning Area

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the diversity of Australia's people, their culture and heritage, history, geography and social, economic and political institutions
- develop students' knowledge and understanding of Aboriginal history and culture
- develop students' understanding of citizenship and its responsibilities, especially in Australia
- develop students' knowledge and understanding of Australia's place in the world, and of other peoples, places and events, both past and present
- provide opportunities for students to explore the religious and moral beliefs held by themselves and by others
- develop students' understanding of the values of tolerance, consideration, and respect for others
- develop students' knowledge and understanding of the interrelationship of people and the environment
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Creative Arts Key Learning Area

Courses of study in this key learning area should:

- develop students' knowledge, understanding, skills and experiences in the creative arts including visual arts and music
- provide students with experiences in a range of creative arts activities
- encourage students' appreciation, self-expression, technical competence and creativity in the area of the creative arts
- provide students with opportunities to manipulate a variety of materials and to use tools and implements according to their needs, interests and abilities

Part 4 – Curriculum requirements

- develop students' understanding of the place and importance of creative and practical arts in Australian society and in other societies and cultures
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Personal Development, Health and Physical Education Key Learning Area

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the importance of an active and healthy lifestyle
- provide opportunities for students to participate in regular physical activities
- provide opportunities for students to learn to participate in and learn the skills for a variety of physical activities
- develop students' knowledge of healthy food habits and the capacity to make informed health decisions
- develop students' knowledge and understanding about road safety, drugs and mental health
- develop students' knowledge and understanding of personal safety in a wide range of contexts, and procedures to follow in emergency situations
- develop students' knowledge of themselves and their physical, social and emotional development
- develop students' knowledge and skills in cooperating with others and establishing positive interpersonal relationships
- provide opportunities for students to develop a positive set of values to guide their behaviour and to develop a strong sense of their personal worth
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

**Curriculum requirements for secondary education
(Year 7 to Year 10)**

The *Education Act 1990* establishes minimum curriculum requirements for secondary education (Year 7 to Year 10). Section 10 of the Act provides that the curriculum for secondary students who are not candidates for the School Certificate must meet the following requirements:

- (a) courses of study in six of the eight key learning areas for secondary education are to be provided for each child
- (b) courses of study in the key learning areas of English, Mathematics, Science, and Human Society and Its Environment are to be provided during each Year but courses of study in the other key learning areas need not be provided during each Year
- (c) courses of study in each key learning area are appropriate for the children concerned having regard to their level of achievement and needs

Part 4 – Curriculum requirements

- (d) courses of study in a key learning area are to be provided in accordance with any relevant guidelines developed by the Board and approved by the Minister
- (e) courses of study in a key learning area are to be based on, and taught in accordance with, a syllabus developed or endorsed by the Board and approved by the Minister.

The eight key learning areas for secondary education are:

1. English
2. Mathematics
3. Science
4. Human Society and Its Environment
5. Languages
6. Technological and Applied Studies
7. Creative Arts
8. Personal Development, Health and Physical Education.

The Board of Studies syllabuses are available on the Board's website <www.boardofstudies.nsw.edu.au/syllabus_sc>. More information about the Board's curriculum resources is provided in Part 7 of this package.

Home schooled children registered for secondary education (Year 7 to Year 10) are not eligible for the award of the School Certificate.

The curriculum guidelines for secondary education are detailed below.

Curriculum guidelines for secondary education

The curriculum guidelines for secondary education include:

- adequate opportunities for practical experience and application of theory
- adequate opportunities for the acquisition of competence in the English language
- adequate opportunities for students to relate appropriately to, and cooperate with, their peers and others
- courses that aim to develop the potential of students
- courses that adequately equip students to take their place in Australian society
- courses that allow for appropriate interaction among students and between students and adults
- opportunities that enable students to develop a set of values consistent with life in a democratic society
- courses of study that develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

English Key Learning Area

Courses of study in this key learning area should:

- develop students' skills in listening, talking, reading, viewing and writing
- encourage students to read widely texts of increasing complexity, with understanding and enjoyment
- teach students to spell and punctuate accurately, and to write grammatically

Part 4 – Curriculum requirements

- teach students to communicate effectively in a variety of situations for a variety of purposes and audiences
- provide students with opportunities to experience a range of literature including prose, fiction, non-fiction, drama and poetry
- provide students with opportunities to experience various types of writing including Australian literature and texts
- provide students with opportunities to understand the nature of the mass media and film including texts drawn from a wide variety of sources
- develop opportunities for diverse writing and speaking activities
- extend each student's range of language use
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Mathematics Key Learning Area

Courses of study in this key learning area should:

- develop students' skills in questioning, problem-solving, analysis, synthesis, communication, information-gathering, research, reasoning, reflection and the use of a range of technologies, including computer-based technologies
- develop students' knowledge, skills and understanding in:
 - the application of mathematics to real-world situations and problems, including those needed to meet the general demands of everyday life
 - mental and written computation and numerical reasoning
 - patterning, generalisation and algebraic reasoning
 - collecting, representing, analysing and evaluating information
 - identifying and quantifying the attributes of shapes and objects and applying measurement strategies
 - spatial visualisation and geometric reasoning.

Science Key Learning Area

Courses of study in this key learning area should:

- develop students' knowledge and understanding of their biological and physical environment and people's interaction with the environment
- develop students' understanding of the social relevance and history of science and the role of scientists, particularly Australian scientists
- develop students' understanding of the interaction of science, technology and society
- develop students' understanding of the principles of scientific investigation and the application of these to their own investigations
- provide students with first-hand practical experiences relating to their studies
- develop knowledge and understanding that is consistent with accepted scientific and technological understanding
- develop students' skills in problem-solving, analysis, synthesis, information gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Part 4 – Curriculum requirements**Human Society and Its Environment Key Learning Area**

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the diversity of Australia's people, their culture and heritage, history, geography, and social, economic and political institutions
- develop students' knowledge and understanding of Aboriginal history and culture
- develop students' understanding of citizenship and its responsibilities, especially in Australia
- develop students' knowledge and understanding of Australia's place in the world, and of other peoples, places and events, both past and present
- provide opportunities for students to explore the religious and moral beliefs held by themselves and by others
- develop students' understanding of the values of tolerance, consideration and respect for others
- develop students' knowledge and understanding of the interrelationship of people and the environment
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Languages Key Learning Area

Courses of study in this key learning area should:

- provide students with the opportunity to learn another language, including developing skills in listening, speaking, reading and writing
- develop students' knowledge and understanding of other peoples, their cultures and their customs
- develop students' basic knowledge of how languages work
- develop students' understanding of the role and importance of language in society, in Australia and in the world context
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Technological and Applied Studies Key Learning Area

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the interrelations between technology, design and society in past and present contexts
- develop knowledge and skills that enable students to participate in and understand the process of design and technological activity
- develop students' understanding of factors which influence decisions in the design and production process
- provide students with opportunities to learn about, use and apply technology and design across a range of areas including the built environment, products and information and communication

Part 4 – Curriculum requirements

- develop students' knowledge and skills in the safe use of material, tools and techniques related to a range of technologies
- provide students with the skills to make informed decisions about design and technology issues including the impact of innovation and new and emerging technologies affecting themselves and others in society and in their environment
- develop students' skills in analysing needs and problems, researching, generating and creating design ideas, collaboration, experimenting and testing, producing and evaluating solutions in the holistic development of design projects
- develop students' skills in synthesis, communication, information-gathering and the use of a range of technologies, including computer-based technologies.

Creative Arts Key Learning Area

Courses of study in this key learning area should:

- develop students' knowledge, understanding, skills and experiences in the creative arts including visual arts and music
- provide students with experiences in a range of creative arts activities
- encourage students' appreciation, self-expression, technical competence and creativity in the area of the creative arts
- provide students with opportunities to manipulate a variety of materials and to use tools and implements according to their needs, interests and abilities
- develop students' understanding of the place and importance of creative arts in Australian society and in other societies and cultures
- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Personal Development, Health and Physical Education Key Learning Area

Courses of study in this key learning area should:

- develop students' knowledge and understanding of the importance of an active and healthy lifestyle
- provide opportunities for students to participate in regular physical activities
- provide opportunities for students to learn the skills of, and participate in, a variety of physical activities
- develop students' knowledge of healthy food habits and the capacity to make informed health decisions
- develop students' knowledge and understanding about road safety, drugs and mental health
- develop students' knowledge and understanding of personal safety in a wide range of contexts, and procedures to follow in emergency situations
- develop students' knowledge of themselves and their physical, social and emotional development
- develop students' knowledge and skills in cooperating with others and establishing positive interpersonal relationships
- provide opportunities for students to develop a positive set of values to guide their behaviour and to develop a strong sense of their personal worth

Part 4 – Curriculum requirements

- develop students' skills in problem-solving, analysis, synthesis, communication, information-gathering, research, reflection and the use of a range of technologies, including computer-based technologies.

Part 4 – Curriculum requirements**Curriculum requirements beyond Year 10**

The *Education Act 1990* establishes the curriculum for students beyond Year 10 (Year 11 and Year 12). Section 12 of the Act provides that the curriculum meet the following requirements:

- (a) courses of study of a general description determined by the Minister on the recommendation of the Board are to be provided for each student in each Year
- (b) those courses of study are to include a course of study in English
- (c) those courses of study are to comply with a pattern of study determined by the Minister on the recommendation of the Board
- (d) those courses of study are to be taught in accordance with a syllabus developed or endorsed by the Board and approved by the Minister.

A pattern of study may include (but is not limited to) the number of courses to be studied, the sequence in which particular courses are to be taught and the number of units of study that a course is to contain.

The courses of study are to be based on NSW Board of Studies Stage 6 courses and taught in accordance with the relevant Stage 6 syllabus.

Home schooled children registered for the curriculum beyond Year 10 are not eligible for the award of the Higher School Certificate.

The courses

The Stage 6 courses of study include Board Developed Courses and Board Endorsed Courses.

A list of courses is available on the Board's website <www.boardofstudies.nsw.edu.au>.

The syllabus for each course is also available on the website <www.boardofstudies.nsw.edu.au/syllabus_hsc/>.

Each Stage 6 syllabus identifies a Preliminary course, typically undertaken in Year 11, and a HSC course, typically undertaken in Year 12.

Pattern of study

A home schooled child registered for learning beyond Year 10 must follow a pattern of study using Stage 6 syllabuses.

A pattern of study identifies the number of courses to be studied, the sequence in which particular courses are to be studied and the number of units the course is to contain.

Each syllabus identifies the unit value of each course.

The pattern of study for home schooling must include at least 12 units for the Preliminary (typically Year 11) course and 10 units for the HSC (typically Year 12) course. The pattern must include at least:

- 2 units of English

Part 4 – Curriculum requirements

- 6 units of Board Developed courses
- 3 courses of 2 units value or greater, and
- 4 subjects.

If you are considering home schooling beyond Year 10 you are advised to contact the Home Education Unit for advice about planning a pattern of study on telephone 02 9367 8149.

Part 5 – Frequently asked questions

Part 5 Frequently asked questions**Can I home school my child who has special needs?**

Yes, the program of study can be tailored to meet the individual needs of your child using either the minimum curriculum (Kindergarten to Year 10) or the curriculum for beyond Year 10, that is, Board of Studies Stage 6 syllabuses (Year 11 and Year 12).

Can I be registered for home schooling if I plan to reside overseas or outside NSW for a period of time?

No, registration for home schooling is only for students residing in NSW. If you are planning to reside temporarily outside NSW you may be eligible to apply for distance education through the NSW Department of Education and Training on telephone 02 9561 8000 or 02 6334 8072.

What is the difference between registration and exemption from registration for home schooling?

Families with a genuine conscientious objection on religious grounds to registration may apply for an exemption from registration for home schooling. A certificate indicating this exemption is issued. In order to be approved for an exemption from registration parents are required to comply with the requirements for registration.

Is home schooling the same as distance education?

No. Home schooling requires that education is delivered in the home using an educational program that has been approved by an Authorised Person from the Office of the Board of Studies as meeting the requirements for registration.

Schooling by distance education typically involves enrolment of the child in a school providing distance education. In this case, the program is developed and delivered by teachers from the school using 'distance education' means such as mail, email or other electronic means.

For information about distance education through the NSW Department of Education including eligibility requirements, please contact the Department directly on 02 9561 8000 or 02 6334 8072.

Can I apply for home schooling registration for a child who is a State ward?

Yes, if you have been approved by the Department of Community Services to do so. An officer from the Department of Community Services must write a letter of consent to accompany your application for home schooling.

Must I stop home schooling when my child turns 17?

No. You can continue to educate your child at home. However, you are not required to be registered for children past the age of compulsory schooling.

Part 5 – Frequently asked questions**What should I do if I cease home schooling and send my child back to school?**

You will need to inform the Office of the Board of Studies in writing within 14 days if your home schooling registration is no longer required. You should also provide the name and address of the school that your child will attend.

What should I do if I change my address/contact details?

You should advise the Office of the Board of Studies within 14 days if you change your address. An Authorised Person will contact you to arrange a mutually convenient time to visit the new premises. If you change your phone number and/or email address please contact the Home Education Unit to ensure your details are up to date.

How is my privacy maintained?

The Office of the Board of Studies respects the privacy of home educators to educate their child(ren) at home. However, in some circumstances the Office of the Board of Studies has an obligation to disclose information to other agencies/parties including the Department of Community Services (DOCS) or the Department of Education and Training (DET); for example if:

- a registration period lapses during a child's compulsory years of schooling
- an application for home schooling is not renewed
- an application for home schooling is withdrawn, refused or cancelled
- a court seeks to subpoena information
- information is required by DOCS for the purposes of a child protection investigation.

Is a home schooled child eligible for the School Certificate or the Higher School Certificate?

Home schooling does not provide for a child to be eligible for the award of the School Certificate or the Higher School Certificate. To be eligible, a student must have attended a government or registered and accredited non-government school or a college of TAFE in order to complete the prescribed study, assessments and examinations for the awards.

Can a child registered for the curriculum beyond Year 10 undertake the HSC by self-tuition?

Yes. Children not attending a NSW government school, or a school accredited by the Board of Studies or an Institute of TAFE NSW may study HSC courses by self-tuition.

Self-tuition students may select courses from a limited range. They are not eligible for the Higher School Certificate or Record of Achievement but are eligible for a Higher School Certificate Results Notice. These results may be used for the calculation of the Australian Tertiary Admission Rank (ATAR).

Details about self-tuition can be obtained by contacting the Office of the Board of Studies by telephone on 02 9367 8111.

Children registered for home schooling may undertake the HSC by self-tuition. To be eligible, the requirements for home schooling registration and the conditions for self-tuition

Part 5 – Frequently asked questions

must be met. Again, these children will not be eligible for the award of the HSC or Record of Achievement.

Can a home schooled child participate in work experience?

Individual families may arrange work experience to supplement a comprehensive program that complies with all requirements for home schooling. All arrangements for work experience are the responsibility of the family concerned.

Are home-schooled students eligible to sit for national tests such as the NAPLAN literacy and numeracy tests for Years 3, 5, 7 and 9, and the Year 8 Essential Secondary Science Assessment (ESSA)?

In 2008 the Commonwealth Government introduced the National Assessment Program – Literacy and Numeracy (NAPLAN) to assess the literacy and numeracy learning of all Australian students in Years 3, 5, 7 and 9.

The tests are designed to report on students' achievement and show performance across a number of levels of literacy and numeracy skills.

Test results provide information to assist teachers and parents address the literacy and numeracy needs of students by monitoring skill development and diagnosing specific areas for improvement.

The NSW Department of Education and Training (NSW DET) administers the NAPLAN for both government and non-government schools. Home educators registered with the Board of Studies may also participate in the tests.

For information about how to register and details of the testing process, including the associated costs, please contact:

Educational Measurement and School Accountability Directorate
Locked Bag 555
Delivery Centre Milperra
NSW 1891
Phone: 02 9707 6223

The NSW DET website provides further information:
<www.schools.nsw.edu.au/learning/7_12assessments/naplan/index.php>.

Essential Secondary Science Assessment – Year 8 (ESSA)

The Essential Secondary Science Assessment (ESSA) is designed to assess the scientific knowledge, skills and attitudes of Year 8 students.

The test is based on the NSW Board of Studies *Science Years 7 to 10 Syllabus* and is mandatory for all Year 8 students in NSW government schools.

Test results provide information to assist teachers and parents identify areas of strength and areas for development in terms of learning in the science domain.

The NSW Department of Education and Training (NSW DET) administers the ESSA. Non-government schools and home educators registered with the Board of Studies may also participate in the tests.

Part 5 – Frequently asked questions

For information about how to register and details of the testing process, including the associated costs, please contact:

Educational Measurement and School Accountability Directorate
Locked Bag 555
Delivery Centre Milperra
NSW 1891
Phone: 02 9707 6223

The NSW DET website provides further information
<www.schools.nsw.edu.au/learning/7-12assessments/essa/index.php>.

Does the Board of Studies provide financial assistance to home schoolers?

The Office of the Board of Studies does not provide funding for home schooling.

Part 6 – Sample approaches to record keeping

Part 6 Sample approaches to record keeping**Sample approaches to documenting programs of study**

The following examples provide ideas about developing a teaching plan to comply with the requirements of the minimum curriculum. Authorised Persons are open to other approaches that you may have.

Sample 1: Overview of a unit of work

Main Focus	Getting along with others (Year 2)
Learning Area	PDHPE HSIE
	1 hour per week for 10 weeks
Key Goals	To recognise positive attributes in others, express needs and feelings appropriately, identify different roles and responsibilities and work effectively with others.
Outcomes	<i>PDHPE Skills Outcomes Stage 1:</i> INS2.3 Makes positive contributions in group activities <i>HSIE Foundation Statements Years 1 and 2:</i> Students identify roles, responsibilities and rules within the family, school and community and explore their interaction.
Strategies	Explore similarities and differences among family members and friends in terms of physical attributes, likes, dislikes and capabilities Write about personal qualities including areas for development Identify key tasks performed within the family Analyse roles performed among different groups Practise ways to ask for help in different situations Rehearse procedures for negotiating arrangements Propose action in relation to a range of interpersonal scenarios Work with other members of home education network in a series of problem-solving games
Resources	Photo album Family duty roster Scenario cards Cooperative games book

Part 6 – Sample approaches to record keeping**Sample 2: Overview of a program for a key learning area****Science and Technology**

This year our aim is to develop Lindsay's understanding of technology in our daily life. This will involve study of the built environment, information and communication, physical phenomena, and products and services as they relate to transport. The themes will be explored through practical application, observation and research using texts, the internet and interviews.

Theme: Transportation (Year 3)**Outcomes:**

Knows that simple machines can make moving loads easier – (Stage 2 Science and Technology).

Recognises that designs are constrained by time, skills, tools and materials – (Stage 2 Science and Technology).

Content:

- road transport
- timetables
- water transport
- traffic management facilities
- engines
- ticket machines
- safety.

Learning Experiences:

- investigate forms of transport in the community
- investigate how gears and cogs make things move
- design and model a means of transport
- experiment with flotation
- design ways to propel an object in water
- investigate the features of the local traffic environment
- construct a model of a method of traffic control
- plan a safe pedestrian route from home to various destinations
- undertake a trip using public transport attending to timetables and purchasing tickets
- conduct bike safety check and simple maintenance.

Resources:

- Roads and Traffic Authority literature and website
- *Move Ahead with Street Sense Kit*, Roads and Traffic Authority
- library references
- *Science and Technology K–6 Teaching Kits*, Board of Studies
- construction materials
- computer drawing program.

Part 6 – Sample approaches to record keeping**Sample approaches to assessment and maintaining records of achievement**

You need to have a system that demonstrates what your child has achieved and shows that progress is occurring. Student achievement is monitored through a planned approach to assessment.

There are many methods that you might consider to collect evidence about your child's progress including:

- observing and recording student achievement as it occurs, eg oral presentations, movement skills, participation, language development
- mapping progress through the collection of student work samples over a period of time
- tasks that incorporate the application of understanding and learning processes in a set project (or research assignment)
- analysing work samples such as projects, assignments, art works or design products
- pen/pencil and paper tests.

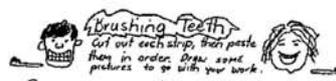
Examples of some different approaches to recording student progress are provided on the following pages.

Part 6 – Sample approaches to record keeping

Sample 1: Portfolios

One approach is to keep a portfolio of student work. By dating a student’s work it is possible to show how learning has occurred over a period of time. You may consider keeping a large sketchbook, visual diary or folder with samples of completed work. Not all work leads to pen and paper products. Other approaches such as videoing of performances, recording oral presentations or some notes about your observations could be maintained.

Duck report
 Ducks have flat bills
 and webbed feet They are
 birds. Graham



- Remove lid from toothpaste
- Place some toothpaste on the toothbrush.
- Add some water to the toothpaste on the toothbrush
- Brush your teeth
- Fill mouth with water
- Rinse your mouth
- Spit water out
- Wipe your lips with a towel

20 biscuits	20 biscuits
4 people	30 people
each person got 5	half each = $40\frac{1}{2}$
each and that	biscuits $3\frac{1}{2}$ each
= 0	= 0
20 biscuits	20 biscuits
10 people	3 people
1 whole each	3 each = 9
10 left 1 more	11 left
each = 0	3 more each



Part 6 – Sample approaches to record keeping

Sample 2: Progress/achievement record

Some home schooling families have developed a format for recording an overview statement of the child's achievement over a period. The following is one way that this might be done.

Record of Achievement
Period 2/2/09 to 29/4/09

Learning Area	Strategies Used	Performance Observed
English	Report writing Spelling lists	Excellent recount of excursion to public gardens. Progressed to level 3. Having difficulty with some words. Reading and comprehension. Discussion of 'The Cay' showed good comprehension. Reads fluently aloud.
Mathematics	Regular exercises in maths text	Working well with calculations involving whole numbers.
Science and Technology	Weather observations	Made a rain gauge. Successfully measured and interpreted a range of weather data.
HSIE	Project	Researched local area history. Identified a range of significant people in the district's history and can explain their contribution.
PDHPE	Observation	Is participating with enjoyment in soccer. Practising hard to develop skill with left foot.
Creative and Practical Arts	Work samples	Has been creating a range of cartoon characters. Over a series of attempts is showing good development.

Part 6 – Sample approaches to record keeping

Sample approaches to maintaining records of learning experiences

There is a wide variety of approaches that you might consider when choosing how you can maintain records of learning experiences. Some examples are provided below.

Sample 1: Weekly learning log

Learning Log

Week commencing: .../...../.....

	Monday	Tuesday	Wednesday	Thursday	Friday
Morning	Maths Ex 2.2–3 Email overseas friends	Library visit – research and select books for wide reading	Science – continue with garden bed Creative Arts Music practice P2–7	Maths Ex 2.8 Science experiment – magnets	Plant seedlings Prepare observation charts for recording plant growth
Afternoon	English Comprehension passage Science – prepare garden bed	Maths Ex 2.5–7 English Spelling list 3 Punctuation exercises	Behind the news Science – design and make signs for herb garden	Reading Swimming – survival strokes	Analyse newspaper. Started planning our own home newsletter
Additional Activities	Check internet sites for tips on growing plants				Basketball competition
Comments	Showed an interest in a book on space. Might plan a trip to the observatory when we visit Sydney next month				Coping with current novel with ease. Look for something more challenging next time

Part 6 – Sample approaches to record keeping

Sample 2: Student diary

Many children will be capable of keeping a log of their own learning activities. The following example is one of the ways this might be done. Another approach may be a more reflective journal where the child focuses on recording the major achievements of the day or week.

3/5/09		4/5/09	
9.00	Preparation	9.00	Preparation
9.30	Spelling practice	9.30	Newspaper review
10.10	Maths problems: area of irregular shapes	10.00	Travel to library: internet search of local government functions and services
11.15	Break		
12.00	Draft letter to local council	2.00	Maths problems: volume of objects
1.00	Break	2.45	Break
2.00	Technology project: research different materials	3.15	Read Chapter 5 Cairo Jim
3.15	Break	Night	Scouts meeting – fitness and games session.
3.30	Guitar practice		
Comments		Comments	
100% for spelling. Struggling with Technology project – need to ask Mum and Dad for some advice on design.		Maths difficult. Come back to volume tomorrow.	

Part 6 – Sample approaches to record keeping

Sample 3: Registering completion of work

In this sample the student is completing tasks from a chosen activity book. The parent registers work covered by dating completion on the table of contents. Other comments may be made where appropriate.

On the Scene			
Table of Contents			
1.	Developing Strategies for Personal Safety	11	<i>Completed all exercises 2/5</i> <i>Completed 5/6 – additional role play activity with exercise 5</i>
	Personal strategies	12	
	Protecting self and others	14	
	Community assistance	16	
2.	Safety at Home	18	
	Appliances	20	
	Chemicals	23	
	Caring for young children	25	
3.	Safety Outdoors	28	
	Keep in the shade	29	
	Design a safe outdoor area	32	
	Environmental conservation	34	
4.	Safe Play	36	
	Warming up	38	
	Play with skill, Play by the rules	41	
	Water safety	43	
5.			

Part 7 – Resources for home schooling

Part 7 Resources for home schooling

Home education organisations and networks

Sydney Home Education Network
www.shen.org.au

Home Education Association Inc
ww.he.a.asn.au
Phone: 1300 729 991

Muslim Home Education Network
Contact: Mujahidah Flint 9707 1810 or 0412 003 665
Amar Webee 8723 4653

Board of Studies online resources

General

Board of Studies website
www.boardofstudies.nsw.edu.au

Home Education in NSW Information Package
www.boardofstudies.nsw.edu.au/parents/#home-ed

Assessment Resource Centre (ARC) includes K-10 student work samples
<http://.arc.boardofstudies.nsw.edu.au>>

Primary

Board of Studies Primary website
www.k6.boardofstudies.nsw.edu.au

Parents Guide to the NSW primary syllabuses
www.k6.boardofstudies.nsw.edu.au/go/parents/parents-guide-to-the-nsw-primary-syllabuses

NSW Primary Curriculum Foundation Statements
www.k6.boardofstudies.nsw.edu.au/go/nsw-primary-curriculum-foundation-statements

K-6 Primary syllabuses (includes outcomes), resources and support documents

English
ww.k6.boardofstudies.nsw.edu.au/go/english

Part 7 – Resources for home schooling

Mathematics

www.k6.boardofstudies.nsw.edu.au/go/mathematics

Science and Technology

www.k6.boardofstudies.nsw.edu.au/go/science-and-technology

Human Society and its Environments (HSIE)

www.k6.boardofstudies.nsw.edu.au/go/hsie

Personal Development Health and Physical Education (PDHPE)

www.k6.boardofstudies.nsw.edu.au/go/personal-development-health-and-physical-education-pdhpe

Creative Arts

www.k6.boardofstudies.nsw.edu.au/go/creative-arts

Languages

www.k6.boardofstudies.nsw.edu.au/go/languages

Parents Guides to K-6 syllabuses – Introducing each K-6 syllabus to Parents and School Community Members

English-

www.k6.boardofstudies.nsw.edu.au/files/english/k6engparents_syl.pdf

Mathematics

www.k6.boardofstudies.nsw.edu.au/files/math/math_k6_parents.pdf

Human Society and its Environments (HSIE)

www.k6.boardofstudies.nsw.edu.au/files/hsie/k6hsie_parents.pdf

Personal Development Health and Physical Education (PDHPE)

www.k6.boardofstudies.nsw.edu.au/files/pdhpe/pdhpek6_parents.pdf

Creative Arts

www.k6.boardofstudies.nsw.edu.au/files/arts/K6_creatart_parent.pdf

Curriculum guidelines for primary education

Please see Part 4 of this Home Education in NSW Information Package

Secondary

Curriculum guidelines for secondary education

Please see Part 4 of this Home Education in NSW Information Package

Years 7, 8, 9, 10 syllabuses and support materials

www.boardofstudies.nsw.edu.au/syllabus_sc

Years 11 and 12 syllabuses

www.boardofstudies.nsw.edu.au/syllabus_hsc

Part 8 Application forms

Form 1: Application for initial registration for home schooling

This form is to be used to:

- apply for registration (or exemption from registration) of a child for the first time
- apply for registration (or exemption from registration) of a child who may have been registered previously but does not have a current certificate of registration.

You must complete a separate form for each child.

Click here to download [*Form 1: Application for initial registration for home schooling.*](#)

Form 2: Application for renewal of registration for home schooling

This form is to be used to apply for renewal of registration of a child with current registration (or current exemption from registration).

For a child who has been previously registered (or had exemption from registration) but does not have a current registration (or exemption from registration) certificate please use *Form 1: Application for initial registration for home schooling.*

You must complete a separate form for each child.

Click here to download [*Form 2: Application for renewal of registration for home schooling.*](#)

Form 3: Application for renewal of registration by documentation

This form is to be used where you have been notified by the Home Education Unit that you are to apply for renewal of registration (or exemption from registration) by documentation.

You must complete a separate form for each child.

Click here to download [*Form 3: Application for renewal of registration for home schooling by documentation.*](#)

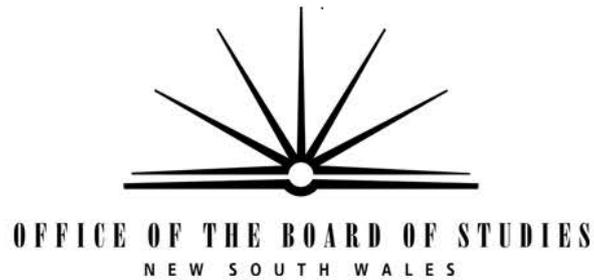
Form 4: Application for a certificate of completion of Year 10

This form is to be used to apply for a certificate of completion of Year 10 for an eligible home schooled child.

You must complete a separate form for each child.

Click here to download [*Form 4: Application for certificate of completion of Year 10.*](#)

Appendix 8 2013 Information Package



Registration for Home Schooling in NSW – Information Package

August 2013

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Introduction

Under the *Education Act 1990*, home schooling is recognised as a legitimate way of providing for the educational needs of children in NSW.

Parents who choose to home school their children do so for a variety of reasons. Successful home schoolers demonstrate a high level of commitment, time and energy in providing for their children's education.

In NSW, parents who decide to home school their children must have the approval of the Minister for Education or the Minister's delegate. Approval to home school is through registration. The Office of the Board of Studies is responsible for administering the home schooling registration program and has been delegated the authority to register children for home schooling.

This information package identifies the requirements to be met in order to be registered for home schooling and describes the processes for assessing applications for home schooling registration. Information and resources for parents can be found on the Parents Page on the Board of Studies website <www.boardofstudies.nsw.edu.au/parents/home-schooling.html>.

Questions about home schooling registration may be directed to the Home Schooling Unit on 02 9367 8149 or email <homeschooling@bos.nsw.edu.au>.

Part 1 – Registration for Home Schooling: an overview**Part 1 Registration for home schooling:
an overview****About home schooling**

Home schooling is education delivered in a child's home by a parent or guardian. In this information package, a reference to a parent includes reference to the legal guardian of a child.

Under the *Education Act 1990*, the parent of a child of compulsory school-age has a duty to ensure that the child is enrolled at, and attending, a government school or registered non-government school or that the child is registered for home schooling and receiving instruction in accordance with the conditions of registration for home schooling.

Registration for home schooling requires that parents accept responsibility for developing, implementing and assessing their child's educational program as based on Board of Studies syllabuses. The educational program upon which a child's registration is based must be delivered in the child's home.

Home schooling, also referred to as home education, requires a parent to deliver the NSW Board of Studies curriculum.

Home schooling is different to distance education. Distance education is where a child is enrolled in a school which delivers all or a significant majority of the educational program through such means as mail, email, telephone and/or other electronic communication. In this case, the educational program is developed, delivered and assessed by the distance education school.

Purpose of registration

Registration is a legal requirement for home schooling while a child is of compulsory school-age and not enrolled in, and attending, a school.

The Office of the Board of Studies is responsible for administering the registration program and has been delegated the authority to act on behalf of the Minister in relation to home schooling registration.

Registered home schooled children are authorised to be home schooled in accordance with the conditions specified on the relevant certificate of registration including the home address, the period of registration and the Year or Years of schooling, as relevant to the educational program to be delivered.

In NSW, home schooling is subject to the registration requirements and processes outlined in this package.

Part 1 – Registration for Home Schooling: an overview**Eligibility for registration**

Children are eligible to be registered for home schooling during the compulsory years of schooling.

In NSW, the compulsory years of schooling are from the age of 6 years until the minimum school leaving age specified in the *Education Act 1990*. Children who are not of compulsory school-age are not eligible for home schooling registration.

In June 2009, the *Education Act 1990* was amended to raise the minimum school leaving age effective from 1 January 2010.

Under the amended legislation, the minimum school leaving age subject to the following participation requirements is the age at which the child completes Year 10 of secondary education or the age of 17 years, whichever comes first.

A child who completes Year 10 of secondary education before turning 17 years of age is of compulsory school-age unless the child participates on a full-time basis in approved education or training or, if the child is of, or above, the age of 15 years, in paid work or a combination of approved education or training or paid work for the equivalent of a full-time basis.

The completion of Year 10 of secondary education is the completion of Year 10 of secondary education in NSW whether by education at a school or by registration for home schooling.

If approved, a student may complete the equivalent of Year 10 by undertaking an Australian Qualifications Framework (AQF) vocational Certificate II delivered by TAFE NSW or by undertaking a full-time apprenticeship or traineeship. These provisions are explained later in this part of the Information Package.

Years of schooling

A certificate of registration for home schooling will specify a Year or Years of schooling for primary education (Kindergarten to Year 6), secondary education (Year 7 to Year 10) or for the curriculum beyond Year 10 (Year 11 and Year 12).

The specific Year or Years of schooling recorded on the certificate of registration will be based on the educational program to be delivered in the home and the period of registration.

Discussion with an Authorised Person when assessing an application for home schooling registration may be part of the process for determining the Year or Years of schooling to be recorded on the certificate.

Part 1 – Registration for Home Schooling: an overview**Completion of Year 10****Certificate of completion of Year 10**

Home schooled children who have completed Year 10 may apply to the Home Schooling Unit for a certificate of completion of Year 10.

Eligibility for such a certificate is based on the child having been registered for secondary education (Year 10) and the provision of evidence showing completion of the educational program upon which registration was based, including records of the educational program, learning progress and samples of student work. The student must have completed an educational program based on the relevant Board of Studies syllabuses for Year 10 (Stage 5) in the twelve month period prior to applying for a certificate of completion of Year 10.

An Authorised Person will assess an application for a certificate of completion of Year 10. A written application must be submitted to the Home Schooling Unit <homeschooling@bos.nsw.edu.au>. Information about the application form is provided in Part 8 of this package.

Completion of Year 10 at TAFE NSW

Section 21B(5)(b) of the *Education Act 1990* provides for a student to complete the equivalent of Year 10 at a TAFE NSW Institute, subject to the approval of the relevant TAFE Institute Director.

A student wishing to pursue this pathway must have completed Year 9 and be a minimum of 15 years of age. Contact should first be made with the relevant TAFE Institute to discuss the availability and appropriateness of the Certificate II course being considered as equivalent to Year 10. Information about TAFE's eligibility requirements is available on the TAFE website <https://www.tafensw.edu.au/courses/enrol/entry_requirements.htm#equivalents_to_entry_requirements>.

As part of TAFE's enrolment procedures for students who are registered for home schooling and seeking to complete the equivalent of Year 10 at TAFE, an Authorised Person from the Office of the Board of Studies must first sign the application form for the TAFE course. Sections A and B of the TAFE application form must be completed by the parent and then sent to the Home Schooling Unit. An Authorised Person from the Office will contact the parent to discuss the application and to make arrangements for signing the application form. The form will be forwarded to the relevant TAFE by the Office's Home Schooling Unit.

It should be noted that any decision regarding the enrolment of a student in a TAFE course is at the discretion of the particular TAFE.

Details of the application process and a link to TAFE's application form can be found on the Board of Studies' website at <<http://www.boardofstudies.nsw.edu.au/manuals/equivalent-alternative-study-students-yr10-tafe.html>>.

Part 1 – Registration for Home Schooling: an overview**Completion of Year 10 by a full-time apprenticeship or traineeship**

Section 21B(5)(b) of the *Education Act 1990* provides for a student to complete Year 10 of secondary education by undertaking a full-time apprenticeship or traineeship, subject to the student having a signed full-time apprenticeship or traineeship contract and a training plan proposal.

Students who are registered for home schooling and wishing to pursue this pathway must have completed Year 9 and be a minimum of 15 years of age. Once the student has a signed full-time apprenticeship or traineeship contract and a training plan proposal, the parent may apply to the Home Schooling Unit for an exemption from the student having to be enrolled in and attend school whilst the student is undertaking the full-time apprenticeship or traineeship. A copy of the signed full-time apprenticeship or traineeship contract and training plan proposal must be submitted with the application to the Home Schooling Unit. On receipt of an application, an Authorised Person from the Office will contact the parent to discuss the application. Parents will be advised of the outcome of the application.

Details of the application process can be found on the Board of Studies' website at www.boardofstudies.nsw.edu.au/manuals/equivalent-alternative-study-students-apprenticeship.html.

Record of School Achievement and Higher School Certificate

Home schooling does not provide for a child to be eligible for the award of the Record of School Achievement or the Higher School Certificate. To be eligible for either of these awards, a child must have attended a government school, a registered and accredited non-government school or a college of TAFE in order to complete the prescribed study, assessments and examinations for the awards.

Registration for full-time home schooling

Children registered for home schooling for Kindergarten to Year 10 must be undertaking a full-time educational program delivered in the home. Part-time home schooling is not possible for children registered for Kindergarten to Year 10. All children of compulsory school age must be enrolled in a school (government or non-government) or registered for home schooling on a full-time basis.

Children registered for home schooling beyond Year 10 may be approved to undertake a program based on part-time home schooling in combination with approved education or training and/or paid work. Participation in all aspects of the approved program, in total, must be equivalent to a full-time load.

Part 1 – Registration for Home Schooling: an overview**Objection to registration**

The *Education Act 1990* provides for a parent of a child wanting the child to be home schooled to give notice that the parent conscientiously objects to registration under the Act on religious grounds. The conscientious objection may be accepted if there is satisfactory evidence that registration would be granted if an application for registration had been made. If the objection is accepted, a certificate of exemption from registration is issued. To be accepted, there must be satisfactory evidence that registration would be granted if an application had been made for such registration and the objection to registration is conscientiously held on religious grounds. The requirements and processes for registration described in this package also apply to applicants seeking a certificate of exemption from registration.

Part 2 – Requirements for registration**Part 2 Requirements for registration****Requirements for home schooling registration**

The requirements for home schooling registration must be complied with at all times during a period of registration. The requirements for home schooling registration are that:

- the educational program is based on the curriculum provided by the *Education Act 1990*, that is, the minimum curriculum for primary education (Kindergarten to Year 6), the minimum curriculum for secondary education (Year 7 to Year 10) or the curriculum for beyond Year 10 (Year 11 and Year 12) (Note: The minimum curriculum is the curriculum provided by the relevant Board of Studies syllabuses. Part 4 of this package details the curriculum requirements.)
- the educational program is based on, and taught in accordance with, the relevant Board of Studies syllabuses
- the educational program identifies the intended learning outcomes based on the relevant Board of Studies syllabuses and relevant content
- the educational program is suitable to cater for the identified learning needs of the child
- there is an adequate system of planning, supervising and recording teaching and learning experiences
- there is an adequate system for recording the child's progress and achievement
- the time allocated to learning is sufficient to allow coverage of the curriculum and is comparable to the time allocated by schools
- the home learning environment is suitable for effective home schooling
- the resources within the home and those accessed externally are adequate to support the learning needs of the child.

The parent of a registered child is responsible for maintaining evidence of delivery of the educational program in the child's home including records relating to complying with the requirements for registration.

A parent does not need formal teacher training or teaching experience for his or her child to be registered for home schooling. To be eligible for initial registration, an applicant must demonstrate a capacity to plan and provide for the educational needs of the child. This is demonstrated by providing evidence that the requirements for registration, as stated above, would be met if registration was granted. To be eligible for renewal of registration, an applicant must demonstrate a capacity to plan and provide for the educational needs of the child. This is demonstrated by providing evidence that the requirements for registration, as stated above, have been met during the current period of registration and that the requirements for registration would be met if any further period of registration was granted.

Part 3 – The registration process**Part 3 The registration process****Overview of the registration process**

The process of registering for home schooling involves the following key steps:

- parent submits application
- Authorised Person assesses application by home visit
- Authorised Person makes a recommendation
- if the application is approved, a certificate of registration is issued specifying the conditions of registration
- if the application is not approved, the decision may be appealed.

The registration process may take up to three months from the time an application is made to receipt of a certificate of home schooling registration.

The following information details the process for applying for initial registration and applying for renewal of registration. The same process and requirements for registration apply for applicants who conscientiously object to registration on religious grounds.

Initial registration**Initial decision to home school your child**

The decision to seek registration for home schooling is significant for the education of your child. Registration for home schooling requires a parent to take responsibility for developing and delivering all aspects of the educational program and for assessing student progress and achievement.

Some of the points to consider and investigate before applying for registration are:

- your child's individual needs, abilities and special interests
- how you would address the requirements for registration as stated in Part 2 of this information package
- your capacity to develop, deliver and assess an appropriate educational program
- the demands on your time and energy, including the time to research the curriculum to be taught, prepare and deliver the educational program and assess and keep records of learning progress
- how you will prepare and document the educational program and your approach to record keeping
- the resources you will need and their availability
- the home learning environment to be used for delivery of the educational program
- when you intend to commence (it may take up to three months for an application to be processed)
- how much lead time you will need for planning and resource gathering.

Part 3 – The registration process

As with other forms of education, there is no single approach to home schooling. Regardless of the approach to teaching, the educational philosophy that might be adopted and/or the learning context for each child, the requirements for registration must be met at all times during any period of registration.

You may wish to discuss home schooling with experienced home schoolers to gain insight into home schooling. Contact details of the Home Education Association are provided in Part 7 of this package.

The following checklist may assist in determining whether you wish to proceed with an application for initial home schooling registration and, if so, whether you are ready to apply.

Have you:

- (a) read the requirements for registration (see Part 2 of this information package)
- (b) documented a plan for ensuring that the requirements for registration would be met if your child is registered
- (c) reviewed the curriculum requirements and the relevant Board of Studies syllabuses to be taught
- (d) written a plan or outline of the educational program you intend to deliver to your child including the intended learning outcomes and content
- (e) prepared a written plan or method for recording the teaching and learning experiences to be completed by your child
- (f) prepared a written plan or method for assessing and recording your child's achievement and progress in each course or key learning area to be studied
- (g) planned sufficient time to allow coverage of the required curriculum that is comparable to the time allocated by schools
- (h) arranged for access to sufficient resources and facilities to support delivery of the educational program in your child's home
- (i) identified a location in your home suitable for educational purposes
- (j) planned a method for maintaining records of all aspects of the delivery of the educational program during a period of registration?

Answering 'yes' to all of the questions may demonstrate a readiness to apply for home schooling registration. Answering 'no' to any one of the questions above, indicates that further consideration and/or preparation is required in order to plan for complying with the requirements for home schooling registration prior to making an application.

The application

To apply for initial registration you must complete *Form 1: Application for initial registration for home schooling*. Information about how to access the application form is provided in Part 8 of this package. A separate application form must be completed for each child for whom registration is sought.

The application form is required to be signed by one parent. If the child is the subject of a court order, a copy of the court order must be attached to the application. The Office of the Board of Studies will have regard to the provisions of the court order as part of the assessment process.

Part 3 – The registration process

The completed application form may be emailed, faxed or mailed to the Home Schooling Unit of the Office of the Board of Studies as stated on the form. You are not required to send supporting documentation with your application as this documentation will be assessed by home visit.

Applications are processed by the Home Schooling Unit and forwarded to an officer (the Authorised Person) who has been authorised to assess applications for home schooling registration.

The Authorised Person will contact you to arrange a mutually acceptable time to visit you in your home to discuss your application and assess whether the proposed educational program and other documentation you have prepared in support of your application demonstrates that the requirements for registration would be met. It is expected that the child for whom registration is being sought, will be present during the assessment.

It may take up to three months for the assessment of an application to be finalised.

If, following repeated attempts to arrange an assessment by home visit, you are not available, the Office may commence a process to refuse your application.

If you change your mind and wish to withdraw your application for home schooling registration, you must notify the Office of the Board of Studies in writing by email <homeschooling@bos.nsw.edu.au>, by fax to 02 9367 8475 or by mail to the Home Schooling Unit, Office of the Board of Studies, GPO Box 5300, Sydney, NSW, 2001.

Assessment by an Authorised Person

Applications for initial registration for home schooling are assessed by an Authorised Person during a home visit.

The Authorised Person will consider the documented evidence that you provide to show how you intend to meet the requirements for registration as stated in Part 2 of this information package.

The assessment process involves assessing the educational program and other documentation you have developed. The visit provides an opportunity for you to demonstrate that the educational program you plan to deliver will comply with the requirements for home schooling registration. In relation to the identified learning needs of the child, the Authorised Person will also consider information related to the previous educational attainment of the child, including a history of the child's education, educational reports and participation in testing programs such as NAPLAN, as relevant.

During the home visit, the Authorised Person will assess whether the evidence shows that the requirements for registration would be met if registration were to be granted. The evidence to be considered includes:

- the written plan for the proposed educational program showing how it is based on Board of Studies syllabuses and identifies intended learning outcomes and content (see Part 4 of this information package)
- the suitability of the proposed educational program, including the intended outcomes and content, to cater for the identified learning needs of the child

Part 3 – The registration process

- the proposed system for planning, supervising and recording teaching and learning experiences
- the proposed system for assessing and recording learning progress and achievement
- the time intended to be allocated to student learning and whether this is sufficient to allow coverage of the curriculum and is comparable to the time allocated by schools
- the suitability of the home learning environment for effective home schooling
- the adequacy and availability of resources to support delivery of the educational program
- the proposed method for maintaining records of all aspects of delivery of the educational program during a period of registration.

The assessment of an application for initial home schooling registration is based on determining whether the information provided by the applicant demonstrates evidence of a capacity to comply with the requirements for registration should registration be granted.

Whilst most aspects of the requirements can be demonstrably met prior to a period of initial registration being recommended, other aspects can only be addressed once the program is being delivered during a period of initial registration. For example, while prior evidence can be obtained that a proposed educational program will be based on and taught in accordance with Board of Studies syllabuses, evidence that the educational program is based on and being taught in accordance with the Board syllabuses can only be made available subsequently, when the program is being delivered. For this reason, initial registration is generally for a period that is less than the maximum possible so that evidence of the program being taught in accordance with the requirements can be reviewed prior to any longer periods of registration being considered.

Recommendation of the Authorised Person

At the conclusion of the home visit, the Authorised Person will discuss with you the recommendation to be made. The recommendation is not an official notification of registration. It is an indication of the recommendation that the Authorised Person intends to make to the Home Schooling Unit.

If an applicant for initial registration currently has another child registered for home schooling and that child has been registered for at least two successive periods of the maximum two years for each period, consideration may be given to an initial period of registration of more than one year for another child.

The Authorised Person will outline to you the reasons for recommending a particular period of registration. The recommendation will specify the Year or Years of schooling for home schooling registration. Any areas for improvement in relation to compliance with the requirements for registration will also be identified at this time.

Following the visit, the Authorised Person will report to the Home Schooling Unit. The report identifies the findings and recommendation of the Authorised Person in relation to the evidence provided to demonstrate a capacity to comply with the registration requirements.

If your application is approved, a certificate of registration will be issued for the registered child. Receipt of the certificate authorises home schooling to commence. Parents are responsible for advising the registered child's previous school that the child is registered for

Part 3 – The registration process

home schooling. Most schools will require a copy of the certificate of home schooling registration for the school's records.

You are advised to retain the certificate of home schooling registration as it specifies the conditions for registration and provides formal proof of registration and a record of your child's home schooling. It may also be an important document if enrolment is sought in a school, TAFE college or other educational institution at some future time.

You must notify the Home Schooling Unit if you decide to discontinue home schooling or change the home address as specified on the child's certificate of registration, or if you intend to deliver an educational program for Years of schooling other than those specified on the certificate of registration and/or you change your contact details. See 'Changes to the conditions of registration' later in this part of the information package.

From time to time the Office may monitor compliance with the requirements for registration. When this occurs, an Authorised Person contacts the parent to organise a home visit to review evidence relating to compliance with the requirements for registration.

In the case of a recommendation not to register, you will have the reasons for this decision outlined and confirmed in writing. Your right to seek a review of the decision and the review process will be explained. The review process is described later in this part of the information package.

A child of compulsory school age who has not completed Year 10 and who is not registered for home schooling must attend a government or registered non-government school. Until your child is registered for home schooling, he or she must attend school.

A flow chart showing the key steps in the initial registration process is provided at the end of this part of the package.

Renewal of registration

Renewal notice

Approximately three months before a period of registration is due to expire you will receive written notification from the Home Schooling Unit that you need to apply for renewal of home schooling registration if you intend to continue home schooling your child.

If you apply for renewal of home schooling registration, you will need to complete *Form 2: Application for renewal of registration for home schooling*. Information about how to access the application form is provided in Part 8 of this information package. A separate application form must be completed for each child for whom renewal of registration is being sought.

The application form must be signed by one parent. If the child is the subject of a court order, a copy of the court order must be attached to the application. The Office of the Board of Studies will have regard to the provisions of the court order as part of the assessment process.

Part 3 – The registration process

The completed application form may be emailed, faxed or mailed to the Home Schooling Unit as indicated on the form. You are not required to send supporting documentation with your application as this documentation will be assessed by home visit by an Authorised Person.

If, following repeated attempts to arrange an assessment by home visit, you are not available, the Office may commence a process to refuse your application.

If you change your mind and wish to withdraw your application for home schooling registration, you must notify the Office of the Board of Studies in writing by email <homeschooling@bos.nsw.edu.au>, by fax to 02 9367 8475 or by mail to the Home Schooling Unit, Office of the Board of Studies, GPO Box 5300, Sydney, NSW, 2001.

Renewal process

An application for renewal of registration is processed by the Home Schooling Unit and allocated to an Authorised Person to assess.

The Authorised Person will contact you to arrange a mutually acceptable time to visit you in your home to assess your application and the evidence supporting your application. It is expected that the child for whom registration is being sought will be present during the assessment.

During the visit the Authorised Person will assess whether there is evidence demonstrating that the requirements for registration have been met during the current period of registration and would be met if a renewed period of registration were granted. For this reason, the Authorised Person will assess documentation relating to the current educational program and your proposed educational program for your child.

In relation to the identified learning needs of the child, the Authorised Person will also consider information related to the educational attainment of the child, including records of progress and participation in testing programs such as NAPLAN, as relevant.

Specifically, the Authorised Person will assess:

- the current educational program demonstrating how it is based on Board of Studies syllabuses and identifies intended learning outcomes and content (see Part 4 of this information package)
- the written plan for the proposed educational program demonstrating how it is based on Board of Studies syllabuses and identifies intended learning outcomes and content (see Part 4 of this information package)
- records demonstrating the suitability of the current educational program, including outcomes and content, to cater for the identified learning needs of the child
- the suitability of the proposed educational program, including the intended outcomes and content, to cater for the identified learning needs of the child
- records for the current period of registration demonstrating implementation of the current system for planning, supervising and recording teaching and learning experiences
- the proposed system for recording learning progress and achievement
- the time that has been allocated to student learning during the current period of registration and whether this has been sufficient to allow coverage of the curriculum and is comparable to the time allocated by schools

Part 3 – The registration process

- the time intended to be allocated to student learning and whether this will be sufficient to allow coverage of the curriculum and is comparable to the time allocated by schools
- the suitability of the home learning environment for effective home schooling
- the adequacy and availability of resources to support delivery of the current and proposed educational program
- records of implementation of the current method for maintaining records of all aspects of delivery of the educational program during the current period of registration
- the proposed method of maintaining records of all aspects of delivery of the educational program during a renewed period of registration.

In some cases, for experienced and successful home schoolers and following a recommendation from the previous Authorised Person, the Office may consider assessing an application by documentation. Assessment by documentation will not be recommended where a home visit has not occurred in the past two years.

Recommendation of the Authorised Person

At the conclusion of the home visit, the Authorised Person will discuss with you the recommendation to be made. The recommendation is not an official notification of registration. It is an indication of the recommendation that the Authorised Person intends to make to the Home Schooling Unit.

Registration may be recommended for a period up to a maximum of two years. The Authorised Person will outline to you the reasons for recommending a particular period of registration. The recommendation will specify the Year or Years of schooling for home schooling registration. Any areas for improvement in relation to compliance with the requirements for registration will also be identified at this time.

Following the visit, the Authorised Person will report to the Home Schooling Unit. The report identifies the findings and recommendation of the Authorised Person in relation to the evidence provided to demonstrate compliance with the registration requirements.

If your application is approved, a certificate of registration for home schooling will be issued.

You are advised to retain the certificate of home schooling registration as it specifies the conditions for registration and provides formal proof of registration and a record of your child's home schooling. It may also be an important document if enrolment is sought in a school, TAFE college or other educational institution in the future.

You must notify the Home Schooling Unit if you decide to discontinue home schooling or change the home address as specified on the child's certificate of registration, or if you intend to deliver an educational program for Years of schooling other than those specified on the certificate of registration and/or if you change your contact details. See 'Changes to the conditions of registration' later in this part.

From time to time the Office may monitor compliance with the requirements for registration. When this occurs, an Authorised Person contacts the parent to organise a home visit to review evidence that the requirements for registration continue to be met.

Part 3 – The registration process

In the case of a recommendation not to register, you will have the reasons for this decision outlined and confirmed in writing. Your right to seek a review of the decision and the review process will be explained. The review process is described later in this part.

A child of compulsory school age who has not completed Year 10 and who is not registered for home schooling must attend a government or registered non-government school. Unless your child is registered for home schooling, he or she must be enrolled in, and attend, a government or registered non-government school.

A flow chart showing the key steps in the renewal process is provided at the end of this part.

Changes to registration details

A child's certificate of home schooling registration specifies the period of registration, the home address for home schooling, the registration period and the Year or Years of schooling as relevant to the educational program being delivered. If these conditions change, you must notify the Office of the Board of Studies in writing as soon as possible but no later than within 14 days of making the change.

All notifications are to be made, in writing, by email <homeschooling@bos.nsw.edu.au>, by fax to 02 9367 8475 or by mail to the Home Schooling Unit, Office of the Board of Studies, GPO Box 5300, Sydney, NSW, 2001.

The specific matters requiring notification to the Office of the Board of Studies are explained below.

If, during a period of registration, you decide to discontinue home schooling you must notify in writing the Home Schooling Unit providing details of the name and location of the government or registered non-government school your child will be attending or advice that your child will no longer be residing in NSW.

If your child's home address changes from the home address specified on the child's certificate of registration, you must advise in writing the Home Schooling Unit providing details of the new home address. On receipt of notice that the home address of a registered child has changed, an Authorised Person will contact you to arrange a mutually convenient time to assess the new home for its suitability for home schooling registration. If suitable for home schooling, a certificate of registration specifying the new home address will be issued.

If, based on your child's identified learning needs and achievement, you wish to deliver an educational program in advance of the Years of schooling specified on the child's certificate of registration, you must notify in writing the Home Schooling Unit providing details of the proposed change. On receipt of such notice, an Authorised Person will contact you to arrange a mutually convenient time to assess the proposed new educational program. If the proposed educational program satisfies the Authorised Person that the requirements for registration will be met, a certificate of registration specifying the new Years of schooling will be issued.

If you change contact details such as your phone number or email address during a period of registration, you must contact the Home Schooling Unit in writing providing details of the new contact information.

Part 3 – The registration process**Recommendation to refuse registration**

If an Authorised Person notifies you of the intention to recommend refusal of initial registration or renewal of registration, you will be advised in writing of the recommendation and the reasons for the recommendation. You will also be informed of your right to seek an internal review of the recommendation.

Formal written notification of the Authorised Person's recommendation will be mailed to you from the Office of the Board of Studies. You will have 30 days from the date of the notification in which to seek an internal review of the recommendation.

If you seek a review, a different Authorised Person will be appointed to consider the internal review. The review process may involve a second assessment by home visit by the new Authorised Person to clarify matters that remain unresolved and to assess the documentation you have in support of your application as relevant to compliance with the requirements for registration.

If it is found that your application satisfies the registration requirements, a revised report and recommendation will be made to the Home Schooling Unit.

If the new Authorised Person independently arrives at a decision that agrees with the original recommendation you will be advised of your right to seek a further review before the Administrative Decisions Tribunal (ADT). An appeal to the ADT must be lodged with the ADT within 28 days of your being notified of the outcome of the internal review. Following the ADT's determination of the appeal, a recommendation will be provided for the consideration of the Minister or delegate.

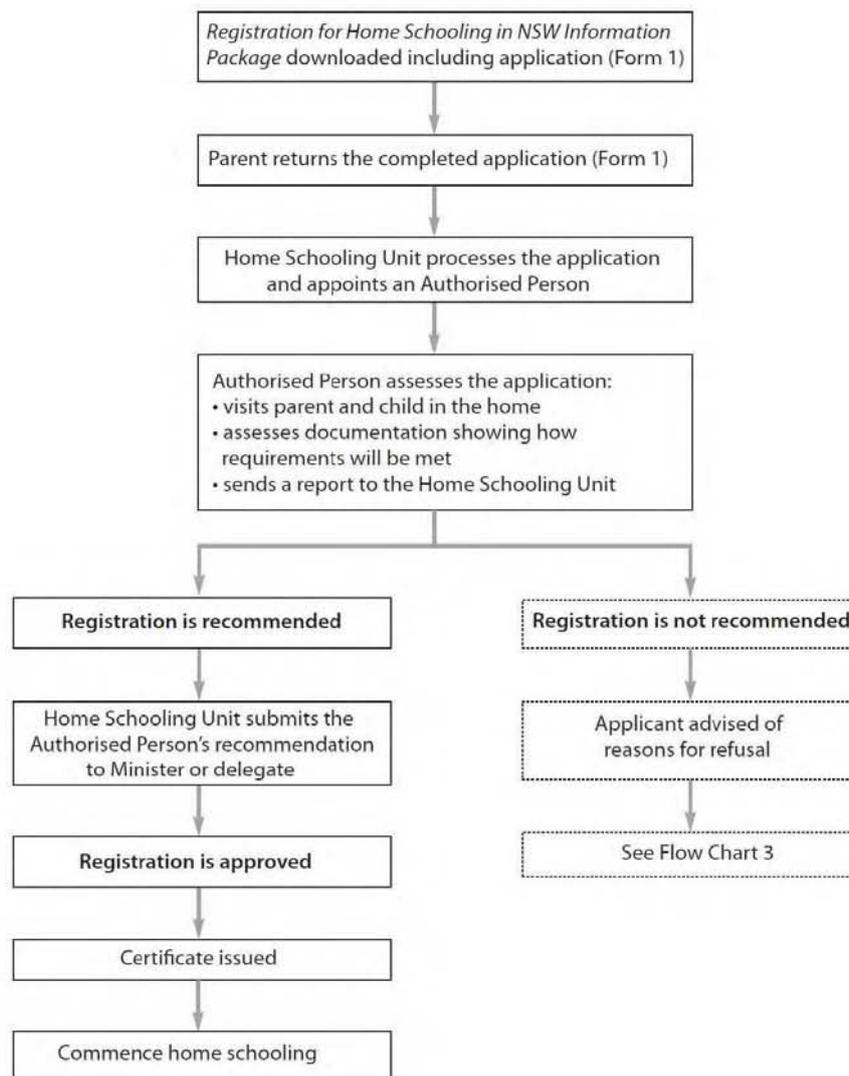
A decision to refuse registration does not preclude a subsequent application and registration if all requirements are met.

A flow chart showing the key steps in the review process is provided at the end of this part of the information package.

Part 3 – The registration process

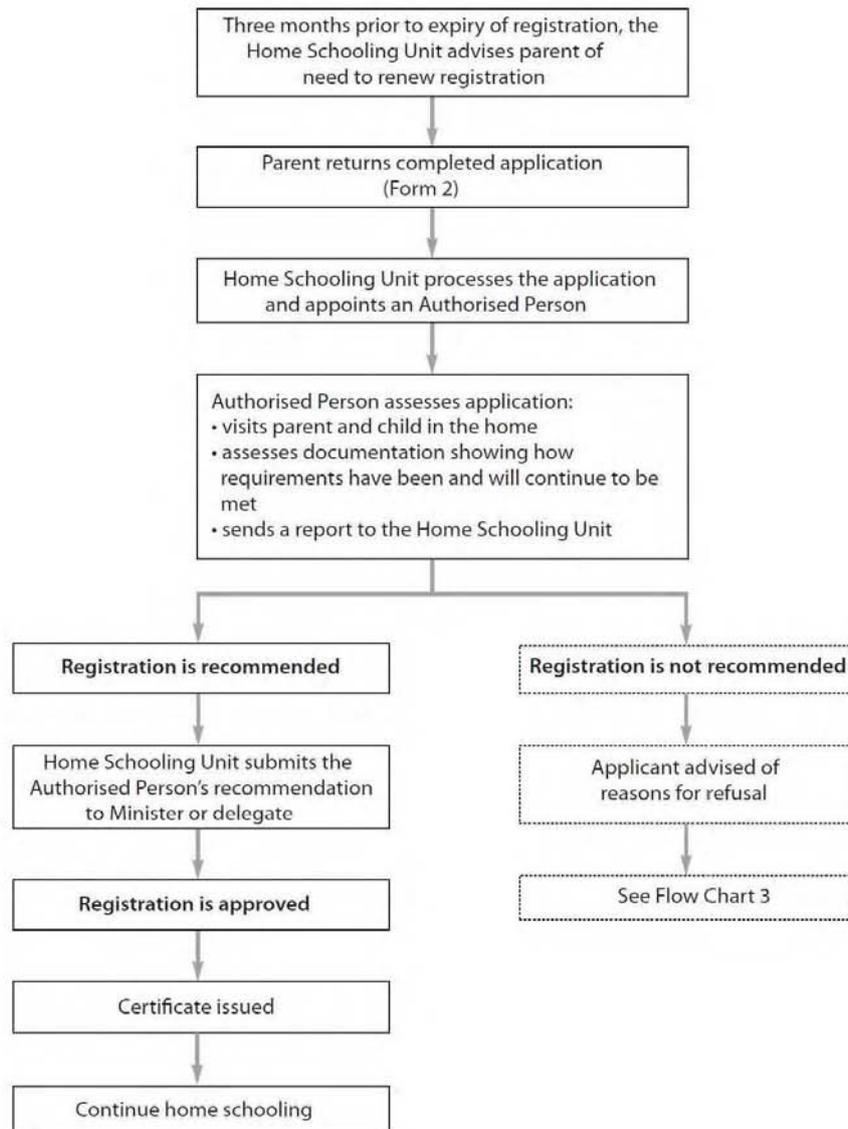
Registration process flow charts

Flow Chart 1: Initial registration for home schooling



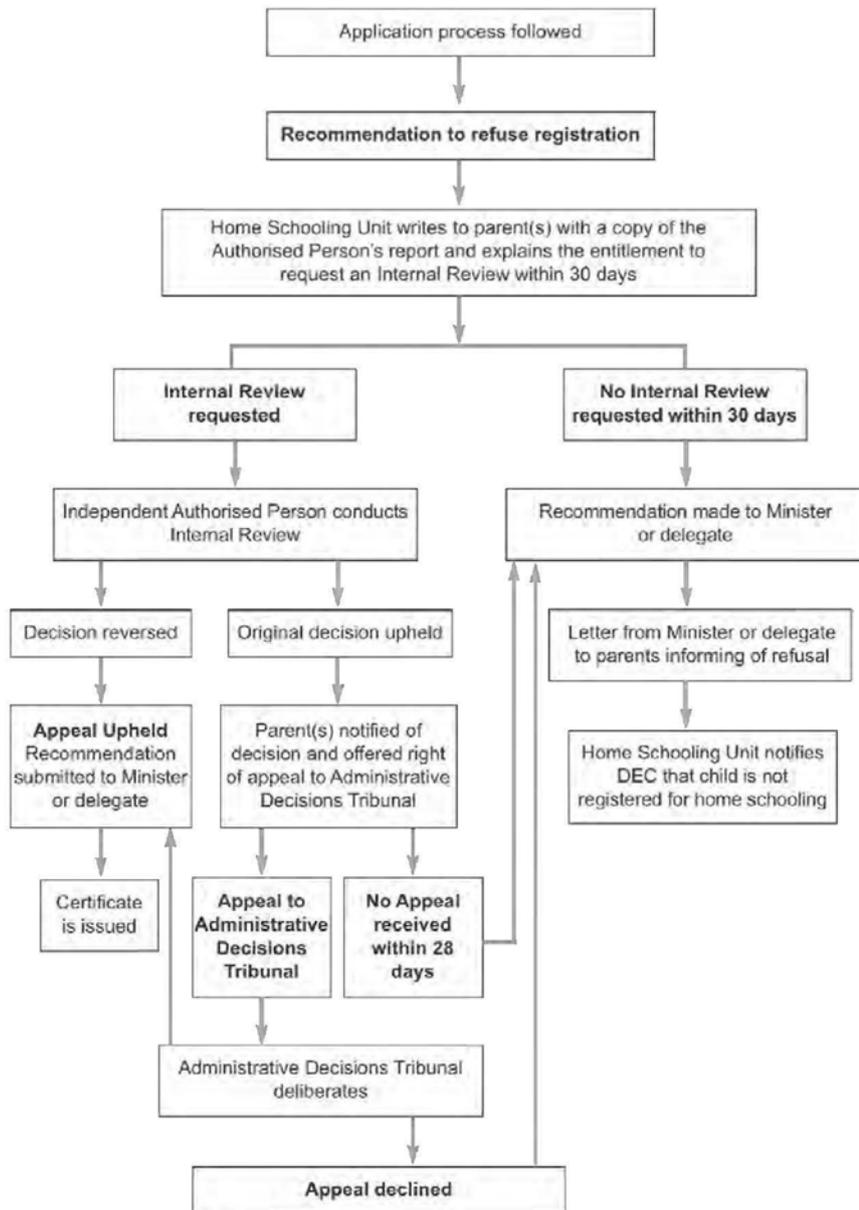
Part 3 – The registration process

Flow Chart 2: Renewal of registration for home schooling



Part 3 – The registration process

Flow Chart 3: Review of a recommendation to refuse registration for home schooling



Part 4 – Curriculum requirements

Part 4 Curriculum requirements

The curriculum requirements for home schooling registration are detailed in this part of the information package in relation to:

- primary education (Kindergarten to Year 6)
- secondary education (Year 7 to Year 10)
- beyond Year 10.

Curriculum requirements for primary education (Kindergarten to Year 6)

The *Education Act 1990* establishes minimum curriculum requirements for primary education (Kindergarten to Year 6). Part 3, Division 1, Section 8 of the Act provides that the primary curriculum must meet the following requirements:

- (a) courses of study in each of the six key learning areas for primary education are to be provided for each child during each Year
- (b) courses of study relating to Australia are to be included in the key learning area of Human Society and Its Environment
- (c) courses of study in both Art and Music are to be included in the key learning area of Creative and Practical Arts
- (d) courses of study in each key learning area are to be appropriate for the children concerned having regard to their level of achievement and needs
- (e) courses of study in a key learning area are to be provided in accordance with any relevant guidelines developed by the Board and approved by the Minister
- (f) courses of study in a key learning area are to be based on, and taught in accordance with, a syllabus developed or endorsed by the Board and approved by the Minister.

The curriculum for primary education (Kindergarten to Year 6) is based on the following six key learning areas:

1. English
2. Mathematics
3. Science and Technology
4. Human Society and Its Environment
5. Creative and Practical Arts
6. Personal Development, Health and Physical Education.

The educational program for a home schooled child must be based on the six Board of Studies syllabuses for the six key learning areas for primary education (Kindergarten to Year 6). These syllabuses are available on the Board's website <www.boardofstudies.nsw.edu.au>.

The Board's *NSW Primary Curriculum Foundation Statements* provide a summary of the outcomes for primary education, which may be useful in preparing an educational program.

The stage statements contained in the primary syllabuses also provide an overview of the learning for each stage for each key learning area. The stage statements are summaries of the knowledge, skills, values and attitudes developed by students as a result of achieving the outcomes for the relevant stage of learning. More information about the Board's curriculum resources is provided in Part 7 of this package.

Part 4 – Curriculum requirements**Curriculum requirements for secondary education
(Year 7 to Year 10)**

The *Education Act 1990* establishes minimum curriculum requirements for secondary education (Year 7 to Year 10). Section 10 of the Act provides that the curriculum for secondary school children during Year 7 to Year 10 (other than for candidates for the Record of School Achievement) must meet the following requirements:

- (a) courses of study in six of the eight key learning areas for secondary education are to be provided for each child
- (b) courses of study in the key learning areas of English, Mathematics, Science and Human Society and Its Environment are to be provided during each Year, but courses of study in the other key learning areas need not be provided during each Year
- (c) courses of study in each key learning area are to be appropriate for the children concerned having regard to their level of achievement and needs
- (d) courses of study in a key learning area are to be provided in accordance with any relevant guidelines developed by the Board and approved by the Minister
- (e) courses of study in a key learning area are to be based on, and taught in accordance with, a syllabus developed or endorsed by the Board and approved by the Minister.

The eight key learning areas for secondary education are:

1. English
2. Mathematics
3. Science
4. Human Society and Its Environment
5. Languages other than English
6. Technological and Applied Studies
7. Creative Arts
8. Personal Development, Health and Physical Education.

The educational program for a home schooled child must be based on six of the eight Board of Studies key learning areas for secondary education (Year 7 to Year 10). The program must include English, Mathematics, Science and Human Society and Its Environment and courses in another two of the Board's key learning areas.

The syllabuses for secondary education are available on the Board's website <www.boardofstudies.nsw.edu.au/syllabus_sc>.

The Board's syllabuses for Years 7 to 10 provide stage statements which may be useful in preparing an educational program. The stage statements are summaries of the knowledge, skills, values and attitudes developed by students as a result of achieving the outcomes for the relevant stage of learning.

More information about the Board's curriculum resources is provided in Part 7 of this package.

Home schooled children registered for secondary education (Year 7 to Year 10) are not eligible for the award of the Record of School Achievement.

Part 4 – Curriculum requirements**New Board of Studies syllabuses for Kindergarten to Year 10**

In 2012, the Board of Studies published new syllabuses for English, Mathematics, Science and History for Kindergarten to Year 10. The new syllabuses are published on the Board of Studies website <www.boardofstudies.nsw.edu.au/new-nsw-k10-syllabus/>.

The new syllabuses become effective incrementally from 2014. The following schedule details the timeline for implementation of the new syllabuses.

Primary education – Kindergarten to Year 6

Syllabus	2013	2014	2015	2016
English K–10	Familiarise and plan	K–6		
Mathematics K–10		Optional	K–6	
Science K–10		Optional	K–6	
History K–10			Optional	K–6

Secondary education – Years 7 to 10

Syllabus	2013	2014	2015
English K–10	Familiarise and plan	Years 7 and 9	Years 8 and 10
Mathematics K–10		Years 7 and 9	Years 8 and 10
Science K–10		Years 7 and 9	Years 8 and 10
History K–10		Years 7 and 9	Years 8 and 10

The implementation schedule for introducing the new Board of Studies syllabuses applies to the educational programs for children who are registered for home schooling.

In the following specified circumstances, a parent may seek approval to bring forward the introduction of a new syllabus to provide for teaching the same new syllabus to two or more of the parent's children who are registered for consecutive Years of secondary schooling and in the same curriculum stage. For example, a parent with a child registered for Year 7 and a child registered for Year 8 may seek approval to base the educational programs for both children on the new English syllabus in 2014. A parent seeking approval to bring forward the introduction of the new syllabuses, must provide evidence to the Authorised Person assessing the application for home schooling registration that all other requirements for home schooling will be met. The Authorised Person will make a recommendation in relation to approval for bringing forward the introduction of the new syllabus.

Part 4 – Curriculum requirements**Program Builder**

Program Builder has been developed by the Board of Studies to support the implementation of the new Kindergarten to Year 10 English, Mathematics, Science and History syllabuses. With Program Builder, teachers and home schooling parents can select outcomes and content from the new syllabuses to create teaching programs.

To access Program Builder, home schooling parents need to establish a ‘Scootle’ account. Scootle is a content discovery portal containing more than 16,000 teaching resources. Access to Scootle provides access to the Board’s Program Builder and assists teachers and home schooling parents to plan and organise lesson content and resources.

To establish a Scootle account, email <help@scootle.edu.au>. You will need to provide the home schooling registration number for your child (‘HS/XX’), as issued by the Office.

Further information about Program Builder can be found on the Board’s website at <<https://pb.bos.nsw.edu.au/>>.

Curriculum requirements beyond Year 10

The *Education Act 1990* establishes the curriculum for students beyond Year 10 (Year 11 and Year 12). Section 12 of the Act provides that the curriculum must meet the following requirements:

- (a) courses of study of a general description determined by the Minister on the recommendation of the Board are to be provided for each student in each Year
- (b) those courses of study are to include a course of study in English
- (c) those courses of study are to comply with a pattern of study determined by the Minister on the recommendation of the Board
- (d) those courses of study are to be taught in accordance with a syllabus developed or endorsed by the Board and approved by the Minister.

A pattern of study may include (but is not limited to) the number of courses to be studied, the sequence in which particular courses are to be taught and the number of units of study that a course is to contain.

The courses of study are to be based on NSW Board of Studies Stage 6 courses and taught in accordance with the relevant Stage 6 syllabus.

Home schooled children registered for the curriculum beyond Year 10 are not eligible for the award of the Record of School Achievement or the Higher School Certificate.

The courses

The Stage 6 courses of study include Board Developed Courses and Board Endorsed Courses. A list of courses is available on the Board’s website < <http://ace.bos.nsw.edu.au/higher-school-certificate> >. The syllabus for each Stage 6 course is also available on the website <www.boardofstudies.nsw.edu.au/syllabus_hsc/>.

Part 4 – Curriculum requirements

Each Stage 6 syllabus identifies a Preliminary course, typically undertaken in Year 11, and a HSC course, typically undertaken in Year 12.

Pattern of study

A home schooled child registered for learning beyond Year 10 must follow a pattern of study using Stage 6 syllabuses.

Each syllabus identifies the unit value of each course. The pattern of study for home schooling must include at least 12 units for the Preliminary (typically Year 11) course and 10 units for the HSC (typically Year 12) course. The pattern must include at least:

- 2 units of English
- 6 units of Board Developed courses
- 3 courses of 2 units value or greater, and
- 4 subjects.

If you are considering home schooling beyond Year 10 you are advised to contact the Home Schooling Unit on telephone 02 9367 8149 for advice about planning a pattern of study.

Part 5 – Frequently asked questions**Part 5 Frequently asked questions****Is home schooling the same as distance education?**

No. Home schooling requires that the educational program for a child is developed, delivered and assessed by the parent in the child's home in accordance with the requirements for registration as stated in this information package and that the child is registered by the Office of the Board of Studies for the period of home schooling.

Schooling by distance education involves enrolment of the child in a school providing distance education. In this case, the program is developed, delivered and assessed by teachers from the school using 'distance education' means such as mail, email or other electronic means.

For information about distance education through the NSW Department of Education and Communities, including eligibility requirements, please contact the Department directly on 02 9561 8000 or 02 6334 8072.

Can I register my child for home schooling if I plan to reside overseas or outside NSW for a period of time?

No. Registration for home schooling applies only to children of compulsory school-age residing in NSW. If you are planning to reside temporarily outside NSW or travelling for periods longer than the typical school holiday periods, you may be eligible to apply for distance education through the NSW Department of Education and Communities on telephone 02 9561 8000 or 02 6334 8072.

When should I apply for registration for my child who is turning six?

An application for the initial home schooling registration of a child turning six may be submitted three months prior to the child turning six.

What should I do if I cease home schooling and send my child back to school?

If, during a period of registration, you decide to discontinue home schooling you must notify in writing the Home Schooling Unit providing details of the name and location of the government or registered non-government school your child will be attending or advice that your child will no longer be residing in NSW. The notification should be made, in writing, within 14 days of making the change, by email <homeschooling@bos.nsw.edu.au>, by fax to 02 9367 8475 or by mail to the Home Schooling Unit, Office of the Board of Studies, GPO Box 5300, Sydney, NSW, 2001.

What should I do if I change my address/contact details?

If your child's home address changes from the home address specified on the child's certificate of registration, you must advise in writing the Home Schooling Unit providing details of the new home address. When that advice has been received, an Authorised Person will contact you to arrange a mutually convenient time to assess the new home for its suitability for home schooling registration. If suitable for home schooling, a certificate of registration specifying the new home address will be issued.

Part 5 – Frequently asked questions

The notification should be made, in writing, within 14 days of making the change, by email <homeschooling@bos.nsw.edu.au>, by fax to 02 9367 8475 or by mail to the Home Schooling Unit, Office of the Board of Studies, GPO Box 5300, Sydney, NSW, 2001.

What is exemption from registration for home schooling?

The *Education Act 1990* provides that a parent who wants a child to be home schooled may give notice that the parent conscientiously objects to registration under the Act on religious grounds. The conscientious objection may be accepted if there is satisfactory evidence that registration would have been granted if an application for registration had been made. If the objection is accepted, a certificate of exemption from registration is issued. To be accepted, there must be satisfactory evidence that registration would be granted if an application had been made for such registration and the objection to registration is conscientiously held on religious grounds. The requirements and processes for registration described in this package also apply to applicants seeking a certificate of exemption from registration.

Can I home school my child who has special needs?

Yes. The program of study based on Board of Studies syllabuses can be adjusted to meet the individual needs of your child. The requirements for registration must be met.

Can I apply for home schooling registration for a child who is a State ward?

Yes, if you have been approved by the Department of Family and Community Services to apply for home schooling registration. Written evidence of consent from the Department of Family and Community Services is required to support the application.

Must I stop home schooling when my child turns 17?

You can continue to educate your child at home. However, a child of post-compulsory school age is not eligible, or required, to be registered for home schooling.

Is a home schooled child eligible for the Record of School Achievement or the Higher School Certificate?

Home schooling does not provide for a child to be eligible for the award of the Record of School Achievement or the Higher School Certificate. To be eligible, a student must have attended a government or registered and accredited non-government school or a college of TAFE in order to complete the prescribed study, assessments and examinations for the awards.

Can a child registered for the curriculum beyond Year 10 undertake the HSC by self-tuition?

Yes. A child who is not attending a NSW government school, a school accredited by the Board of Studies or an Institute of TAFE NSW may study HSC courses by self-tuition. Self-tuition students are not eligible for the Higher School Certificate or Record of Achievement.

Self-tuition students may select courses from a limited range of Board courses.

Self-tuition students are eligible for a Higher School Certificate Results Notice. These results may be used for the calculation of the Australian Tertiary Admission Rank (ATAR).

Part 5 – Frequently asked questions

Details about self-tuition can be obtained by contacting the Office of the Board of Studies by telephone on 02 9367 8111.

Children registered for home schooling may undertake the HSC by self-tuition. To be eligible, the requirements for home schooling registration and the conditions for self-tuition must be met. Self-tuition students are not eligible for a Higher School Certificate.

Can a home schooled child participate in work experience?

Individual families may arrange work experience to supplement a comprehensive program that complies with all requirements for home schooling registration. All arrangements for work experience are the responsibility of the family concerned.

Are home-schooled students eligible to sit for national tests such as the NAPLAN literacy and numeracy tests for Years 3, 5, 7 and 9, and the Year 8 Essential Secondary Science Assessment (ESSA)?

Yes. Children who are registered for home schooling are eligible to sit for these tests.

National Assessment Program – Literacy and Numeracy (NAPLAN) is an annual assessment for all students in Years 3, 5, 7 and 9. It assesses the types of skills that are essential for every child to progress through schooling and life, in reading, writing, spelling, grammar, punctuation and numeracy. The assessments are undertaken nationwide, every year in the second full week in May.

A report on the performance of each individual student is provided to each student and parent/carer. NAPLAN test results provide information on how students are performing in the areas of literacy and numeracy against the national average, and can be used to support improvements in teaching and learning.

Information about how to register a child for NAPLAN should be directed to the Board of Studies on telephone (02) 9367 8112 or email <naplan.nsw@bos.nsw.edu.au>.

The Essential Secondary Science Assessment (ESSA) is a statewide assessment program for students who have completed two years of secondary learning in Science. The ESSA test is an interactive multimedia assessment called ESSAonline. It is based on the NSW Science Years 7–10 syllabus.

A report on the performance of each individual student is provided to each student and parent/carer. Reports on test results provide information about student achievement in relation to scientific knowledge, understanding, skills and attitudes and can be used to support teaching and learning programs.

An information and registration package for ESSAonline for home schoolers can be accessed via <<http://www.schools.nsw.edu.au/learning/7-12assessments/essa/index.php>>.

Does the Board of Studies provide financial assistance to home schoolers?

The Office of the Board of Studies does not provide funding for home schooling.

Part 6 – Sample approaches to record keeping

Part 6 Sample approaches to record keeping**Sample approaches to documenting programs of study**

The following examples provide ideas about developing a teaching plan to comply with the curriculum requirements. A parent may develop and implement an alternative approach.

Sample 1: Overview of a unit of work

Main Focus	Getting along with others (Year 2)
Learning Area	PDHPE HSIE
	1 hour per week for 10 weeks
Key Goals	To recognise positive attributes in others, express needs and feelings appropriately, identify different roles and responsibilities and work effectively with others.
Outcomes	<i>PDHPE Skills Outcomes Stage 1: INS2.3 Makes positive contributions in group activities</i> <i>HSIE Foundation Statements Years 1 and 2: Students identify roles, responsibilities and rules within the family, school and community and explore their interaction.</i>
Strategies	Explore similarities and differences among family members and friends in terms of physical attributes, likes, dislikes and capabilities Write about personal qualities including areas for development Identify key tasks performed within the family Analyse roles performed among different groups Practise ways to ask for help in different situations Rehearse procedures for negotiating arrangements Propose action in relation to a range of interpersonal scenarios Work with other members of home education network in a series of problem-solving games
Resources	Photo album Family duty roster Scenario cards Cooperative games book

Part 6 – Sample approaches to record keeping**Sample 2: Overview of a program for a key learning area****Science and Technology**

This year our aim is to develop Lindsay's understanding of technology in our daily life. This will involve study of the built environment, information and communication, physical phenomena, and products and services as they relate to transport. The themes will be explored through practical application, observation and research using texts, the internet and interviews.

Theme: Transportation (Year 3)**Outcomes:**

UT S2.9 Selects and uses a range of equipment, computer-based technology, materials and other resources with developing skill to enhance investigation and design tasks.

Content

- road transport
- timetables
- water transport
- traffic management facilities
- engines
- ticket machines
- safety.

Learning experiences

- investigate forms of transport in the community
- investigate how gears and cogs make things move
- design and model a means of transport
- experiment with flotation
- design ways to propel an object in water
- investigate the features of the local traffic environment
- construct a model of a method of traffic control
- plan a safe pedestrian route from home to various destinations
- undertake a trip using public transport, attending to timetables and purchasing tickets
- conduct bike safety check and simple maintenance.

Resources

- Roads and Traffic Authority literature and website
- *Move Ahead with Street Sense Kit*, Roads and Traffic Authority
- library references
- *Science and Technology K–6 Teaching Kits*, Board of Studies
- construction materials
- computer drawing program.

Part 6 – Sample approaches to record keeping**Sample approaches to assessment and maintaining records of achievement**

You need to have a system that demonstrates what your child has achieved and shows that progress is occurring. Student achievement is monitored through a planned approach to assessment.

There are many methods that you might consider to collect evidence about your child's progress including:

- observing and recording student achievement as it occurs, eg oral presentations, movement skills, participation, language development
- mapping progress through the collection of student work samples over a period of time
- tasks that incorporate the application of understanding and learning processes in a set project (or research assignment)
- analysing work samples such as projects, assignments, art works or design products
- pen/pencil and paper tests.

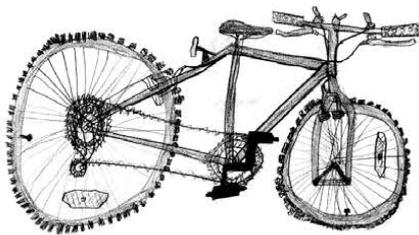
Examples of some different approaches to recording student progress are provided on the following pages.

Part 6 – Sample approaches to record keeping

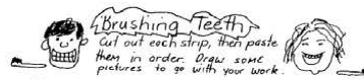
Sample 1: Portfolios

One approach is to keep a portfolio of student work. By dating a student’s work it is possible to show how learning has occurred over a period of time. You may consider keeping a large sketchbook, visual diary or folder with samples of completed work. Not all work leads to pen and paper products. Other approaches such as videoing of performances, recording oral presentations or some notes about your observations could be maintained.

Duck report
 Ducks have flat bills
 and webbed feet they are
 birds. Graham



20 biscuits	20 biscuits,
4 people	30 people
each person got 5	half each = $40\frac{1}{2}$
each and that	biscuits $3\frac{1}{2}$ each
= 0	= 0
20 biscuits	20 biscuits
10 people	3 people
1 whole each	3 each = 9
10 left 1 more	11 left
each = 0	3 more each



- 1 Remove lid from toothpaste
- 2 Place some toothpaste on the toothbrush.
- 3 Add some water to the toothpaste on the toothbrush
- 4 Brush your teeth
- 5 Fill mouth with water
- 6 Rinse your mouth
- 7 Spit water out
- 8 Wipe your lips with a towel



Part 6 – Sample approaches to record keeping

Sample 2: Progress/achievement

Some home schooling families have developed a format for recording a child's progress and achievement over a period. The following is one way that this might be done.

**Progress and Achievement
Period 2/2/2012 to 29/4/2012**

Learning area	Strategies used	Performance observed
English	Report writing Spelling lists	Excellent recount of excursion to public gardens. Progressed to level 3. Having difficulty with some words. Reading and comprehension. Discussion of 'The Cay' showed good comprehension. Reads fluently aloud.
Mathematics	Regular exercises in maths text	Working well with calculations involving whole numbers.
Science and Technology	Weather observations	Made a rain gauge. Successfully measured and interpreted a range of weather data.
HSIE	Project	Researched local area history. Identified a range of significant people in the district's history and can explain their contribution.
PDHPE	Observation	Is participating with enjoyment in soccer. Practising hard to develop skill with left foot.
Creative and Practical Arts	Work samples	Has been creating a range of cartoon characters. Over a series of attempts is showing good development.

Part 6 – Sample approaches to record keeping

Sample approaches to maintaining records of learning experiences

There is a wide variety of approaches that you might consider when choosing how you can maintain records of learning experiences. Some examples are provided below.

Sample 1: Weekly learning log

Learning Log

Week commencing:/...../.....

	Monday	Tuesday	Wednesday	Thursday	Friday
Morning	Maths Ex 2.2-3 Email overseas friends	Library visit – research and select books for wide reading	Science – continue with garden bed Creative Arts Music practice P2-7	Maths Ex 2.8 Science experiment – magnets	Plant seedlings Prepare observation charts for recording plant growth
Afternoon	English Comprehension passage Science – prepare garden bed	Maths Ex 2.5-7 English Spelling list 3 Punctuation exercises	Behind the news Science – design and make signs for herb garden	Reading Swimming – survival strokes	Analyse newspaper. Started planning our own home newsletter
Additional Activities	Check internet sites for tips on growing plants				Basketball competition
Comments	Showed an interest in a book on space. Might plan a trip to the observatory when we visit Sydney next month				Coping with current novel with ease. Look for something more challenging next time

Part 6 – Sample approaches to record keeping**Sample 2: Student diary**

Many children will be capable of keeping a log of their own learning activities. The following example is one of the ways this might be done. Another approach may be a more reflective journal where the child focuses on recording the major achievements of the day or week.

6/5/2013	7/5/2013
<p>9.00 English: Read Chapter 5 'Cairo Jim'</p> <p>9.30 Spelling practice</p> <p>9.45 Maths: draw and label triangles</p> <p>10.30 PDHPE: practise soccer skills</p> <p>11.15 Break</p> <p>11.30 HSIE: draft letter to local council on environmental issues</p> <p>12.15 Creative Arts- Cubist inspired self-portrait</p> <p>1.00 Break</p> <p>2.00 Technology project: research different circuits</p> <p>3.15 Break</p> <p>3.30 Music- composing for percussion (drum)</p>	<p>9.00 English: comprehension activity</p> <p>9.30 Science: newspaper review on natural disasters</p> <p>10.00 HSIE: internet search of local government functions and services</p> <p>11.00 Break</p> <p>11.15 PDHPE: poster on benefits of not smoking</p> <p>12.15 Break</p> <p>1.00 Maths problems: volume of objects and practical demonstration</p> <p>2.45 Break</p> <p>3.00 English: Read Chapter 6 'Cairo Jim'</p>
Comments	Comments
<p>100% for spelling.</p> <p>Struggling with Technology project – need to ask Mum and Dad for some advice on circuit design.</p>	<p>Maths difficult. Come back to volume tomorrow.</p>

Part 6 – Sample approaches to record keeping**Sample 3: Registering completion of work**

In this sample the student is completing tasks from a chosen activity book. The parent registers work covered by putting the completion date on the table of contents. Other comments may be made where appropriate.

On the Scene			
Table of Contents			
1.	Developing Strategies for Personal Safety	11	<i>Completed all exercises 2/5</i> <i>Completed 5/6 – additional role play activity with exercise</i>
	Personal strategies	12	
	Protecting self and others	14	
	Community assistance	16	
2.	Safety at Home	18	
	Appliances	20	
	Chemicals	23	
	Caring for young children	25	
3.	Safety Outdoors	28	
	Keep in the shade	29	
	Design a safe outdoor area	32	
	Environmental conservation	34	
4.	Safe Play	36	
	Warming up	38	
	Play with skill, Play by the rules	41	
	Water safety	43	

Part 7 – Resources for home schooling

Part 7 Resources for home schooling**Home education organisation****Home Education Association Inc**www.hea.edu.au

Phone: 1300 729 991

Board of Studies online resources**General****Board of Studies website**www.boardofstudies.nsw.edu.au**Registration for Home Schooling in NSW Information Package**www.boardofstudies.nsw.edu.au/parents/home-schooling.html**Assessment Resource Centre (ARC) (includes K–10 student work samples)**<http://arc.boardofstudies.nsw.edu.au/>**Primary****Board of Studies primary website**www.k6.boardofstudies.nsw.edu.au**Parents Guide to the NSW primary syllabuses**www.k6.boardofstudies.nsw.edu.au/go/parents/parents-guide-to-the-nsw-primary-syllabuses**NSW Primary Curriculum Foundation Statements**www.k6.boardofstudies.nsw.edu.au/go/nsw-primary-curriculum-foundation-statements**K–6 primary syllabuses (includes outcomes), resources and support documents****English**www.k6.boardofstudies.nsw.edu.au/go/english**Mathematics**www.k6.boardofstudies.nsw.edu.au/go/mathematics

Part 7 – Resources for home schooling

Science and Technology

www.k6.boardofstudies.nsw.edu.au/go/science-and-technology

Human Society and its Environments (HSIE)

www.k6.boardofstudies.nsw.edu.au/go/hsie

Personal Development Health and Physical Education (PDHPE)

www.k6.boardofstudies.nsw.edu.au/go/personal-development-health-and-physical-education-pdhpe

Creative Arts

www.k6.boardofstudies.nsw.edu.au/go/creative-arts

Languages

www.k6.boardofstudies.nsw.edu.au/go/languages

Parents Guides to K–6 syllabuses – Introducing each K–6 syllabus to Parents and School Community Members

English

www.k6.boardofstudies.nsw.edu.au/files/english/k6engparents_syl.pdf

Mathematics

www.k6.boardofstudies.nsw.edu.au/files/math/math_k6_parents.pdf

Human Society and its Environments (HSIE)

www.k6.boardofstudies.nsw.edu.au/files/hsie/k6hsie_parents.pdf

Personal Development Health and Physical Education (PDHPE)

www.k6.boardofstudies.nsw.edu.au/files/pdhpe/pdhpek6_parents.pdf

Creative Arts

www.k6.boardofstudies.nsw.edu.au/files/arts/K6_creatart_parent.pdf

New syllabuses 2014

<http://syllabus.bos.nsw.edu.au/>

Secondary

Years 7, 8, 9, 10 syllabuses and support materials

www.boardofstudies.nsw.edu.au/syllabus_sc

Years 11 and 12 syllabuses

www.boardofstudies.nsw.edu.au/syllabus_hsc

New syllabuses 2014

<http://syllabus.bos.nsw.edu.au/>

Equivalent and alternative courses of study

<http://www.boardofstudies.nsw.edu.au/manuals/equivalent-alternative-study.html>

Part 8 – Application forms

Part 8 Application forms**Form 1: Application for initial registration for home schooling**

This form is to be used to:

- apply for registration (or exemption from registration) of a child for the first time
- apply for registration (or exemption from registration) of a child who may have been registered previously but does not have a current certificate of registration.

You must complete a separate form for each child.

Click here to download [Form 1: Application for initial registration for home schooling](#).

Form 2: Application for renewal of registration for home schooling

This form is to be used to apply for renewal of registration of a child with current registration (or current exemption from registration).

For a child who has been previously registered (or had exemption from registration) but does not have a current registration (or exemption from registration) certificate please use *Form 1: Application for initial registration for home schooling*.

You must complete a separate form for each child.

Click here to download [Form 2: Application for renewal of registration for home schooling](#).

Form 3: Application for a certificate of completion of Year 10

This form is to be used to apply for a certificate of completion of Year 10 for an eligible home schooled child.

You must complete a separate form for each child.

Click here to download [Form 3: Application for certificate of completion of Year 10](#).

Appendix 9 Minutes

Minutes No. 1

Thursday, 12 June 2014

Select Committee on Home Schooling

Room 1153, Parliament House at 11.03 am

1. Members present

Mr Green, *Chair*

Dr Kaye, *Deputy Chair*

Mr Clarke

Ms Cusack (*by teleconference*)

Mr Searle

Ms Westwood

2. Apologies

Mr Khan

3. Tabling of resolution establishing the Committee

The chair tabled the resolution establishing the committee and declared the meeting open.

4. Procedural resolutions

Resolved, on the motion of Dr Kaye: That, unless the committee decides otherwise, the following procedures apply for the life of the committee:

Filming, broadcasting and still photography of public proceedings

That the committee authorise the filming, broadcasting, webcasting and still photography of the public proceedings of the committee, in accordance with the resolution of the Legislative Council of 18 October 2007.

Publishing transcripts of evidence

That the committee authorise the publication of transcripts of evidence taken at public hearings.

Questions on notice

That the committee require that answers to questions taken on notice during the hearings be provided to the secretariat within 21 days and that members provide supplementary questions within two days after a hearing transcript is provided.

Publishing answers to questions on notice

That the committee authorise the publication of answers to questions on notice arising from public hearings.

Publishing submissions

That the committee authorise the publication of all submissions to the inquiry, subject to the committee clerk checking for confidentiality, adverse mention and other issues and, where those issues arise, bringing them to the attention of the committee for consideration.

Media statements

That media statements on behalf of the committee may be made only by the chair.

Inviting witnesses

That arrangements for inviting witnesses are to be left in the hands of the chair and the committee clerk, after consultation with the committee.

5. Conduct of the Inquiry

5.1 Media release announcing inquiry

Resolved, on the motion of Mr Searle: That a media release be issued by the chair announcing the inquiry and calling for submissions.

5.2 Stakeholder list

Resolved, on the motion of Mr Searle: That the secretariat email members with a list of stakeholders to be invited to make written submissions, and that members be invited to nominate additional stakeholders by 5.00 pm on Monday 16 June 2014.

5.3 Call for submissions

Resolved, on the motion of Ms Westwood: That the closing date for submissions be Friday 8 August 2014.

5.4 Advertising

Resolved, on the motion of Mr Kaye: That the inquiry call for submissions be advertised through a media release distributed to all media outlets in NSW via Media Monitors and via twitter.

5.5 Hearings / site visits

Resolved, on the motion of Mr Searle: That two hearing / site visit dates be determined by the chair, once members have identified their availability during the dates 1 – 8 September 2014. Further, that any hearings at Parliament House be webcast.

5.6 Reporting date

The chair noted that the terms of reference for the inquiry require the committee to report by 20 November 2014.

6. Research paper on Home Education in NSW

The committee noted that the NSW Parliamentary Research Service has released an E-brief on Home Education in NSW in August 2013.

7. Next meeting

The Committee adjourned at 11.16 am, *sine die*.

Madeleine Foley

Clerk to the Committee

Minutes No. 2

Friday, 5 September 2014

Select Committee on Home Schooling

Macquarie Room, Parliament House at 9.05 am

1. Members present

Mr Green, *Chair*

Dr Kaye, *Deputy Chair*

Mr Clarke

Ms Cusack

Mr Khan

Mr Searle

Ms Westwood.

2. Draft minutes

Resolved, on the motion of Mr Khan: That draft minutes no. 1 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 10 July 2014 – Ms Karen Curtis, Chief Executive Officer, Australian Children's Education Quality and Care Authority to the Chair declining the invitation to provide a submission to the inquiry
- 22 August 2014 – Ms Kathy Connell, Director, Strategic and External Relations, Board of Studies, Teaching and Educational Standards NSW (BOSTES) to the committee secretariat providing a copy of the Home Education in NSW Information Package 2011
- 25 August 2014 – Ms Connell, BOSTES to the committee secretariat responding to a request for BOSTES officers to appear at a public hearing on 5 September 2014

- 5 September 2014 – Hear our voices Australia (HOVA) to committee secretariat requesting that on 8 September 2014 that a representative give evidence in camera and via teleconference.

Sent:

- 27 August 2014 – A/Director to BOSTES in response to correspondence dated 25 August 2014 regarding inquiry witnesses.

4. Submissions

4.1 Public

The committee noted that the following submissions were published by the committee clerk under the authorisation of the committee's resolution of 12 June 2014: submission nos. 4, 6-12, 20, 25, 30-32, 39-40, 43, 47, 49-50, 52, 54, 58, 61, 67-68, 70-71, 76-79, 91-92, 139-142, 155, 163, and 167.

4.2 Partially confidential

Resolved, on the motion of Mr Clarke: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submissions nos 1-3, 5, 13, 18-19, 22, 24, 26-27, 29, 33-36, 38, 42, 44-46, 48, 55-57, 60, 62-64, 66, 73-74, 80-90, 93-101.

Resolved, on the motion of Mr Clarke: That the committee keep the following information confidential, as per the recommendation of the secretariat: names and/or identifying and sensitive information in submissions nos 14, 16, 21, 23, 28, 37, 41, 59, 69, 72, 75, 144-145, 166, and 171.

4.3 Confidential

Resolved, on the motion of Mr Khan: That the committee keep submission nos. 51, 53, and 65 confidential, as per the request of the author, as they contain identifying and/or sensitive information.

Resolved, on the motion of Mr Khan: That the committee keep submission no. 15 confidential, as per the recommendation of the secretariat, as it contains potential adverse mention.

4.4 Request to retract and accept an amended submission no. 172 from HOVA

Resolved, on the motion of Ms Cusack: That the committee retract, and then accept and publish an amended submission No. 172 from HOVA.

4.5 Attachments to submissions

Resolved, on the motion of Ms Cusack: That all attachments to submissions remain confidential, unless otherwise published by the committee.

Resolved, on the motion of Ms Cusack: That the committee publish the attachments to submission No. 139.

5. Conduct of the public hearings

5.1 In camera evidence

Resolved, on the motion of Ms Cusack: That the evidence from a representative of HOVA given on 8 September 2014 be taken *in camera* and via teleconference.

5.2 Evidence given by minors

Resolved on the motion of Ms Cusack: That during the evidence given by representatives of the Home Education Support and Action Network (HESAN) on 5 September 2014 that any minors giving evidence be accompanied at the table by a parent, and that the webcasting of the evidence be subject to the consent of a parent of each of the minors appearing.

That for the HESAN appearance as a witness on 5 September 2014 that the minors be accompanied by one of their parents at the witness table, and also that the webcast continue during HESAN's appearance provided the parents are amenable.

6. Public hearing

Witnesses, the media and the public were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr David Murphy, Executive Director, Regulation and Governance, BOSTES
- Ms Anne Keenan, Director, School Registration and Accreditation Standards, BOSTES.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Brian Smyth King, Executive Director, Learning and Engagement, Department of Education and Communities
- Mr Michael Waterhouse, Director, Legal Services, Department of Education and Communities
- Mr Paul Lennox, Child Protection, Student Engagement and Interagency Partnerships, Department of Education and Communities.

Mr Searle joined the meeting.

Mr Smyth King tendered the following document:

- Opening statement, Department of Education and Communities.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Dr Glenda Jackson, Director, Australian Home Education Service.

Dr Jackson tendered the following documents:

- *The What, Whys and Wherefores of Home Education and its Regulation in Australia*, by Sonia Allan, University of Adelaide Australia and Glenda Jackson, Monash University, Melbourne, Australia.
- *Understanding Home Educated Students Transitions into Mainstream Institutions: The Perspectives of Teachers*, Glenda Jackson, Monash University, Melbourne, Australia.

The evidence concluded and the witness withdrew.

Mr Khan left the meeting.

The following witnesses were sworn and examined:

- Mrs Michele Vieira, home school parent
- Dr Emma Vieira, former home school student
- Mrs Karen Chegwiddden, home school parent
- Ms Tamara Kidd, home school parent.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mrs Marianne Vanderkolk, home school parent, Home Education Support and Action Network (HESAN)
- Mr Jesse Gibson, home school student, HESAN
- Mrs Sharon Wu, home school parent, HESAN
- Mr Nathanael van der Kolk, former home school student, HESAN
- Ms Talitha Vanderkolk, home school student, HESAN.

Mrs Sharon Wu tendered the following document:

- Recommendations for the Parliamentary Hearing: By the Home Education Support and Action Network (HESAN).

The evidence concluded and the witnesses withdrew.

The following witnesses from were sworn and examined:

- Ms Carla Ferguson, President, Sydney Home Education Network
- Ms Velly Pasas, Vice President, Sydney Home Education Network.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Anna Uren, Relieving Research Officer, NSW Teachers Federation
- Ms Lenore Hankinson, Industrial Officer, NSW Teachers Federation.

The evidence concluded and the witnesses withdrew.

The public hearing concluded.

The public and the media withdrew.

7. Deliberative meeting

7.1 Tendered documents

Resolved, on the motion of Mr Clarke: That the committee accept and publish the following documents tendered during the hearing:

- Opening statement, Department of Education and Communities, tendered by Mr Smyth-King
- *The What, Whys and Wherefores of Home Education and its Regulation in Australia*, by Sonia Allan, University of Adelaide Australia and Glenda Jackson, Monash University, Melbourne, Australia, tendered by Dr Glenda Jackson
- *Understanding Home Educated Students Transitions into Mainstream Institutions: The Perspectives of Teachers*, Glenda Jackson, Monash University, Melbourne, Australia, tendered by Dr Glenda Jackson
- Recommendations for the Parliamentary Hearing: By the Home Education Support and Action Network (HESAN), tendered by Mrs Wu.

7.2 Submission 213

Resolved, on the motion of Mr Clarke: That the committee publish submission no. 213.

7.3 Request for journalism students to record and/or film a public hearing

Resolved, on the motion of Dr Kaye: That the committee authorise nominated UTS journalism students to record and/or film the public hearing on 8 September 2014 subject to their signing of the Broadcasting Guidelines.

7.4 Correspondence regarding the conduct of the public hearing on 5 September 2014

The clerk tabled correspondence received during the day from Ms Lorraine Clairbrook in which she expressed her disappointment regarding the standard and manner of some of the questioning during Dr Jackson's evidence.

The committee noted the correspondence.

8. Adjournment

The Committee adjourned at 5.03 pm until 10.30 am Monday 8 September 2014, Macquarie Room, Parliament House, (*public hearing*).

John Young
Clerk to the Committee

Minutes No. 3

Monday 8 September 2014

Select Committee on Home Schooling

Macquarie Room, Parliament House at 10.30 am

1. Members present

Mr Green, *Chair*
Dr Kaye, *Deputy Chair*
Mr Clarke
Ms Cusack
Mr Khan
Mr Searle
Ms Westwood.

2. Public hearing

Witnesses, the media and the public were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witness was sworn and examined:

- Ms Anne Campbell, Deputy Chief Executive, Policy, Programs and Strategy Community Services Division, Department of Family and Community Services.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Dr Terry Harding, General Manager, Australian Christian Home Schooling.

The evidence concluded and the witness withdrew.

The Chair directed the public and the media to withdraw.

The public and the media withdrew.

According to previous resolution of the committee, the committee proceeded to take evidence *in camera* and via teleconference.

Persons present other than the Committee: Ms Beverly Duffy, Mr John Young, Mr Alex Stedman, Ms Tina Higgins, Ms Lynn Race, and Hansard reporters.

The witness was sworn and examined

Evidence concluded.

Witnesses, the media and the public were re-admitted.

The following witnesses were sworn and examined:

- Mr Chris Krogh, Member Home Education Association (HEA) Lobby Subcommittee
- Ms Vivienne Fox, Member HEA Committee, and Member HEA Lobby Subcommittee
- Ms Esther Lacoba, Member HEA Subcommittee, HEA President 2005-2010
- Ms Katie Watson, Member HEA Lobby Subcommittee.

Ms Fox tendered the following document:

- Supplementary information from the HEA.

Mr Krogh tendered the following documents:

- Opening statement, HEA
- Correspondence between Mr Krogh and Ms Anne Keenan, Director – School Registration and Accreditation Standards, Board of Studies Teaching and Educational Standards NSW (BOSTES).

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Guy Tebbutt, Home school parent.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Dr Rebecca English, Lecturer, School of Curriculum, Faculty of Education, Queensland University of Technology.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Michael Brearley, Consultant, Cardinal Newman Catechist Consultants

The evidence concluded and the witness withdrew.

The public hearing concluded.

The public and the media withdrew.

3. Tendered documents

Resolved, on the motion of Dr Kaye: That the committee accept and publish the following documents tendered during the hearing:

- Supplementary information from the HEA, tendered by Ms Fox
- Opening statement, HEA, tendered by Mr Krogh
- Correspondence between Mr Krogh and Ms Keenan, Director – School Registration and Accreditation Standards, BOSTES, tendered by Mr Krogh.

4. Further hearings

Resolved, on the motion of Mr Searle: That following the receipt of answers to questions taken on notice and other material that the committee meet, on a date to be determined, to consider the need for further evidence to be taken.

5. Consideration of report outline

Resolved, on the motion of Mr Khan: That, on a date to be determined, the committee meet to consider the approach to preparing the draft report.

6. Correspondence to Transport for NSW

Resolved, on the motion of Ms Cusack: That the Chair, on behalf of the committee, write to Transport for NSW to request information on the eligibility of home school students to concessional student travel.

7. Adjournment

The committee adjourned at 4.50 pm, *sine die*.

John Young
Clerk to the Committee

Minutes No. 4

Tuesday 7 October 2014

Select Committee on Home Schooling

Macquarie Room, Parliament House at 10.15 am

1. Members present

Mr Green, *Chair*
Dr Kaye, *Deputy Chair*
Mr Khan
Mr Searle
Ms Westwood

2. Apologies

Mr Clarke
Ms Cusack

3. Draft minutes

Resolved, on the motion of Mr Khan: That draft minutes no. 2 and 3 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 3 October 2014 – From Dr Emma Vieira, former home schooling student, to committee, providing response to a reference made by Dr John Kaye at the hearing on 5 September 2014.

Sent:

- 11 September 2014 – Letter from the Chair, to the Hon Gladys Berejiklian, Minister for Transport, and Minister for the Hunter, regarding the ability of registered home school students to access travel concessions.

5. Submissions**5.1 Public submissions**

The following submissions were published by the committee clerk under the authorisation of an earlier resolution: submission nos. 17, 37a, 70, 104, 109, 113, 115, 119, 122, 129-130, 133-138, 143, 148, 150-151, 153, 156-159, 165, 169, 173 -181, 187-188, 191, 193-194, 196-201, 204, 207, 209 – 211, 220, 222-224, 226 -228, 233, 240, 244 – 245, 251 -252, 255 – 259, 261, 263, 266, 274 – 276.

Resolved, on the motion of Dr Kaye: That the committee retract and then approve and publish amended submission no 168 from a name suppressed author, as requested.

5.2 Partially confidential submissions

Resolved, on the motion of Dr Kaye: That the committee authorise the publications of submission nos 19, 102-103, 105-108, 110-112, 114, 116-118 (including 116a – 116d), 120-121, 123-126, 146, 149, 152, 154, 160-161, 168, 170, 182-186, 189-190, 192, 202-203, 205a, 206, 208, 214, 217, 219, 229, 231, 234-237, 237a, 241-243, 247, 249, 253, 253a, 262, 264-265, 269-270, 272, 272a-272b, 273, with the exception of identifying and/or sensitive information which are to remain confidential, as per the request of the author.

Resolved, on the motion of Dr Kaye: That the committee authorise the publications of submission nos 131-132,147, 221, 230, 232, 238-239, 246, 248, 250, 260, with the exception of identifying and/or sensitive information which are to remain confidential, as per the recommendation of the secretariat.

5.3 Confidential submissions

Resolved, on the motion of Dr Kaye: That the committee keep submission nos. 127, 162, 164, 195, 205, 212, 215-216, 218, 225, 254, 267-268, 271 confidential, as per the request of the author, as they contain identifying and/or sensitive information.

5.4 Supplementary submission

Resolved, on the motion of Dr Kaye: That the committee keep supplementary submission no 203a following information partially confidential, as per the request of the author: names and/or identifying and sensitive information in supplementary submissions no 203a.

6. Answers to questions on notice and supplementary questions

The following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of an earlier resolution:

- answers to questions on notice and from Dr Rebecca English, Queensland University of Technology, Lecturer, School of Curriculum, Faculty of Education, received 15 September 2014
- answers to questions on notice from Ms Michele Vieira, received 18 September 2014
- answers to questions on notice and supplementary questions from Mr John Dixon, General Secretary, NSW Teachers Federation, received 19 September 2014
- answers to questions on notice from Ms Tamara Kidd, received 27 September 2014
- answers to questions on notice and supplementary questions from Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies, Teaching and Educational Standards, received 3 October 2014
- answers to questions on notice from Ms Marianne Vanderkolk, Chair, Home Education, Support and Action Network, received 3 October 2014

- answers to questions on notice from Mr Chris Krogh, member of Home Education Association, received 3 October 2014
- answers to questions on notice from Mr Guy Tebbutt, received 4 October 2014
- answers to questions on notice from Mr Michael Brearley, Consultant, Catechist Newman Consultants, received 6 October 2014
- answers to questions on notice from the Sydney Home Education Network, received 6 October 2014
- answers to questions on notice from Ms Karen Chegvidden, received 6 October 2014.

Resolved, on the motion of Dr Kaye: That Annexure 1 to the Board of Studies, Teaching and Educational Standards answers to questions on notice and supplementary questions from the hearing on 5 September 2014 be kept confidential.

7. Transcript

Resolved, on the motion of Dr Kaye: That the committee authorise the publication of the transcript from the in-camera hearing on 8 September 2014, with identifying information redacted.

8. Hearing

8.1 Timeframe for answers to questions on notice

Resolved, on the motion of Mr Khan: That answers to questions taken on notice and supplementary questions, arising from the hearing on 7 October 2014, be provided to the secretariat within 14 days.

8.2 Public hearing

Witnesses, the media and the public were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were examined under former oath:

- Mr David Murphy, Executive Director – Regulation and Governance, Board of Studies, Teaching and Education Standards NSW
- Ms Anne Keenan, Director – School Registration and Accreditation Standards, Board of Studies, Teaching and Education Standards NSW.

The evidence concluded and the witness withdrew.

The Chair directed the public and the media to withdraw.

The public and the media withdrew.

9. Consideration of report outline

The committee noted and discussed the proposed report outline, including the following time and approach to preparing the draft report:

- 13 October – members to send to the secretariat their conclusions, findings and recommendations in relation to each of the inquiry terms of reference
- 7 November – secretariat to circulate the Chair's draft report
- 14 November – report deliberative.

Resolved, on the motion of Dr Kaye: That the proposed timeline and approach to preparing the draft report be adopted.

10. Adjournment

The committee adjourned at 1.30 pm, until 14 November 2014 at 10.00am for the report deliberative.

Tina Higgins
Clerk to the Committee

Minutes No. 5

Friday 14 November 2014

Select Committee on Home Schooling

Room 1254, Parliament House at 10.10 am

1. Members presentMr Green, *Chair*Dr Kaye, *Deputy Chair*

Mr Clarke

Ms Cusack

Mr Khan

Mr Searle

Ms Westwood

2. Draft minutes

Resolved, on the motion of Mr Searle: That draft minutes no.4 be confirmed.

3. Correspondence

The committee noted the following items of correspondence received:

- 4 November 2014 – From Ms Karleen Gribble, Lobby Coordinator, Home Education Association (HEA), questioning the accuracy of evidence given at the hearing on 7 October 2014
- 12 November 2014 – From the Hon Don Harwin MLC, President, NSW Legislative Council, regarding Ms Sharon Wu's experience of giving evidence at the hearing on 5 September 2014.

Resolved, on the motion of Ms Cusack: That the committee authorise the publication of the correspondence from Ms Karleen Gribble, dated 4 November 2014.

4. Answers to questions on notice and supplementary questions

The committee noted that the following answers to questions on notice and supplementary questions were published by the committee clerk under the authorisation of an earlier resolution:

- answers to questions on notice and supplementary questions from Mr Brian Smyth King, Executive Director, Learning and Engagement, NSW Department of Education and Communities, received 7 October 2014
- answers to questions on notice and supplementary questions from Ms Anne Campbell, Deputy Chief Executive, Policy, Programs and Strategy, Department of Family and Community Services, received 9 October 2014
- answers to questions on notice and supplementary questions from Hear Our Voices Australia (HOVA), received 10 October 2014
- answers to questions on notice and supplementary questions from the hearing on 7 October 2014 from Mr David Murphy, Executive Director, Regulation and Governance, Board of Studies Teaching and Educational Standards NSW, received 22 October 2014.

5. Consideration of Chair's draft reportThe Chair submitted his draft report entitled *Home Schooling in NSW*, which, having been previously circulated was taken as being read.

Resolved, on the motion of Mr Khan: That the Chapter (5) entitled 'Regulatory approaches in other jurisdictions and options for reform' be moved forward to appear before the Chapter (4) entitled 'Changes to the Registration for Home Schooling in NSW – Information Package'.

Resolved, on the motion of Ms Cusack: That the Chapter (7) entitled 'Outcomes of home schooling and resources and support for families':

- a. be divided into two chapters, entitled 'Outcomes of home schooling' and 'Resources and support for families'
- b. that the new chapter entitled 'Outcomes of home schooling' be moved forward to appear after the Chapter (2) entitled 'What is home-schooling?'.

Chapter 2

Resolved, on the motion of Mr Searle: That paragraph 2.1 be amended by omitting 'sanctioned' before 'educational option'.

Mr Searle moved: That paragraph 2.5 be amended by:

- a. Omitting 'having a' and inserting instead 'the' before 'statutory definition'
- b. Omitting 'with a general preference for the term home education' and inserting instead 'and the fact that much of the educational activity is in fact occurring in group settings outside the home. Inquiry participants raised the concern such matters were not properly or fully taken into account as satisfying the educational requirements of home schooling'.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraphs 2.9 to 2.11 be omitted:

'The Home Education Association argued that the definition of home schooling should take into account that it is predominately a 'values-based' approach to education:

Home education remains a predominantly values-based approach to education (whether these are family, religious or wellbeing values) and as such stands, quite consciously, outside of dominant discourses in contemporary school policy.

FamilyVoice Australia provided a definition which acknowledged the varying educational practices in the home schooling community:

Home schooling encompasses many different educational philosophies and approaches from a very formal and structured curriculum to unstructured approaches called unschooling or natural learning, where learning occurs as part of daily life.

Dr Jackson, a researcher in home education, outlined a definition used by an individual home educator, that home education is a 'practical and successful alternative to school based education which embraces learning in the whole community'. Dr Jackson noted that this definition does not restrict home education to the home environment or suggest it is school in the home.'

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraphs 2.12 and 2.13 be omitted:

'Similarly, the Home Education Network, a Victorian support group for home educating families, emphasised that home education is 'not simply school at home'. They emphasised that it is fundamentally different from traditional schooling:

The difference lies in the individualised nature of home education, which enables parents to tailor an education specifically to their child's needs and abilities and to continually revise the education in response to the child's growing understanding.

Dr Jackson, in her research, suggested that a more suitable definition of home education would be:

Home education is a legal alternative to school education that may adopt a variety of educational approaches all of which embrace learning at home and in the community to provide educational and social opportunities for children.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Searle moved:

- a. That the following paragraph 2.16 be omitted:

‘The committee also recognises that most other Australian jurisdictions adopt the term ‘home education’ rather than ‘home schooling’, and that ‘home education’ is the preferred term by many in the home schooling community, as demonstrated by its use in many of the submissions to this inquiry.’

- b. That paragraph 2.17 be amended by omitting ‘home education’ and inserting instead ‘non-institution based education’
- c. That Recommendation 1 be amended by omitting ‘home education’ and inserting instead ‘non-institution based education’.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Dr Kaye moved: That the following new paragraph be inserted after Recommendation 2:

‘The committee notes that none of the home schooling stakeholder representative bodies sought to draw any distinction between the vast variety of schools across New South Wales, whether they be government or non-government schools’.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Mr Khan: That paragraph 2.24 be amended by omitting ‘highlighted’ appearing immediately after ‘the Home Education Association’ and inserting instead ‘asserted’.

Resolved, on the motion of Mr Khan: That paragraph 2.25 be amended by omitting ‘stated’ appearing immediately after ‘The Sydney Home Education Network’ and inserting instead ‘asserted’.

Mr Khan moved: That the following paragraphs 2.30 and 2.31 be omitted:

‘Dr Harding noted that distance education is generally government funded, with access to school teachers, resources and activities. He also stated that it generally it follows a school based schedule.

Similarly, one individual parent commented that distance education requires the education program to adhere to a specific order or sequence, with material being provided and everything planned and organised externally. The individual stated that with distance education, there is limited flexibility to adjust the program.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraph 2.36 be omitted:

‘The Home Education Association asserted that the eligibility for distance education is quite limited, and is often viewed as a temporary option:

In NSW, distance education is only available to students in situations of physical isolation or where serious medical or other issues make school attendance undesirable or impossible. Eligibility for distance education is determined by the Department of Education and Communities. Access is often time limited, with the goal being to return children to normal schools as soon as possible.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That paragraph 2.38 be amended by omitting ‘, or as they preferred to call it, home education,’ after ‘The Home Education Association outlined that home schooling’.

Mr Khan moved: That the following paragraph 2.39 be omitted:

‘The Home Education Association also noted that home education is a flexible educational approach, with education being tailored to the individual child’s learning needs. Often, social learning activities are provided, which may involve group based learning, such as group excursions with other home educators, family based activities or external classes, for example, drama or orchestra.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Clarke moved: That the following new paragraph be inserted after paragraph 2.38:

‘The Home Education Association asserted that home education is a flexible educational approach, with education being tailored to the individual child’s learning needs. Often, social learning activities are provided, which may involve group based learning, such as group excursions with other home educators, family based activities or external classes, for example, drama or orchestra.’

Question put.

The committee divided.

Ayes: Mr Clarke, Ms Cusack, Mr Green

Noes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Question resolved in the negative.

Resolved, on the motion of Dr Kaye: That paragraph 2.42 be amended by inserting ‘some’ before ‘home schooling parents’.

Resolved, on the motion of Dr Kaye: That the following paragraph 2.48 be omitted:

'The Sydney Home Education Network argued that distance education and traditional school education requires the majority of time to be spent working at a desk, whereas home education does not have this limitation. They stated that home education involves opportunities outside of the home, for example, trips to museums and libraries, and participation in drama and art classes.'

Resolved, on the motion of Mr Searle: That paragraph 2.61 be amended by omitting 'notable' before 'British educator'.

Resolved, on the motion of Mr Searle: That paragraph 2.67 be amended by omitting 'The committee was particularly interested in how this approach worked and whether it could achieve a high quality education for a child' and inserting instead 'The committee was particularly interested in what this approach consisted of and how it could possibly achieve a high quality education for a child'.

Mr Khan moved: That the following paragraphs 2.73 and 2.74 be omitted:

'The Home Education Association also provided a definition of unschooling in their submission, incorporating examples of child directed learning:

Unschooling refers to a range of educational philosophies and practices which posit that children should be allowed to learn through their natural life experiences. This includes child directed play, game play, household responsibilities, and social interaction with people across age ranges in a variety of settings. It is opposed to conventional schooling and following structured curriculums or teaching. Exploration of activities is child led, facilitated by the adults.

In the Hear Our Voices Australia submission, a number of individuals admitted to using the unschooling approach. The submission also provided a distinct definition of unschooling, and traced it back to its introduction by John Holt in the 1970's:

Unschooling is a successful form of home schooling where parents act as learning facilitators, encouraging their child's natural interests and suggesting and providing resources and experiences that will help the child learn through their interests. Curriculum is generally not used, and learning areas are naturally intertwined with each other providing a comprehensive and deep knowledge.

Unschooling is not a new concept, and was introduced by teacher and educational reformer, John Holt, in the 1970's. Holt's ideas led to the Sudbury Model of education. Holt stated:

... the human animal is a learning animal; we like to learn; we are good at it; we don't need to be shown how or made to do it. What kills the processes are the people interfering with it or trying to regulate it or control it.'

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraphs 2.75 and 2.76 be omitted:

'Another home schooling parent stated that they use the unschooling approach to education, thereby allowing their children to explore their interests. This individual explained that the unschooling approach allows key learning areas and educational outcomes to be covered. They offered an example:

The seemingly simple act of planning and cooking a meal covers at least five key learning areas – English, HSIE, PDHPE, science and mathematics. Children who learn in a more natural, interest-based manner learn an amazing amount at a much deeper level, with a better retention of information and knowledge, than many of their schooled counterparts.

One submission author raised concerns about unschooling or as they called it ‘non-schooling’, and the impact this approach can have on the child. This person suggested that there are cases in which home schooling is being used as a pretence for actively non-schooling children in some cases.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That paragraph 2.79 be amended by omitting the following quote from evidence:

...these experiences may allow broad curriculum areas to be covered, as well as developing self-directedness, responsibility and knowledge of external systems that must be navigated in post-‘school’ life..

Mr Searle moved: That paragraph 2.80 be amended by:

- a. Omitting ‘it has been difficult to grasp how’ and inserting instead ‘does not believe that’
- b. Omitting ‘high’ before ‘quality educational’
- c. Omitting ‘That aside, the committee acknowledges that for some people, this method may be employed with a level of commitment and insight, such that it may produce certain educational benefits.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That paragraph 2.81 amended by omitting ‘However,’ before ‘the committee is concerned’.

Resolved, on the motion of Ms Cusack: That paragraph 2.81 and Recommendation 2 be amended by omitting ‘with a focus on how this approach achieves quality educational outcomes for the child’ and inserting instead ‘with a focus on whether this approach achieves acceptable educational outcomes for the child’.

Resolved, on the motion of Mr Khan: That the following new paragraph be inserted after paragraph 2.80:

‘The committee is concerned that taken to its extreme, children who are ‘unschooled’ may not achieve even basic levels of literacy and numeracy. The application of ‘unschooling’ may constitute educational neglect.’

Resolved, on the motion of Dr Kaye: That the paragraph 2.83 be amended by:

- a) Omitting ‘community’ and inserting instead ‘population’
- b) Omitting ‘inclusive of’ and inserting instead ‘including’.

Resolved, on the motion of Mr Searle: That the paragraph 2.83 be amended by omitting ‘The Home Education Network noted research from Dr Jackson which highlighted this diversity:

Home educators come from all walks of life, from every corner of the country, from varying income brackets, and with various levels of education. None of these features appears to impact upon their success in educating their children.’

Resolved, on the motion of Ms Westwood: That all references to ‘home schooling community’ in the report be replaced with ‘home schooling population’.

Mr Searle moved: That the following new paragraph be inserted after paragraph 2.83 ‘The lack of verifiable data means that none of these claims can be substantiated at this time.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Searle moved: That the following paragraphs 2.84 to 2.86 be omitted:

‘In fact, in Dr Jackson’s submission to the inquiry, she emphasised the diversity of home educators across Australia, particularly in terms of location:

... home educators come from all geographic locations around Australia...home education is not practiced because of geographic isolation from schools and other educational institutions. Families come from all income ranges, have all types of educational qualifications and career pathways.

The Sydney Home Education Network acknowledged that whilst they do not collect data from members, their members are culturally and religiously diverse as well as financially diverse and include single parents and grandparents. They did, however, suggest an increasing number of professional families are choosing home education.

The diversity present in the home schooling community was also acknowledged by Ms Helen O’Hara who gave an example of diversity in her own home schooling social network:

My children’s social circle is representative of real society in terms of different ages, genders, backgrounds and cultures. They are not limited to same sex, same year group peers.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraph 2.87 be omitted:

‘Another inquiry participant also stated that the home schooling community is diverse, and reflected on their own home schooling network:

Some have tertiary educational qualifications; some did not complete high school. They come from and occupy many differing social and ethnic backgrounds. Indeed, what is remarkable is the diversity of parents undertaking home schooling. What unites those whom we know is generally shared religious belief.’

Question put.

The committee divided.

Ayes: Ms Cusack, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Dr Kaye, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Dr Kaye: That the following paragraph 2.90 be omitted:

‘Mr Murphy, from the BOSTES, advised the committee that there has been a proportionate increase in the number of applications for home schooling.’

Resolved, on the motion of Dr Kaye: That the secretariat contact the Home Education Association to confirm the accuracy of the figure included in their submission of 16,400 children being home schooled in NSW.

Mr Khan moved: That the following paragraphs 2.116 to 2.118 be omitted:

‘This trend was also identified by the committee, particularly given the number of home schooling parents involved in this inquiry who stated that they have teaching qualifications.⁷⁴¹ Hear Our Voices Australia, in their submission, included fourteen examples of teachers who had decided to home school their own children based on their previous experience in mainstream schools and capacity to take on the role.

One respondent who had teaching qualifications and had chosen to home school their children commented on this issue, as outlined in the Hear Our Voices Australia submission:

I was a teacher in high schools and found them to be a bad place for socialisation and learning. I thought that I could probably do better than a school for my children, and I almost definitely could not do worse...

Similarly, Ms Tamara Kidd, a home schooling parent and professional teacher, agreed that the perceived shortcomings of the education system were her motivation for home schooling. She stated to the committee ‘I understand the limitations of the education system.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Ms Westwood: That paragraph 2.120 be amended by inserting ‘reliable’ before ‘data on home schooling’.

Dr Kaye moved: That the following new paragraph be inserted after 2.120:

‘The committee notes the lack of independent critical analysis of home schooling.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green, Mr Khan

Question resolved in the negative.

Dr Kaye moved: That the following new paragraph be inserted after 2.120:

‘The committee is concerned that a number of home schooling parents do not have tertiary qualifications’

Question put.

The committee divided.

Ayes: Dr Kaye.

Noes: Mr Clarke, Ms Cusack, Mr Green, Mr Khan, Mr Searle, Ms Westwood.

Question resolved in the negative.

Resolved, on the motion of Dr Kaye: That paragraph 2.125 be amended by omitting ‘noted’ after the Sydney Home Education Network’ and inserting instead ‘asserted’.

Resolved, on the motion of Dr Kaye: That paragraph 2.127 be amended by inserting ‘(under the existing legislative framework)’ after ‘Mr Murphy advised the committee that’.

⁷⁴¹ Submission 24, Name suppressed, p 4; Submission 29, Name suppressed, p 3; Submission 8, Ms Helen O’Hara, p 8; Submission 127, Hear Our Voices Australia, pp 126, 153 and 185-188;

Resolved, on the motion of Dr Kaye: That paragraph 2.128 be amended by inserting '(under the existing legislative framework)' after 'Mr Murphy stated'.

Mr Searle moved: That the followings paragraphs 2.130 and 2.131 be amended by:

Omitting

'The Home Education Association considered research by Harding and Farrell (2003) which listed the key motivations for home educators as religious beliefs, a heightened sense of parental responsibility for education, promotion of social development of children and avoidance of negative peer influences, practical reasons such as distance or financial needs, and special education and health needs of their children.

Dr Jackson, in her paper *Australian Research on Home Education*, stated that the reasons for home schooling typically fell into two major categories, the negative aspects of mainstream education and the positive aspects of home education. Examples of the negative aspects include:

...lower academic achievement, unmet needs of children with learning difficulties, perceived weaknesses in curriculum, and social problems such as bullying, negative peer pressure, children's low self-worth, unacceptable values instruction, and children's general unhappiness in mainstream schools.'

And inserting instead:

This was consistent with submissions from the Home Education Association and Dr Jackson'.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That paragraph 2.132 be amended by inserting 'were said to have' before 'influenced parents'.

Resolved, on the motion of Mr Searle: That paragraph 2.134 be amended by omitting 'the common reasons for home schooling do not suggest that parents are unable to see any positive aspects of mainstream schooling or negative aspects of home schooling, rather that' before 'parents decide to home school'.

Resolved, on the motion of Mr Searle: That paragraph 2.136 be amended by omitting 'evidence of' and inserting instead 'assertions about' before the 'benefits of being directly involved in the provision of education to their child'.

Resolved, on the motion of Mr Searle: That paragraph 2.138 be amended by omitting the following quote from evidence:

I read a book about home schooling. I had never heard about it before and it sounded very exciting to be able to teach your children according to their needs. If they were good at something you could accelerate them and if they needed more time you could take the time and break it down and the opportunity to, as a family, be more involved in their education.'

Resolved, on the motion of Mr Searle: That paragraph 2.139 be amended by omitting 'She also commented that 'home education has made it possible for us to create unique experiences and programs to suit the learning styles of our six children'.

Mr Khan moved: That the following paragraphs 2.140 to 2.142 and 2.144 to 2.145 (and case study) be omitted:

'Another inquiry participant outlined that their motivation to home school was not related to a negative experience or negative view of the school system. Rather, the participant decided home schooling was the best option for their family because it entailed personalised and hands on learning, a focus on healthy social relationships with children and adults and limits on technology.

Mr Ken Newby and Mrs Cathy Newby, home schoolers, provided evidence that they believe schools place too much emphasis on 'testing' and 'teaching to test', instead of helping children to learn about life. They claimed that home schooling enabled them to:

...foster a love of learning, by following their interests and talents. We have also been able to instill in them a balance and holistic approach to life, that not only includes their family, but the wider community.

Ms Tammy Drennan, another home schooling parent, outlined her positive views of home schooling as her motivation to educate in this way:

My husband and I chose home education for our children because we want to foster a lifelong enthusiasm for learning. While this is certainly possible within the school system, we believe that home is the best place for this to happen for our children, where they can be given the time and resources they need to explore the world around them. We strive to create a rich atmosphere in which our children are always exploring and discovering new things.

Ms Vivienne Knox, a home schooler, also had a positive view of home schooling, which influenced her decision to home school her children. She stated:

Home education allows parents to provide learning opportunities at the right level for their children, to access their particular needs, and to tailor-make an education for each individual. Home educated children are able to access further education opportunities, without difficulty, and often achieve educational goals, such as TAFE and University qualifications, at a younger age than their mainstream counterparts.

The case study below provides one example of a parent's attraction to home schooling as the educational pathway for her child.

Case study based on a submission – Claire

Claire is a former teacher, with over 14 years' experience. She and her husband decided to home educate their daughter after looking into all of the options. They set out to find the best school, and even spoke to principals, teachers and other parents about schooling. Claire read a lot about education and considered her daughters development. She wanted to ensure her daughter received a quality education.

This led Claire to decide to home educate her daughter. She felt that her daughter was bright and intrinsically motivated to learn, and that this could suit learning outside of an institutional setting. Claire also wanted to tailor the curriculum to suit her daughter's abilities, interests and needs. She also felt that her own educational background placed her in a good position to take responsibility for her daughter's education.

In addition, Claire wanted to provide a learning environment that was diverse, stimulating and challenging for her daughter. Claire provided a number of other reasons as to why home education was right for her family, including a safe learning environment at home, access to technology, and the capacity for home education to foster family and community relationships.

Claire enjoys teaching her daughter. She uses a combination of strategies to help her daughter learn, such as excursions, private tutoring, social activities and participation in other academic groups. Home education is not a 'form of house arrest'. On the contrary, she stated that it is about 'being in the community, exploring the world and utilising the resources beyond the home and family. It is a very open education.'

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following new section be inserted after paragraph 2.149:

Committee comment

The committee notes that s.4 of the *Education Act 1990* reads as follows:

4. Principles of which this Act is based

In enacting this Act, Parliament has had regard to the following principles:

- (a) Every child has the right to receive an education,
- (b) The education of a child is primarily the responsibility of the child's parents,
- (c) It is the duty of the state to ensure that every child receives an education of the highest quality,
- (d) The principal responsibility of the state in the education of the children is the provision of public education.

During the second reading speech the then Education Minister, Terry Metherall, made no reference behind the reasons why s.4 (b) formed part of the principles underlying the Act.

The committee considers that s.4(b) has been applied inappropriately by some parents as a means of asserting a right to educate their children, irrespective of whether it is in the best interests of the child.

The committee considers that in order to overcome any misunderstanding it is appropriate for the Principles of the Act to be amended by deleting s.4(b) and inserting in its place a reference to the 'paramount interests of the child'.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following new recommendation be inserted after paragraph 2.149:

Recommendation x

That s.4 of the Education Act be amended by deleting s.4(b) and inserting in its place:

'Decisions relating to the education of each child should be made by a reference to the paramount interests of that child'.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Dr Kaye: that the following new recommendation be inserted after paragraph 2.149 and recommendation x

Recommendation y

That s. 4 of the Education Act be further amended by inserting in s. 4 the following additional Principle: 'Parents and guardians play a pivotal role in the education of children'.

Resolved, on the motion of Mr Khan: That paragraph 2.150 be amended by inserting at the end:

'The committee notes that whilst only 5 per cent of applicants completing registration forms for home schooling nominate religious reasons for home schooling, 17 per cent nominate philosophical reasons and a further 36.5 per cent gave no response, it is reasonable to assume that that true number opting for home schooling on this basis is higher than the 5 per cent disclosed.'

Mr Khan moved: That the following paragraphs 2.153 to 2.154 be omitted:

‘The Home Education Association acknowledged that religious reasons have led some families to choose to home school their children. They stated that:

Home education both avoids negative influences in the school context and provides for opportunities to teach children in a faith-based context. Some families who do not follow an identified religious tradition cite similar motivations - the desire to teach their children in the context of sincerely held beliefs.

One inquiry participant simply stated ‘I am a Christian and I want to give my children a Christian education’. Another participant, also of Christian belief, said they did not want another person to educate their child when they ‘may well have a directly opposing world view to us’.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraph 2.155 be omitted:

‘Cardinal Newman Catechist Consultants also pointed to religion as a motive for parents to home school their children. The families they had contact with were practising Catholics who actively engaged in home schooling for religious reasons.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That the following paragraphs 2.160 to 2.161 be omitted:

‘Another submission author expressed their dissatisfaction with the education system as primary reason for home schooling their child. They pointed to the inability of the education system to cater for every child’s needs:

The education system in this country is also very poor and is completely unable to cater for the individual needs of every child. In every classroom children are missing out, usually those at the top end and those at the bottom. It is impossible for one teacher to attend to all of the needs of 27 children...with home schooling, I can tailor the lessons to suit the exact needs of my child.⁷⁴²

Another inquiry participant expressed a negative view of mainstream schooling and argued that it is not a nurturing environment:

...from the small amount of time we spent at school with our eldest, we soon discovered that school now is nothing like what we experienced. It has changed, and for the worst. The teachers mostly do their best, but the world of school these days is a sea of many undisciplined kids, whom teachers are forced to not only help learn, but parent. Parents and kids seem to be becoming more and more disengaged through the pressure of work, technology, academic competitiveness, rushing into adulthood and it shows in the school environment. Especially through bullying. School is not nurturing, and depending on what type of personality you have, you either cope or you don’t.’

⁷⁴² Submission 84, Name suppressed, p 3.

Mr Searle moved: That the following paragraph 2.165 be omitted:

‘Ms Knox reflected on the limits of mainstream schooling based on her previous experience and how individualised attention via home schooling can benefit a child:

I home educate, because as a teacher I saw the mainstream school system fail from the point of view of teachers, parents and students. I once gave a poor report to a bright but unmotivated young girl. Her mother, who was paying good money for her private school education asked me how I would help her daughter reach her full potential. I thought to myself, ‘What can I do for that girl? Can the mother not see that I teach 150 children during the week - I have no time for special attention to one of them!’ ...I understood then that no other teacher would have the capacity to provide an individualised education for my child like I would, and I could not delegate to another the responsibility I had to provide the very highest quality education for my children. I could only fulfil this responsibility to my own satisfaction by home educating them.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That paragraph 2.166 be amended by inserting the words ‘they believe they’ after ‘They also pointed to the quality of education’.

Mr Khan moved: That the following paragraph 2.168 be omitted:

‘When the committee questioned the Sydney Home Education Network about why people might describe themselves as ‘refugees from the schooling system’, Ms Carla Ferguson, President, acknowledged the mix of reasons for home schooling but noted an increasing trend in parents being dissatisfied with mainstream schooling:

...there are an increasing number of people coming through with children that have been taken out of the institutional school system because the system is not meeting their needs, whether they have learning difficulties or they be gifted and talented.’

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraphs 2.174 to 2.176 and 2.179 to 2.180 be omitted:

‘Ms Katie Nagy had a similar story and reason for home schooling, noting the impacts of bullying on her daughter :

Last year my youngest daughter whilst in Kindergarten was continuously bullied throughout the whole year from a number of girls in her class. This was on going and although we tried every attempt to solve this issue, the bullying continued and nothing was done about it. My daughter [was] a very happy bubbly full of life little girl...Due to this continual bullying [she] went into a shell, she was no longer happy and bubbly, she dreaded every single day going to school and would cry most mornings...this also affected other areas of her life outside of school, when she would fall about constantly over the littlest thing.

Another individual explained that they also decided to home school their son due to bullying he had experienced at school in Year 6:

My son had never been able to function well in the school environment. I finally took him out of school in Year 6 because, despite the support our family received from his school's Deputy Principal, the school Counsellor and my son's class teacher, my son was not learning and his health was deteriorating because of the social exclusion and teasing he experienced at school. He was sleeping and eating poorly, his weight had dropped to 32 kilos (his height was 1.5m), and he admitted to suicidal thoughts. He was 11 years old.

Ms Sophia Platthy, a home schooling parent, outlined the bullying her eldest child had experienced as a key reason for choosing to home school her children:

Our oldest child attended kindergarten for two terms at a local infants' school with a good reputation for early childhood education. He was distressed due to bullying by other students, and said he felt shamed by teachers for matters that were to do with his additional needs for physical and fine motor support. A psychologist thought that his distress impeded his ability to learn in a school environment and that he experienced periods of disassociation at school. We considered different options for our son including sending him to a different school and alternative schools. The evidence base for home education indicated better educational and social outcomes... and suited his emotional needs at the time.

...

Ms Sharon Wu stated that her six children were shy and marginalised in school. She removed her children from school for six months to trial home schooling, finding it 'was the way we wanted to live'. She stated:

What I love most about home education is watching my children thrive and become confident, productive young people... Home education of our children is probably the hardest but most rewarding thing that I have ever done. We love learning and exploring together. We love investigating, reading books and going on adventures to discover more things. For us learning is totally addictive.

Hear Our Voices Australia, a collective voice for home schooling families, also provided several examples of instances where parents had decided to home school their child due to bullying in the school system.'

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraphs 2.187 to 2.191 be omitted:

'Ms Joanne Curtis outlined that she had chosen to home school her son because of difficulty he had in staying focused for short periods during his time in preschool:

It was clear to us that school would be a challenge and after searching numerous alternative schools, happened upon home schooling by accident. After much research into this education option my husband and I, having no prior knowledge of home schooling, decided we should give it a go. Looking back we are firm in our belief that this was absolutely the best course of action we could have taken for our son, who now at sixteen years of age, is confident, and a keen self-directed learner with diverse interests.

Ms Kellie Walsh chose to home school her two children due to her son's health. He had chronic asthma at school which was exacerbated by the condition of the school buildings:

...the primary reason for withdrawing my child from school was his health. He had chronic asthma whilst at school and had never experienced it before. He was hospitalised for over a week on his fifth birthday. Our family doctor believed that it could be in part due to the un-

flued heaters in the classrooms. He also was in a classroom that at one stage had a gas leak and mould from a water leak that had been undetected...The decision to home educate was not an easy one - there are a lot of sacrifices especially financially. But having been doing it for some time now, it is clear to me that it is an education option for my children that works extremely well. My eldest has not had an asthma attack since leaving school. He is no longer so anxious.

The Shire Education Group also argued that a traditional school system is unable to meet the needs of a significant number of children, including children with learning difficulties. They stated that in these situations, parents see home education as a means of enabling their children to access relevant teaching programs whilst also allowing the children to develop positive social interaction with peers.

Hear Our Voices Australia also reported that many parents had decided to home school their child as they were dissatisfied with the support provided by mainstream schools for children with special needs, such as dyslexia, aspergers and autism.

The case study below provides an example of when mainstream schooling was unable to meet the needs of a young boy with learning difficulties.

Case study based on a submission – Ryan

Amy discussed a combination of reasons as to why she decided to home school her son Ryan. Whilst her son had attended school for two and half years, Amy began to notice that his behaviour and personality had changed. He went from being a happy and confident child to being sick, disconnected and distressed all of the time. Ryan had had difficulty learning in a class environment. He could not focus, concentrate or learn and his teacher could not identify the issue.

After Ryan was removed from school, Amy learnt that her son had severe dyslexia and dyscalculia, learning difficulties. Ryan was also bullied at school, and Amy felt that his teacher and the school failed to properly address the issues. The bullying had become so severe that Ryan experienced nightmares and was sick constantly due to elevated stress levels. He also began to self-harm and was withdrawn, depressed and frustrated.

Amy recognised that Ryan needed a different learning environment. She found research that showed that people with dyslexia need extra quiet time to absorb information and learn effectively. She knew that school, with its naturally noisy and fast paced classrooms, would not help Ryan to learn effectively.

When Ryan started home schooling, it took him some time to adjust. After six months, however, Amy stated that he began to start learning again, despite his disabilities. Ryan's confidence had increased and he was healthier and much happier. Amy said that home schooling enabled her to tailor her son's education program, such that it gave her the flexibility to cater to his individual needs.'

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraph 2.195 be omitted:

'Another family reported that the primary reason for home schooling their son was because he was profoundly gifted, such that they were concerned that the school would not provide enough educational challenge for him. A paediatrician suggested that he would be at risk of anxiety and depression if he was disengaged, bored or frustrated at school. Home schooling allowed them to accelerate his learning to ensure he was academically challenged.'

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraph 2.197 be omitted:

‘Hear Our Voices Australia also included a number of examples in their submission which suggested that mainstream schools were unable to cater for the needs of gifted children. One parent commented:

Another of my children has a high IQ and was extremely bored at school and would just switch off. I knew he could be more challenged at home and better achieve his potential. I was feeling frustrated that all the children were treated the same when each one is actually an individual.’

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Dr Kaye: That paragraph 2.198 be amended by omitting ‘reasons’ after ‘a variety of’ and inserting instead ‘motivations’.

Resolved, on the motion of Mr Searle: That paragraph 2.198 be amended by:

- a) Omitting ‘quite’ before ‘positive’
- b) Inserting ‘or religious’ after ‘strong philosophical’
- c) Omitting ‘often’ before ‘relied on this argument’
- d) Inserting ‘often’ before ‘pointed to various international instruments’.

Resolved, on the motion of Mr Khan: That paragraph 2.199 be amended by omitting ‘an’ inserting ‘a quality’ before ‘education’.

Dr Kaye moved: That the following paragraph 2.199 be amended by:

- a) Omitting ‘have a moral duty’ after ‘while parents’
- b) Inserting ‘almost all’ before ‘parents’.

The committee divided.

Ayes: Dr Kaye.

Noes: Mr Clarke, Ms Cusack, Mr Green, Mr Khan, Mr Searle, Ms Westwood.

Question resolved in the negative.

Resolved, on the motion of Mr Searle: That paragraph 2.200 be amended by omitting the word ‘often’ before ‘because they have experienced issues related to bullying’.

Mr Khan moved: That the following new paragraph be inserted after 2.200:

‘The committee notes that whilst a number of submissions emphasised bullying as the reason for the removal of children from schools, the reasons given to the BOSTES for seeking registration for home schooling show that only 3 per cent of those seeking registration gave bullying as the reason for registration. The committee concludes that this reason has been over-stated by some appearing before the committee and that the real reasons for home schooling lie elsewhere.’

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Dr Kaye: That paragraph 2.203 be amended by omitting the words ‘This data may assist the NSW Government’ and inserting instead ‘These data is likely to assist the NSW Government’.

Resolved, on the motion of Dr Kaye: That the Chair, on behalf of the committee, request the House to extend the reporting date of the inquiry to 19 December 2014.

6. Adjournment

The committee adjourned *sine die*.

Tina Higgins

Clerk to the Committee

Minutes No. 6

Thursday 27 November 2014

Select Committee on Home Schooling

Room 1153, Parliament House at 9.00 am

1. Members present

Mr Green, *Chair*

Dr Kaye, *Deputy Chair*

Mr Clarke

Ms Cusack

Mr Khan

Mr Searle

Ms Westwood

2. Draft minutes

Resolved, on the motion of Dr Kaye: That draft minutes no. 5 be amended by inserting the following entry on page 14:

Resolved, on the motion of Dr Kaye: That the following new recommendation be inserted after paragraph 2.149 and Recommendation x:

Recommendation y

That s.4 of the Education Act be further amended by inserting in s.4 the following additional Principle: 'Parents and guardians play a pivotal role in the education of children'.

Resolved, on the motion of Dr Kaye: That draft minutes no. 5, as amended, be confirmed.

3. Correspondence

The committee noted the following items of correspondence.

Received:

- 18 November 2014 – From Ms Tamara Kelly, President, Home Education Association (HEA), in response to request for clarification of figures provided within their submission.

3.1 Committee response to correspondence from the President regarding Ms Ben and Sharon Wu.

The committee considered the correspondence circulated at the previous meeting and the draft response to Mr and Mrs Wu prepared by the secretariat following incorporation of members' input.

Resolved, on the motion of Mr Khan: That the Chair, on behalf of the committee:

- provide the proposed response to Mr and Mrs Wu
- write to the President of the Legislative Council enclosing a copy of the response provided to Mr and Mrs Wu.

4. Consideration of Chair's draft report

The committee continued its consideration of Chair's draft report, entitled 'Home Schooling in NSW'.

Chapter 3

Resolved, on the motion of Mr Searle: That paragraph 3.24 be amended by omitting the following quote from evidence:

Home-School Liaison Officers employed by the Department of Education are often involved with cases where children are being removed from schools...It is a very confusing term ...so

even though on the surface it looks like a very superficial change, it is fundamentally important that we define Home-School Liaison Officers in the Department of Education's jurisdiction separate to home education because it causes unnecessary confusion

Dr Kaye moved: That paragraph 3.26 be amended by omitting the words: '...whether children attend school or distance education, or whether they are home schooled. As a sanctioned form of education, in this state, and in many other jurisdictions, the committee acknowledges that home schooling is one means of meeting compulsory schooling requirements'.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green, Mr Khan.

Question resolved in the negative.

Resolved, on the motion of Dr Kaye: That the following paragraphs 3.28, 3.29 and recommendation be omitted:

The committee is concerned about the appropriateness of the position title 'Home-School Liaison Officers' for staff employed by the Department of Education and Communities who act to prevent truancy and to enforce compulsory schooling requirements. The committee acknowledges that the use of this terminology may bring negative connotations for the home schooling population.

In line with its recommendation to legally change the name of home schooling to home education, the committee also recommends that the Department of Education and Communities change the position title of 'Home-School Liaison Officers', in light of concerns raised by members of the home schooling population during this Inquiry.

Recommendation

That the Department of Education and Communities change the position title of 'Home-School Liaison Officers', in light of concerns raised by members of the home schooling population during this Inquiry.

Mr Searle moved: That paragraph 3.75 be amended by omitting the following quote from evidence:

Enrolment in a school is regarded as a major long term issue. In the absence of any court orders to the contrary, any decision about enrolment must be made jointly by both parents. A school's decision should, subject to the *Education Act 1990* and Departmental policy, accord with the parents' decision. There is no requirement however for school staff to independently establish that any decision to enrol in a particular school has been made jointly by the parents.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Ms Westwood: That paragraph 3.84 be amended by omitting 'that the comments by Mr Murphy are incorrect and' appearing after 'Ms Karleen Gribble asserted'.

Resolved, on the motion of Mr Khan: That the following paragraphs 3.88, 3.89 and recommendation be omitted:

In cases of family breakdown, the committee believes that the approach taken by the Board of Studies, Teaching and Educational Standards should be consistent with the guidelines for enrolment of children in public schools. Where a family law court order is not in place, a joint decision of the parents is ideally required, however, it is not necessary for the Board's staff to validate that the decision was made jointly. Similar to the focus in public schools, the focus should be on ensuring that the child is enrolled in and receiving an education, even in cases where parental disagreement may exist.

If a court order is in place, the committee acknowledges that the Board of Studies, Teaching and Educational Standards must consider the terms of the order before deciding whether to accept registration for home schooling. If an order mandates that a joint decision must be made about education for the child, then the committee agrees that the Board must have regard to whether both parents agree that the child should be home schooled. However, in cases where an order is for shared parental responsibility, the committee was less clear about the obligations of the Board. Given this aspect, and other concerns raised about the approach taken by the Board to family breakdowns, the committee recommends that the Board of Studies, Teaching and Educational Standards review their approach to registration in the context of family breakdowns and seek legal advice from the Crown Solicitor's Office on their position. This advice should be made publicly available.

Recommendation

That the Board of Studies, Teaching and Educational Standards review their approach to registration in the context of family breakdowns and seek legal advice from the Crown Solicitor's Office on their position. This advice should be made publicly available.

Resolved, on the motion of Ms Westwood: That the following new paragraph be inserted after the recommendation following paragraph 3.87:

‘The committee notes the concerns raised by some inquiry participants in relation to family law issues and the registration process for home schooling. However, it is not within the committee's jurisdiction to deal with, or make recommendations relating to, these issues.’

Resolved, on the motion of Mr Khan: That paragraph 3.90 be amended by:

- a. Omitting ‘Whilst the committee believes that the Board of Studies, Teaching and Educational Standards should retain its regulatory role of home schooling, it is vital that the registration process be improved’.
- b. Inserting instead ‘The committee believes that the Board of Studies, Teaching and Educational Standards should retain its regulatory role of home schooling’.

Resolved, on the motion of Mr Khan: That the following paragraphs 3.91 and 3.92 be omitted:

‘Firstly, the committee supports a provisional registration period of three months to be imposed where applicants have made an initial application for home schooling. The current timeframe of three months to process a registration form is too long, which disadvantages parents who may have to remove their child urgently from school due to a safety or health concern.

The committee notes that provisional registrations are a feature apparent in a number of other jurisdictions, allowing parents the time to develop an education program in accordance with relevant requirements, and to obtain support from a home schooling organisation.’

Resolved, on the motion of Mr Khan: That paragraph 3.93 be amended by:

- i. Omitting ‘After a provisional period has expired, and subject to the requirements for registration being met, the’
- ii. Inserting instead ‘Upon initial application the’.

Resolved, on the motion of Mr Khan: That paragraph 3.96 be amended by omitting from the end of the paragraph: ‘with minimal interruption. The latter of these changes recognises that there are many experienced home schooling families who are committed to, and skilled in providing their child with, a quality education’.

Dr Kaye moved: That paragraph 3.97 be amended by:

- i. Omitting ‘In addition, those families who are provided with a period of registration for the balance of the child's primary or secondary education will also be required to participate in ‘home support visits’. Such visits will occur annually, and will generally be carried out by a new position, an Assessment and Support Officer, whose primary purpose is to provide support and guidance to the family in delivering an educational program that meets the syllabus requirements and child's needs’.
- ii. Inserting instead ‘In addition, those families who are provided with a period of registration for the balance of the child's primary or secondary education will also be required to participate in ‘home

- iii. assessment visits'. Such visits will occur annually, and will generally be carried out by a new position, an Assessment Officer, whose primary purpose is to assess compliance and provide guidance to the family in delivering an educational program that meets the syllabus requirements and child's needs'.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green, Mr Khan.

Question resolved in the negative.

Resolved, on the motion of Mr Khan: That paragraph 3.101 be amended by:

- i. Omitting the following first dot point:

'a provisional registration period of three months to be granted to new applicants of home schooling'

- ii. Amend the second dot point by omitting the words: 'after a provisional period has expired' after 'imposed'

- iii. Amend the fifth dot point by inserting 'at least' prior to 'annual'.

Dr Kaye moved: That the fifth point in paragraph 3.101 be amended by omitting 'support and guide the family in delivering an' and inserting instead 'ensure that the family is delivering an'.

Question put.

The committee divided.

Ayes: Dr Kaye, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green, Mr Khan.

Question resolved in the negative.

Resolved, on the motion of Dr Kaye: That the following new paragraph be inserted after paragraph 3.101:

'The Committee recognises that the BOSTES is properly focused by section 6 of *The Board of Studies, Teaching and Educational Standards Act 2013*, on defining and enforcing educational standards. Unlike the Department of Education and Communities, it is not intended as an organisation that provides support'.

Dr Kaye moved: That a second additional paragraph after paragraph 3.101 be inserted to read 'The Committee further recognises that changing the intended functions of the Board could have adverse consequences for the execution of its other roles'.

Resolved on the motion of Mr Khan: That Dr Kaye's amendment be amended by omitting all words after 'The committee' and inserting instead 'recognises that the recommendations made by this committee change the intended functions of the Board.'

Question put: That the motion of Dr Kaye, as amended by Mr Khan, be agreed to:

The Committee divided:

Ayes: Mr Clarke, Ms Cusack, Mr Green, Mr Khan

Noes: Dr Kaye, Mr Searle, Ms Westwood

Question resolved in the affirmative.

Mr Khan moved: That the following additional paragraph be inserted after paragraph 3.101:

'The committee believes it would be more appropriate for the functions of supporting home schoolers to be located in the Department of Education and Communities'.

Resolved on the motion of Dr Kaye: That Mr Khan's motion be amended by omitting 'in the Department of Education and Communities' and inserting instead 'in another body'.

Question put: That the motion of Mr Khan, as amended by Dr Kaye, be agreed to:

Question resolved in the affirmative.

Resolved, on the motion of Dr Kaye: That recommendation 8 be amended by:

- i. Omitting ‘That the Minister for Education immediately undertake a comprehensive review of the requirements and registration process for home schooling, in order to improve flexibility, consistency and transparency and further work with stakeholders to ensure this outcome’.
- ii. Inserting instead ‘That the Minister for Education undertake a comprehensive review of the requirements and registration process for home schooling, in order to improve rigour, consistency and transparency and further work with stakeholders to ensure this outcome’.

Mr Khan moved: That Recommendation 8 be amended by inserting:

‘The committee believes that the outcomes of the review should include a registration system that incorporates the following features:

- an interim registration period of between six (as the minimum) and 12 months to be imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling
- on expiry of an interim registration period, an additional registration period for the balance of the child’s primary or secondary education (whichever is relevant) to be imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling at the end of the interim registration period
- the requirement that applicants renew their registration for home schooling if their child is transitioning from primary to secondary education, such that the applicant has to demonstrate that they continue to meet the registration requirements
- a requirement that applicants participate in at least annual ‘home support visits’ in circumstances where they have been granted a registration period for the balance of their child’s primary or secondary education, with this purpose of this visit to ensure an educational program that meets the syllabus requirements and child’s needs
- that applicants be provided with written reasons in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling
- the ability for applicants to be able to apply for an external review of a decision, if dissatisfied after an initial review, in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling.

Question put.

The committee divided.

Ayes: Mr Clarke, Ms Cusack, Mr Green, Mr Khan, Mr Searle, Ms Westwood.

Noes: Dr Kaye.

Question resolved in the affirmative.

Resolved, on the motion of Mr Khan: That paragraph 3.102 be amended by inserting the words ‘at least’ before ‘annual home support visits’.

Resolved, on the motion of Mr Khan: That the following paragraph 3.117 be omitted:

The Home Education Network argued that the requirement for a home schoolers program to be based on the syllabuses contradicts the rights and responsibilities outlined in the *United Nations Universal Declaration of Human Rights* and the *Education At 1990*. They also said that the *Convention on Children’s Rights* states that education shall be based on the ‘development of the child’s personality, talents and mental and physical abilities to their fullest potential’, such that diversity of approaches and educational content is needed to achieve this.

Resolved, on the motion of Mr Khan: That the following paragraphs 3.121, 3.122, 3.125, 3.126, 3.127, 3.129, and 3.130 be omitted:

The Home Education Association did, however, argue that some flexibility can be implemented in meeting the curriculum, whereas the syllabus is more prescriptive and strict adherence may not allow for variances in the learning needs of the child:

In addition, many home educating families report that the reasons they give for choosing to home educate include a greater flexibility to the sequence of learning, that is the curriculum is covered but not according to the sequence of the NSW Syllabus. In practical terms this means a student could be learning many different Stages at the same time, in different Key Learning Areas. The flexibility afforded to home educating students is not only beneficial to their learning it is also required for registration, as stated on page 10 of the 2013 Home Schooling Information Package 'the educational program is suitable to cater for the identified learning needs of the child'. A program that is designed for an individual child may use as its basis the NSW Syllabus however a strict adherence to that syllabus may be counterproductive to the learning process

A home schooling parent and qualified teacher, Ms Elizabeth Parnell, raised similar concerns about the requirement to adhere to the syllabus. She stated that the requirements do not allow for interest based learning and are too restrictive:

Being required to precisely follow the outlined syllabuses for NSW also brings limitations. It doesn't allow for interest based learning, or to pursue in depth studies in art or science or history. The syllabuses are artificially fragmented in to Key Learning Areas (KLAs) which can also place a burden on a home educator who isn't comfortable enough with the jargon and format of the syllabuses to establish that making a timeline to fulfil a history outcome can also cover a stage three mathematics outcome.

I fully support the requirement that a program of instruction provide developmentally appropriate teaching in all KLAs as prescribed by the Board of Studies. However, I feel that the prescription of areas to be covered in each year to be unnecessarily limiting.

Ms Tammy Drennan also supported use of the syllabuses as a guide but argued against the need for strict adherence. She expressed the view that home schooling is about tailoring an education to the child's needs, with the focus being on quality:

I have no problem with using the syllabus as a guide only, but I do not agree with the need for strict adherence. One of the reasons we home educate is so that we can tailor our children's education to their needs. We can accelerate them where they are doing well, and spend longer on things they struggle with... What is truly important is that parents are providing lots of learning experiences and opportunities for their children. Whether or not it matches up with the dozens and dozens of outcomes should not be the focus, as long as quality learning is happening

Ms Julie McEwan stated that the curriculum requirements often contradict the philosophy of home educators. She supported minimum standards, with allowance for variations in educational methods:

Moves to enforce the NSW curriculum onto home educators are counterproductive and contrary to the reasons many of us choose to home-educate...Allowing us to take the best of the NSW curriculum and combine it with the best from around the world to meet individual learning styles and paces has got to be a better option. Registration should take into consideration the vast variety of educational methods available to home-educators. As long as minimum educational standards are being met, the method of obtaining those standards should be open. Perhaps something as simple as participation in NAPLAN would be sufficient to ascertain progress in core curriculum areas.

Mr Ken Newby and Mrs Cathy Newby objected to the syllabus being a requirement, also arguing that it should only be a guide so as to not restrict the learning of home schooled children:

We believe that the NSW syllabus is a guide on what a child's education may contain as a minimum. However, what we object to is the apparent narrow and restrictive interpretation of the syllabus in the home school environment. These restrictions extend to the adherence with the scope and sequence which prevents our children learning outside of that. The need to place children in 'narrowly defined' grade stages unless particular permission is sought and granted restricts them, stopping them from extending themselves.

Another individual home schooling parent asserted that the syllabus should only be guide, as it was primarily intended for schools:

The NSW syllabus can be there as a guideline but not followed to particular specifications and not with the insistence that outcomes (or stage statements) be attached to each learning experience. The NSW syllabus is written for schools and whilst it is good to have a guideline available, enforcing home schoolers to work in specific grades in all subjects is totally inappropriate for home schooling.

Dr Buddhi Lokuge contended that the syllabus requirements contradict educational research that show the best outcomes result from individually tailored educational programs. Dr Lokuge suggested that parents should aspire to cover the syllabus, but that there should not be the need for strict adherence.

Resolved, on the motion of Dr Kaye: That paragraph 3.142 be amended by omitting 'private' before 'schools'.

Resolved, on the motion of Dr Kaye: That the third dot point in paragraph 3.147 be amended by omitting '18 Authorised Persons' and inserting instead '18 Authorised Persons (who are not otherwise employed as Inspectors or Senior Registration Officers)'.

Mr Khan moved: That the following paragraphs 3.161, 3.162, 3.165, and 3.166 be omitted:

Ms Jennifer Carles said that she wants an Authorised Person to be experienced enough to identify that a program meets requirements, without it having to necessarily follow the curriculum:

I would like to be visited by an AP who has enough experience to see that a program is valid even if it does not follow the Board's curriculum. I like having a basic framework to follow. I am happy to follow the Key Learning Areas, to have Australian content and encourage the use of technology. I am not happy to follow an unproven curriculum that involves a ridiculous amount of time in paper work.

The Home Education Association raised other issues, including the concern that some authorised persons lack the necessary understanding of children's special needs, disabilities or learning difficulties. As an example, they said that there was an instance in which an Authorised Person did not know what dyslexia was. Another concern they raised related to Authorised Persons being unable to help a family to understand the outcome statements under a key learning area in the NSW syllabus.

The Home Education Association pointed to the BOSTES annual report for 2012-13 which they said, indicates that Authorised Persons received three training sessions that year. They noted that none of the forums were directly relevant to home education.

They also noted that the involvement of home educators in training of Authorised Persons is extremely limited, although they acknowledged that their organisation has been asked to speak to Authorised Persons on average once every few years for a couple of hours. They stated:

It appears that contracted Authorised Persons are primarily trained by Senior Registration Officers and Board Inspectors who have extensive knowledge of and experience with school education but whose primary knowledge of or experience with home education is undertaking registrations.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Mr Khan: That paragraph 3.170 be amended by omitting the following words from the end of the paragraph: 'As an example, they said that one Authorised Person said that education must be provided between school hours of 9am to 3pm, and required timetables to show that school work is being done throughout the week. Generally, they argued that Authorised Persons used to be interested in educational quality but now they are only interested in assessing predetermined criteria'.

Resolved, on the motion of Mr Khan: That the following paragraphs 3.179 and 3.180 be omitted:

Mr Michael Brearley, a consultant with Cardinal Newman Catechist Consultants, asserted that Authorised Persons need to be supportive:

The role of Authorised Persons should be a support role because some people have felt that they have been intimidated by some of the Authorised Persons. The role of an Authorised Person is to inspire and radiate good ideas and high ideals.

One submission author, Ms Jennifer Carles, stated that Authorised Persons need to have a good attitude towards and understanding of home education. She also felt that there were inconsistent practices being applied, and that greater accountability and transparency could be achieved by having a written report of the meeting with an Authorised Person, which is signed by both parties and which explains any problems with their application.

Mr Khan moved: That the following paragraph 3.202 be omitted:

Being unregistered does not equate to a child being uneducated, argued the Home Education Association, who made the point that many people do not register because of philosophical objections. At a hearing, Ms Esther Lacoba, a member of the Home Education Association, noted that those who choose not to register do so after much angst and deliberation but she made the point that:

Unregistered home educators are committed to providing quality education for their children. The ability to home educate is in no way related to registration status.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved on the motion of Mr Searle: That paragraph 3.209 be amended by omitting the following quote from evidence:

Home educators are not frightened of registration and most do not desire to be unregistered. Most home educators, however, would welcome more appropriate regulation and support and would insist that the administering of such be delivered by personnel who understand home education.

Mr Khan moved: That the following paragraphs 3.210, 3.211, and 3.212 be omitted:

The Home Education Network listed several other reasons why people do not register when they are home schooling, many of which focus on the perceived inadequacies of the current regulatory system. For example, they outlined that the decision not to register is influenced by cumbersome registration processes, high levels of documentation, little to no support by the BOSTES and the lengthy time spent planning and record keeping rather than learning.

Similar reasons were also outlined by the Home Education Association, who stated that because the process to register is so 'onerous, stressful and unpleasant', with 'no significant benefit', many people avoid the registration process. Further, the Home Education Association contended that people will avoid complying with the regulatory system where processes are difficult to understand and where there are low penalties for non-compliance:

Individuals will avoid engagement with regulatory systems that are difficult to understand, for which there is little benefit to complying and low penalties for non-compliance, and for which compliance is difficult. The HEA asserts that this is the current situation in NSW with regard to the regulation of home education.

Dr Harding also acknowledged several of the reasons listed above as to why people do not register. In particular, he mentioned that some people felt demeaned by Authorised Persons and others fear the registration process, believing it to be intimidating, onerous and stressful.⁷⁴³

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved, on the motion of Mr Searle: That paragraph 3.217 be amended by omitting the following quote from evidence:

As the current registration process in NSW stands, I do not see any benefit to us being registered nor do I think that the process is beneficial to our home schooling. In fact I find it more of a hindrance, as I spend many weeks leading up to the event thinking about and preparing for registration day. It causes considerable stress to me, and seems unnecessary as the time I spend preparing documents for the BOSTES is time I am not focusing on addressing the needs of my children

Resolved, on the motion of Mr Searle: That the following paragraphs 3.224, 3.225 and 3.228 be omitted:

Another individual suggested that there be some incentive through support or finance to reduce the number of unregistered home schoolers.⁷⁴⁴

One individual admitted not registering for a significant period of time in which they home schooled their child. This person explained their reasons for not registering and what would influence their decision to register:

Having spent a great deal of time understanding the process and the theories of learning I felt that undertaking an onerous and punitive registration system would necessarily change the way I approached the education of my children... I would jump to register if I knew that along with a simple process I would get freedom, support, financial incentives and access to service.

Another suggestion from an individual was to ensure the registration process is streamlined and fair. This person argued that the high number of unregistered families indicates that the 'compliance process is out of touch'.

Resolved, on the motion of Mr Searle: That paragraph 3.227 be amended by omitting:

She stated:

If the Board of Studies, Teaching and Educational Standards (BOSTES) could demonstrate a little more trust in home schooling parents to do the best by their children, it would make a big difference. When regulations become onerous many parents are scared off... Personally, I think the Board would have more success in reducing the number of unregistered home schoolers by abolishing, rather than introducing, more regulations.

Resolved, on the motion of Dr Kaye: That recommendation 11 be amended by omitting 'that are not known to be' and inserting instead 'who are not'.

Dr Kaye moved: That the following paragraph 3.232 be omitted:

The committee understands that there are a variety of reasons as to why people may not be registered for home schooling, including philosophical objections, and fear and concerns about the registration process itself. The committee also notes many of the suggestions provided by inquiry participants about how to reduce the number of unregistered home schoolers. In particular, the committee notes that many of the suggestions made relate to changes to the registration process and increased access to resources and support for parents and students. As a number of recommendations in this report have been made in relation to those issues, the committee is of the view that they would, if implemented, operate to encourage more people to register.

Question put.

⁷⁴³ Submission 163, Dr Terrence Harding, p 18.

⁷⁴⁴ Submission 24, Name suppressed, p 10.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Chapter 4

Mr Searle moved: That paragraph 4.19 be amended by omitting the following quote from evidence:

In response to the BOSTES statement that there have been no significant changes I offer one small example. A sentence acknowledging diversity of educational approaches was present in the 2011 Information Package for home education and was removed in the publication of the 2013 Package. In the 2011 Package the statement was:

As with other forms of education there is no single approach to home schooling. Some home educators have a structured approach that is based on a set timetable and formal instruction. Others prefer an approach that is less formal and responds to the child's developing interests and needs.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Searle moved: That the following paragraph 4.21 be omitted:

The committee also noted removal of a sentence on page 12 of the Information Package that also recognised the different approaches to home schooling. Whilst the remaining text acknowledged that 'there is no single approach to home schooling', the following sentence was deleted:

Some home educators have a structured approach that is based on a set timetable and formal instruction. Others prefer an approach that is less formal and responds to the child's developing interests and needs.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved on the motion of Mr Searle: That paragraph 4.26, 4.27, 4.28 and 4.29 be omitted and insert instead: 'Similarly, Ms Michele Vieira, Ms Sharon Wu and Ms Vivienne Fox gave evidence regarding concerns with the 2013 Information Package, that it represented significant and unhelpful change.'

Resolved on the motion of Mr Searle: That the following paragraphs 4.39, 4.43 and 4.45 be omitted:

Ms Pasas provided an example of the rigidity of the requirements in terms of how learning is recognised. She discussed some science work her daughter had completed which would ordinarily have met the syllabus and curriculum requirements, except that it 'was not delivered in my home' and she was not the teacher. The implications of this her Authorised Person would not recognise this type of work as part of the educational program and learning for her daughter

One participant, a person who used to teach home schooled children, provided evidence that the lessons they taught use to meet the syllabus and curriculum requirements, yet now were not counted as part of an education program for a home schooled child:

In late 2014, I was informed by the parents that the then Board of Studies no longer considered classes such as mine to be part of the educational programme of the child. I am at a loss to understand the reasoning behind this decision as the content is based around the syllabus and the outcomes for the Key Learning Area taught. Despite the Board of studies deciding that these classes no longer constituted 'learning', the parents decided that the learning occurring is real, valuable and meets the outcomes of the syllabus and as such they have chosen to continue with these classes.

Ms Liesel Solomon asserted that statements in the 2013 Information Package that state learning needs to occur in the home should be removed:

I feel that this statement in the 2013 home schooling Package 'Registration for home schooling requires that the educational program be delivered in the registered child's home. In assessing an application for home schooling registration, an Authorised Person must be satisfied that the education of the child, as required for registration, including for all key learning areas, will occur in the home' needs to be removed as it totally goes against the whole reason for home schooling. The idea is not to be stuck in a room all day but to go out and experience life and learning outdoors and with other members of the home schooling community.

Resolved on the motion of Mr Searle: That paragraph 4.52 be amended by omitting 'received additional powers' and inserting instead 'appeared to receive additional powers'.

Mr Searle moved: That the following paragraphs 4.67 and 4.68 be omitted:

The Sydney Home Education Network argued that there were significant changes in language and tone, with the outcome being requirements that are much more prescriptive. Ms Pasas, Vice-President, stated:

In my 10 years of home educating, I have seen subtle changes in the administration of home education. These changes culminated in the 2013 Information Package. Its content and tone was significantly different from the previous versions. The 2013 Information Package, which was released last August, took a prescriptive approach to education and it sought to micromanage the learning process.

Ms Esther Lacoba, a member of the Home Education Association, reflected on the changes to the 2013 Information Package and stated that she had observed a gradual tightening in terms of administration and regulation of home schooling:

We have seen a gradual tightening. We can table a document for you on notice that outlines how the Information Pack has changed since the first implementation of an Information Pack. You will see that gradually over the years it has become tighter and tighter until I think the 2013 Information Pack became the breaking point.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Searle moved: That paragraph 4.69 be omitted and the following inserted instead: This view was shared by a number of other inquiry participants, who felt that the BOSTES was increasing their regulation of home schooling.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Searle moved: That the paragraphs 4.70, 4.71, 4.72 and 4.73 be omitted.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Mr Khan, Ms Cusack, Mr Green.

Question resolved in the negative.

Mr Searle moved: That paragraph 4.76 be amended by omitting the following words at the end of the paragraph:

Ms Velly Pasas, Vice-President of the Network gave an example of the concerns expressed by members of the organisation:

I am trying to get my Year 10 certificate of completion and I am already up to 70 hours so I can believe that. Unfortunately, paperwork is a part of our society. I am happy to do paperwork and I do paperwork, particularly when I plan and program and all of that. That to me has value but when I have to do paperwork that does not have value it concerns us.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Mr Khan, Ms Cusack, Mr Green.

Question resolved in the negative.

Mr Searle moved: That paragraph 4.77 be amended by omitting 'In their submission, the Sydney Home Education Network' and inserting instead 'A number of submissions'.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Mr Khan, Ms Cusack, Mr Green.

Question resolved in the negative.

Mr Searle moved that paragraphs 4.78 and 4.79 be omitted.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Mr Khan, Ms Cusack, Mr Green.

Question resolved in the negative.

Resolved on the motion of Mr Searle: That paragraph 4.80 be amended by omitting the following quote from evidence:

The current paperwork requirements clarified by the 2013 Information Pack took me in excess of 200 hours preparation time last year. I have been home schooling for 22 years, so I am used to doing it. None of this added to the quality of the educational program I was going to deliver.

Mr Searle moved: That the following paragraphs 4.82, 4.83, 4.84 and 4.85 be omitted:

SouthEast Home Education reported similar concerns, and stated that the guidelines are very unpopular with parents as the documentation required is now akin to school documentation:

The new NSW BOSTES guidelines for home schooling are very unpopular with parents. This is, in our opinion, because the documentation now required is akin to school documentation, requiring outcomes written in educational jargon familiar to school teachers and policy

writers...The outcomes' coding and jargon is foreign to many parents, and can cause unnecessary stress in the preparation of documentation, taking away time from input into the children's education.

Mr Michael Brearley, a consultant with Cardinal Newman Catechist Consultants, also reported feedback from home schooling parents who felt that the amendments had made requirements more onerous:

I believe the Information Pack of 2013 does have a lot more documentation requirements. Some of the parents I have spoken to feel it is onerous and it is taking them away from what their role is in trying to educate and get their children to learn.

In terms of the time needed to complete documentation for registration, Mr Brearley said that it varies depending on the experience of the applicant:

The answers vary because it depends on the individual person. Some people feel comfortable with setting out criteria and outcomes and can do it in a reasonable time while other people feel very intimidated. That is a reflection of the diversity of people. To give you one answer, yes, I am aware of some people who have said 15 to 20 hours and I am aware of others who have taken 100 hours...

One submission author, Ms Vanessa Winter, also argued that the process now demands an unreasonable amount of documentation and time:

Recent changes to the regulatory regime have created a system where there is great inconsistency and unfairness. The process has become excessively bureaucratic and many registered home educators have been required to produce a pointless and unreasonable amount of paperwork, at the expense of time spent facilitating their child's or children's learning. There have also been many cases of unreasonable treatment of home educators going through the registration process.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Searle moved: That paragraphs 4.92, 4.93, and 4.94 be omitted:

The Homeschooling Registration Reform Alliance of NSW argued that the BOSTES registration regulations for home schooling are 'unfairly derived from a position where parents are assumed to be non-compliant'. They contended that this has damaged the relationship between home schoolers and the regulatory body:

The current regulations have created, to a large extent, an adversarial relationship between home schoolers in NSW and the government body responsible for regulating home schooling.

The Home Schooling Encouragement Network and Support Group stated that the relationship between the BOSTES and home schooling families has been negatively affected, due to the lack of trust. They argued that this has arisen due to the BOSTES refusing to acknowledge that the changes they made to the 2013 Information Package were significant:

The current Information Package was released on the 26th of August and because there were such significant changes, many letters were written voicing disagreement and real concerns. Members from the HENS group wrote comprehensive comparison charts to show these changes. However, the Office of the Board of Studies continually refused to acknowledge that their 2013 IP had been changed significantly. This continual refusal and the fact that changes were seen on ground level as Authorised Persons began to regulate home school families differently, has led to a lack of trust in the Board of Studies.

Ms Elizabeth Parnell stated that many experienced home schooling parents were distressed about the registration process due to the changes in the 2013 Information Package:

While I am of the understanding that the recent Information Package sought to make the process clearer for all and more equitable, it seems to have broadened the difference in expectations. I have seen many veteran home educating parents quite distressed by the new process laid out in the recently published Information Package.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Searle moved: That paragraph 4.96 be amended by omitting the following words and quote from evidence:

Mr Pasas, Vice President of the organisation, commented on this issue and acknowledged that the BOSTES held a different view.

...there was no interaction with the home education community before the introduction of these changes. The official line from Board of Studies, Teaching and Educational Standards [BOSTES], which the Minister for Education accepts, is that the changes were primarily made in relation to the introduction of the national curriculum. They claim that there were no changes made about the actual education process.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Mr Khan, Ms Cusack, Mr Green.

Question resolved in the negative.

Resolved on the motion of Mr Searle: That paragraph 4.97 be amended by omitting the following quote from evidence:

I think the other big problem is that changes were made before consultation took place, so from my perspective that is a huge problem. No other group in this country would expect to have to bend to regulation that was changed. It is like shifting the goal posts with no notice.

Resolved on the motion of Mr Searle: That the following paragraph 4.98 be omitted:

Ms Esther Lacoba, a member of the Home Education Association, also commented on this aspect, stating that the BOSTES did not consult on the 'so-called minor changes' to the 2013 Information Package:

While BOSTES asserts that these changes are minor, we openly declare that there are many changes of wording that have far-reaching consequences for home educators in New South Wales.

Resolved on the motion of Mr Searle: That paragraph 4.99 be amended by omitting the following quote from evidence:

Another example of this top heavy approach rather than supportive role is the fact that Information Packages were created in consultation with experienced home educators in 1998, 2004 and 2006 and feedback was welcomed in 2004 and 2006, but not in subsequent Information Packages (2010, 2011 2013).

Mr Searle moved: That the following paragraph 4.101 be omitted:

A submission presented by Hear Our Voices Australia indicated the impact a lack of consultation with home schoolers on this issue has had:

If the guidelines could have changed so quickly with so little consultation with home educators from the last set of guidelines to the current, then what can we expect of future documents?...What chance is there that those most knowledgeable and most invested in home education will ever get a say in how best to administer home education? If we register under the current guidelines and get approved, is there a chance things will change without warning and we won't be approved next time around.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Resolved on the motion of Mr Searle: That paragraphs 4.106 and 4.107 be omitted and the following inserted instead: The committee received evidence from Ms Vivienne Fox, Ms Marianne Vanderkolk and Ms Sharon Wu, from the Home Education Support and Action Network, among others, that this document contradicted the IP and did not satisfy parent concerns about excessive regulation by the BOSTES.

Resolved on the motion of Mr Searle: That the following paragraphs 4.108 and 4.109 be omitted:

Another individual expressed dissatisfaction with the question and answer document, claiming it contradicted information in the Information Package:

This confusion was increased by the BOSTES' publication of an online Questions and Answers document, because it directly contradicted the IP (2013) in places. Where such contradictions occurred, the IP (2013) was not adjusted; thus, the original problematic changes remain official policy.

Similarly, Ms Sophia Platthy raised concerns about the Question and Answer document published by the BOSTES, arguing that it did not allay concerns, as the document did not:

...discuss how the guidelines unlawfully impeded on our freedom to travel and to flexibly adapt learning activities for our children as needed without undue, unfair, cumbersome intervention and approval processes.

Mr Searle moved: That the following paragraph 4.115 be omitted:

The Home Education Association stated that the Board's own statistics demonstrate the fact that the changes to the Information Package were significant. They pointed to an increase of 13 to 73 rejections for home schooling from 2011 to 2013, and 278 to 342 withdrawals of applications. Additionally, they stated that 3 month registration periods had increased, from 32 to 85 in 2013, whereas two year periods had decreased by 35 per cent. They stated:

The 630% increase in rejections and 2025% increase in 3 month registrations cannot be explained by the increase in number of home educators, it is evidence of a drastic change in policy and implementation. It is worth noting that the number of rejections reported is complicated by the fact that Authorised Persons more commonly direct applicants to withdraw their applications if the Authorised Person intends to recommend that the application be rejected.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Searle moved: That paragraph 4.116 be amended by omitting the words 'being provided' and inserting instead 'provided by the Home Education Support and Action Network and the Home Education Association'..

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Searle moved: That the following paragraph 4.117 be omitted:

In their submission, the Home Education Association reported that these issues have affected the trust between the Board and home schooling population:

The committee should be aware that the recent actions of BOSTES in relation to the changes made to home education regulation constitute both a consistent pattern of behaviour and a significant breach of trust with the home education community. This is not the first time that this organisation has attempted significant changes to home education registration without consultation.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Ms Cusack, Mr Green.

Question resolved in the affirmative.

Mr Khan moved: That the following paragraphs 4.120 and 4.121 be omitted:

The Home Education Association informed the committee that they had met with the Education Minister on 30 October 2013 to discuss the issues with the 2013 Information Package. Mr Krogh, a member of the Association, stated that Mr Murphy attended the meeting, which was difficult given some of the concerns related directly to Mr Murphy:

The Minister had requested David Murphy...to attend that meeting, which put us in quite a difficult position considering that the Home Education Association was raising significant issues with regard to some of the communication with Mr Murphy and some of the correspondence from the board. We did meet for 10 minutes. The Minister described that in subsequent correspondence as a 'productive' meeting. The HEA, in conversation with its members and other members of Parliament, disputes that assessment of the meeting.

Ms Tamara Kidd felt dissatisfied with the BOSTES response to complaints. After numerous complaint letters she wrote to the BOSTES, she decided to write to the Minister for Education, but was unhappy that her letters were forwarded back to the Board to respond. Ms Kidd stated that 'there is no mechanism in order for us to make complaints'.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood, Ms Cusack, Mr Clarke

Noes: Mr Green

Question resolved in the affirmative.

Resolved on the Motion of Dr Kaye: That paragraph 4.126 be omitted and insert instead:

The committee accepts that the Board of Studies, Teaching and Educational Standards has made changes to improve transparency. However, the committee also understands the shift in language and tone may have created a perception that the Board is more rigid and focussed on compliance. In effect, the genuine intention of the board to be more helpful and transparent and clarifying existing processes may have been misinterpreted as an attempt to drastically amend the regulatory process.

Resolved on the motion of Dr Kaye: That the following words be inserted after paragraph 4.126:

The committee finds that the 2013 Information Package accurately reflects the legislated requirements for home schooling and that while some parents were dissatisfied with the changes, the BOSTES made changes only to improve transparency and reflect legislated requirements.

Mr Searle moved: That paragraph 4.127 be omitted.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Mr Khan, Ms Cusack, Mr Green.

Question resolved in the negative.

Mr Khan moved: That the following paragraph 4.128 be omitted:

Clearly the level of significance of the changes to the Information Package is a matter of contention. Not only has it resulted in a poor relationship between the Board and some home schoolers, it has also potentially impacted on whether people choose to seek registration.

and the following new paragraph inserted instead:

The committee does not accept that the changes made to the Information Pack were as fundamental as many participants claimed. Indeed it must be remembered that many of the changes flowed from recommendations made by the Ombudsman. The committee accepts that those recommendations were made for good and substantial reasons and it was the obligation of BOSTES to implement them.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood, Ms Cusack, Mr Clarke

Noes: Mr Green

Question resolved in the affirmative.

Mr Khan moved: That paragraph 4.129 be omitted and the following words inserted instead:

The committee acknowledges that the relationship between the Board and home schooling community needs to be improved. To this end, the committee recommends that the Board of Studies, Teaching and Educational Standards continue with regular consultation with the home schooling community. The committee believes that a statement of this intent should be included in the Information Package.

The committee also considers the actions of various of the home schooling representative groups in setting conditions prior to entering into any discussions with BOSTES as being unhelpful, to say the least.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood, Ms Cusack, Mr Clarke

Noes: Mr Green

Question resolved in the affirmative.

Mr Khan moved: That Recommendation 12 be amended to omit the words 'commit to regular' and insert instead the words 'continue with' before the word 'regular' and insert at the end 'and ensure that this happens on a regular basis'.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood, Ms Cusack, Mr Clarke

Noes: Mr Green

Question resolved in the affirmative.

Chapter 2

Ms Cusack moved: That the following new recommendation (to be inserted after paragraph 2.149), agreed to at the previous meeting of the committee be omitted:

Recommendation x

That s.4 of the Education Act be amended by deleting s.4(b) and inserting in its place:

‘Decisions relating to the education of each child should be made by a reference to the paramount interests of that child’.

Question put:

The committee divided.

Ayes: Ms Cusack, Mr Clarke, Mr Green Mr Khan.

Noes: Dr Kaye, Mr Searle, Ms Westwood.

Question resolved in the affirmative.

Ms Cusack left the meeting.

Dr Kaye moved: That the following new recommendations be included after paragraph 2.149

Recommendation X

That the Minister for Education makes clear that section 4(b) of the Education Act does not override the state’s responsibilities to secure educational and welfare outcomes that are in the interests of each child in the state.

Question put:

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood

Noes: Mr Clarke, Mr Green, Mr Khan

Question resolved in the negative on the casting vote of the Chair

Dr Kaye moved: That the following new recommendation be included after paragraph 2.149:

Recommendation X

That a new objective be added to section 4 of the Education Act that

(e) the primary concern of all decision makers in the education of children must be protecting and advancing the best interests of each child.

Question put:

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood

Noes: Mr Green, Mr Clarke, Mr Khan

Question resolved in the negative on the casting vote of the Chair.

Mr Khan moved: That the following paragraph (to be inserted after paragraph 2.149), agreed to at the previous meeting of the committee be omitted:

The committee considers that in order to overcome any misunderstanding it is appropriate for the Principles of the Act to be amended by deleting s.4(b) and inserting in its place a reference to the ‘paramount interests of the child’.

Dr Kaye moved that the motion of Mr Khan be amended by omitting all words after ‘The committee’ and inserting instead ‘is concerned that many parents are applying section 4(b) of the Education Act beyond its intended scope. The committee does not accept that the words in that section give parents an unfettered right to make decisions about the education of their children that do not respect the law and the regulations, including key learning outcomes contained in the National curriculum and the BOSTES’s syllabus.

Amendment to the motion of Mr Khan put.

The committee divided.

Ayes: Dr Kaye, Mr Searle, Ms Westwood.

Noes: Mr Clarke, Mr Green, Mr Khan

Question resolved in the negative on the casting vote of the Chair

Original question put.

The committee divided.

Ayes: Mr Clarke, Mr Green, Mr Khan.

Noes: Dr Kaye, Mr Searle, Ms Westwood.

Question resolved in the affirmative on the casting vote of the Chair.

Mr Khan moved: That the following new recommendation (to be inserted after paragraph 2.149) agreed to at the previous meeting of the committee be omitted:

Recommendation y

That s. 4 of the Education Act be further amended by inserting in s. 4 the following additional Principle: ‘Parents and guardians play a pivotal role in the education of children.’

Question put.

The committee divided.

Ayes: Mr Clarke, Mr Green, Mr Khan

Noes: Dr Kaye, Mr Searle, Ms Westwood

Question resolved in the affirmative on the casting vote of the Chair.

Chapter 5

Mr Searle moved: That the following paragraphs 5.19, 5.20, 5.21 and 5.22 be omitted:

Argued benefits of the Tasmanian model

A number of inquiry participants commented positively on the Tasmanian home education system. For example, the Home Education Association, a national non-profit association that aims to encourage and promote the practice of home education in Australia, informed the committee that the Tasmanian system had been developed in response to the findings of a ministerial working party in the early 1990s whose recommendations had all been implemented. The Home Education Association also stated that Tasmania has the highest registration rates of any Australian jurisdiction and argued that was most likely due to the high level of satisfaction among home educating families:

The system in Tasmania was developed in 1993, following a Report prepared by a Working Party that included home educators and professional educators. Every one of the recommendations of the Working Party was accepted, and a robust and supportive system developed. Tasmania has the highest rates of registration for home education of any Australian jurisdiction, which may be interpreted as providing evidence that there is a high rate of satisfaction with this system.

In addition, the Sydney Home Education Network, a non-profit support group managed by volunteers for home educators in the Sydney and greater Sydney region, recommended to the committee that New South Wales adopt the THEAC system. The basis for this recommendation was its argument that the support and advisory role performed by THEAC was much more conducive achieving positive outcomes than the ‘large administrative burden’ as provided for in New South Wales.

The Home Education Support and Action Network was another home education group to call for the adoption of the THEAC model. They argued that THEAC achieves a balance between respecting the freedom of choice exercised by families to home educate and the need for the state to ensure due diligence and provide adequate support:

The model which has proven to be the most effective in Australia is the Tasmanian model – Tasmanian Home Education Advisory Council. This is directly responsible to the Education Minister...We believe that this Tasmanian model recognizes the democratic right to freedom of choice in education by providing a body which understands and gives validity to home education and shows due diligence to oversee, facilitate and support home educating families.

Dr Glenda Jackson, Director, Australian Home Education Advisory Service, whose doctoral research examined student experiences as home-educated students, commented that the strength of the THEAC model was because the people ‘who operate it [are] very informed about home education practice and understand the way the home education community works’.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood

Noes: Mr Clarke, Mr Green

Question resolved in the affirmative.

Mr Khan moved: That the following paragraphs 5.48, 5.49, 5.50 and 5.51 be omitted:

Dr Terry Harding, General Manager, Australian Christian Homeschooling, argued that the removal of the onerous registration requirements for home education in Queensland has ‘shown that when registration criteria [are] softened, more families have registered their children for home schooling’.

The submission from Hear Our Voices Australia similarly made positive comments regarding the registration requirements in Queensland. It argued that home educating families often do not register if they think that the regulations are inappropriate. It then added that the regulatory change had helped address a situation of where up to 80 per cent of home educators had been unregistered:

In our experience, home educators fail to register with governmental authorities if they perceive the government’s regulations to be inappropriate. The Committee may be aware of the situation in Queensland until recently. The Queensland home education regulations were so stringent that the majority (estimated as high as 80 per cent) of Queensland home educators were unregistered. In response, the Queensland government relaxed its regulations to encourage home educators to register.

Dr Rebecca English, Lecturer, School of Curriculum, Faculty of Education, Queensland University of Technology, whose PHD examined the reasons for why people home school, was more circumspect in her assessment of the Queensland home education model. Dr English argued that the system would benefit from a more collaborative approach whereby the education department developed ‘model plans’ and provided more assistance to those who requested it.

Dr English informed the committee that some home educating families had advised her that the documentation requirements were still too onerous. In addition, Dr English argued that the ‘school discourse’ type language in the registration documents was not necessarily the easiest thing to follow and offered it as a reason for why some families were still choosing not to register.

Question put.

The committee divided.

Ayes: Dr Kaye, Mr Khan, Mr Searle, Ms Westwood

Noes: Mr Clarke, Mr Green

Question resolved in the affirmative.

Resolved, on the motion of Mr Khan: That the following new paragraph be inserted after 5.69:

The Badman Review was established following the death of Kyhra Ishaq and a serious case review that followed. The serious case review found: “...The lack of a robust process by Education Otherwise, during February 2008, to assess the capability of adults within this household to provide effective home education, couple with the absence

of any risk assessment process to address safeguarding concerns previously communicated by education welfare, must be viewed as a significant failure”.

Resolved, on the motion of Mr Searle: That paragraph 5.72 be amended by omitting ‘that were called for by stakeholders, including representation on the BOSTES Board (the Board) or alternatively, the establishment of a new independent regulatory body’.

Resolved, on the motion of Mr Searle: That paragraph 5.79 be amended as follows:

- (a) By omitting ‘an overwhelming’ before ‘majority of inquiry participants’
- (b) Inserting ‘This is unsurprising, given that a majority of inquiry participants were home schooling parents or home schooling bodies’ at the end of the paragraph.

Mr Searle moved: That:

- (a) paragraph 5.82 be amended by omitting ‘One person argued that home schoolers should be represented and heard, particularly as home schooling is increasing in prevalence:

If BOSTES are responsible for managing all education within NSW then shouldn’t all groups be represented on the Board? Home education is growing at a significant rate within NSW and Australia. The Authorised Persons have already made it quite clear they don’t know much about nor understand the particular issues that Home Schoolers face. Home schoolers need to be represented and heard. As parents we have taken on a significant undertaking and save schools and the government much in the way of particular needs and financially yet we have no say over what happens.

- (b) paragraphs 5.83, 5.84, 5.85, 5.86, 5.87, 5.90 and 5.93 be omitted
- (c) paragraph 5.88 be amended by omitting ‘other’ before ‘inquiry participants’
- (d) Paragraph 5.92 be amended by omitting the following quote from evidence:

What the HEA would see as an inequity is that the Education Act provides for private schooling, public schooling and home education, so you have two-thirds of that represented on the Board of Studies but no home educators represented on it at all and it is seen as a viable way of educating.

Question put.

The committee divided.

Ayes: Mr Searle, Ms Westwood, Dr Kaye, Mr Khan

Noes: Mr Green, Mr Clarke

Questioned resolved in the affirmative.

Resolved, on the motion of Mr Khan: That the following paragraphs 5.110, 5.112, 5.114 and 5.115 be omitted:

Another inquiry participant pointed to the benefits of a model that included a mix of home educators in the administration of home schooling, similar to the approach in Tasmania:

We would love to have a model similar to the one in Tasmania. An independent board with a mix of home educators, child psychologists and educators is an appropriate administration body for those undertaking home education. Having experienced Home Educators making home visits is a benefit, as they can be trained by the board to not only check any gaps in education, but they are also able to understand and provide guidance – especially to new home educators. Tasmania has run with this system for 23 years and has the highest rate of registered home educators in Australia.

The Home Education Support and Action Network argued that the BOSTES has shown to regulate home schooling in the same way as non-governmental schools, and because of this, a new independent body should be established with appropriate regulation. They pointed to the Tasmanian model as a good approach:

We believe that this Tasmanian model recognizes the democratic right to freedom of choice in education by providing a body which understands and gives validity to home education and shows due diligence to oversee, facilitate and support home educating families.

Dr Harding also commented on the success of the model in Tasmania, particularly in relation to the percentage of home schoolers that register:

THEAC has had an increasing number of registrations. I think that of all the regulatory bodies in the nation theirs is the most successful percentage-wise, and I think that is because of the collegiality that they have with home educators. It is under the Minister but it is independent from a schooling body; also, they do employ experienced, knowledgeable home educators as well as other educators.

Ms Sharon Wu, a home schooling parent, also stated that she would like to see a body such as THEAC established in New South Wales:

We need a system that recognises and supports home education as a different and valid alternative. We need a system that is honest and true and that will stand the test of time. That is why we are asking for a system similar to the Tasmanian Home Education Advisory Council [THEAC] model.

Mr Khan moved: That the following paragraphs 5.121, 5.122, 5.124, 5.125 and recommendation 15 be omitted:

One individual involved in the inquiry also stated that they preferred the regulatory approach in Victoria where parents register their commitment to home schooling and then the onus is on the parent to provide an appropriate education for the child.

Another participant claimed that 'the current system is broken' and that a new regulatory approach is needed to support home schoolers. This person stated that 'the trust in the BOSTES is severely damaged' and that 'they are the wrong people for the job'. This person advocated a new regulatory approach that is less prescriptive, particularly in terms of the requirement to follow the curriculum. The individual also pointed to the Tasmanian or Victorian model as good reform options, claiming both 'have merit'.

The committee acknowledges concerns about the current regulatory approach to home schooling, however, it is not swayed by arguments that a new independent regulatory body needs to be established. Whilst a number of inquiry participants argued in favour of an approach similar to that taken in Victoria and Tasmania, the committee believes that New South Wales should enhance its own model, through active engagement with the home schooling population on various improvements, as recommended in this report.

The committee also supports representation of the home schooling population on the Board. Whilst the committee heard concerns from the Board of Studies, Teaching and Educational Standards that such an appointment would not constitute proportional representation, the committee believes it is important to be inclusive, particularly given home schooling is one mode of sanctioned education in this state. Indeed, there are many other forums in the community in which minority groups are represented, mostly because their differences and opinions are regarded as valuable, and in our view, this is no different. Accordingly, the committee recommends that the Minister for Education ensure that one representative on the Board of Studies, Teaching and Educational Standards Board has home schooling experience.

Recommendation 15

That the Minister for Education ensure that one representative on the Board of Studies, Teaching and Educational Standards Board has home schooling experience.

Question put.

The committee divided.

Ayes: Mr Searle, Ms Westwood, Dr Kaye, Mr Khan, Mr Clarke.

Noes: Mr Green.

Question resolved in the affirmative.

Dr Kaye moved: That paragraphs 5.126, 5.127, 5.128 and recommendation 16 be amended as follows:

- (a) By omitting all references to 'sub-committee' and inserting instead 'consultative group'
- (b) By omitting 'In addition' at the beginning of 5.126
- (c) By omitting 'home schooling sub-committee of the Board, with this sub-committee being responsible for overseeing a' and inserting instead 'consultative group run by the BOSTES to facilitate the' in 5.126
- (d) By inserting 'and at least four others nominated by BOSTES for their knowledge and expertise in primary and secondary education and the education of children with disabilities' after 'home schooling representatives' in 5.127
- (e) By omitting 'Minister for Education establish a sub-committee of the' before 'Board of Studies' in 5.128

- (f) By omitting 'with the sub-committees role being' before 'to: oversee consultation' in 5.128
- (g) By omitting 'Board' and inserting instead 'BOSTES' in the first dot point in 5.128
- (h) By omitting 'assist the' and inserting instead 'providing input to and review of' before 'the design and implementation' in the second dot point in 5.128
- (i) By omitting 'Board' and inserting instead 'BOSTES' in the third dot point in 5.128.
- (j) By amending recommendation 16 to reflect the amendments in (i) and inserting an additional sentence 'The Working Group is to be chaired by the Executive Director of Regulation and Governance from the Board of Studies, Teaching and Educational Standards. Membership of the consultative group should include at least four home schooling representatives and at least four others nominated by BOSTES for their knowledge and expertise in primary and secondary education and the education of children with disabilities.'

Question put.

The committee divided.

Ayes: Mr Searle, Ms Westwood, Dr Kaye, Mr Khan

Noes: Mr Green, Mr Clarke

Questioned resolved in the affirmative.

Chapter 6

Moved by Dr Kaye: That paragraphs 6.1 and 6.2 be amended as follows:

- (a) By inserting 'some' before 'home schooled children have little to no' in 6.1
- (b) By inserting 'some' before 'home schooled children's socialisation' in 6.2

Question put.

The committee divided.

Ayes: Mr Searle, Dr Kaye, Mr Khan

Noes: Mr Green, Mr Clarke

Questioned resolved in the affirmative.

Resolved, on the motion of Dr Kaye: That paragraph 6.11 be amended by omitting 'how home schooling promotes' and inserting instead 'how his experience of home schooling promoted' before 'socialisation'.

Moved by Dr Kaye: That paragraphs 6.27, 6.28, 6.29 and recommendation 17 be amended as follows:

- (a) By omitting 'Whilst' before 'the committee does not believe' in 6.27
- (b) By omitting 'does not' before 'believes it should be' in 6.27
- (c) By committing 'help to facilitate' and inserting instead 'certify organisations as suitable registration bodies' after 'the committee believes that the Board of Studies, Teaching and Educational Standards could help to' in 6.27
- (d) By omitting 'referrals to such organisations when a' before 'applicants are applying' in 6.27
- (e) By omitting 'are' before 'applying to' in 6.27
- (f) By inserting 'would be required to demonstrate membership of such an organisation' after 'renewing their application' in 6.27
- (g) By omitting 'For instance' before 'the application for registration' in 6.28
- (h) By omitting 'may' and inserting instead 'would' in 6.28
- (i) By omitting 'an option' and inserting instead 'the requirement' in 6.28
- (j) By omitting 'would like to get support, information or assistance from a home schooling organisation, such that they' and inserting instead 'belong to an organisation or that they' in 6.28
- (k) By omitting 'Whilst there may be alternative ways of facilitating such referrals, the committee feels that such action may help to increase the support provided to home schooling parents and students' in 6.28

- (l) By omitting 'promotes' in 6.29 and inserting instead 'requires'
- (m) By inserting in recommendation 17 'makes membership of a certified home schooling organisation a condition of registration and that it' before 'develop, in consultation with'
- (n) By omitting 'promotes' and inserting instead 'ensures' in recommendation 17
- (o) By omitting 'to applicants of home schooling' in recommendation 17.

Question put.

The committee divided.

Ayes: Mr Searle, Ms Westwood, Dr Kaye.

Noes: Mr Green, Mr Clarke, Mr Khan.

Questioned resolved in the negative on the casting vote of the Chair.

Moved by Mr Searle: That the following paragraph be inserted after 6.40:

The committee does not agree with this view.

Question put.

The committee divided.

Ayes: Mr Searle, Ms Westwood, Dr Kaye, Mr Khan.

Noes: Mr Green, Mr Clarke.

Questioned resolved in the affirmative.

Resolved, on the motion of Dr Kaye: That paragraph 6.44 be moved and inserted after paragraph 6.40.

Resolved, on the motion of Mr Khan: That paragraph 6.47 be amended by omitting from the end of the paragraph:

'He stated that this literature suggests that school connectedness is not the primary factor that influences a child's educational development and wellbeing:

... whilst school connectedness is an important aspect of the social ecology that influences children and young people's educational development and overall wellbeing, it is by no means the dominant one. One reason that schools – engagement therewith, or disengagement therefrom – are a common element in the existing research is that the vast majority of children are in school, and (on the basis of legislation) young people should be. But highlighting the common element does not lead to the conclusion...that it is the necessary element.'

Resolved, on the motion of Mr Khan: That the following paragraph 6.48 be omitted:

Mr Krogh also raised an issue with the findings of the Wood Commission Report. He suggested that that the report, and the subsequent Ombudsman's Special Report Keep Them Safe, focused on the importance of school connectedness, stemming from concern with high rates of non-attendance by Aboriginal children in particular locations. He noted that the category of educational neglect was introduced in response to this issue, to ensure that children are attending and/or are enrolled in a school or for home schooling. Mr Krogh contended that in all of the literature on this issue, including the Wood Report, Ombudsman's report and parliamentary debates, home schooling or 'home education' as he refers to it, is not contemplated and that this has had an effect on the home schooling population:

As a result of the change that was made without home educators in mind, and notwithstanding the legal issues relating to being unregistered for home schooling, unregistered home educators have become unintentionally and inappropriately caught in the child protection net. Whilst this has a negative effect on how people think and talk about unregistered home educators – they are conceived as being a risk to their children – it also has direct consequences for people who are inappropriately reported to child protection authorities.

Mr Khan moved: That the following paragraphs 6.87 and 6.88 be omitted:

Similarly, Ms Vieira, a home schooling parent, argued that her local community is in a good position to report any suspected abuse or neglect of children that may be home schooled. When asked whether this is a sufficient measure and whether greater mechanisms are needed, Ms Vieira replied:

I think if somebody wants to hide something they can hide it regardless. I do not think that home schooling inspectors coming into the home will make children safer.

Ms Chegwidden highlighted that children within the school system can experience abuse and neglect and that just because they go to school does not mean they are safer. As an example, she discussed two children she has in her care, both of which had attended school but were not identified by teachers or the school system as experiencing abuse. The children were placed with her because of abuse identified by family members.

Question put.

The committee divided.

Ayes: Mr Searle, Ms Westwood, Dr Kaye, Mr Khan.

Noes: Mr Green, Mr Clarke.

Questioned resolved in the affirmative.

Resolved, on the motion of Dr Kaye: That the following new paragraph be inserted before 6.130:

The committee accepts the argument that home schooled children are not exposed to the same level of independent expert surveillance that occurs in a school. The committee is also concerned by the suggestion that the low rates of mandatory reporting amongst children who are home schooled may related to low levels of detection.

Resolved, on the motion of Mr Khan: That the following new paragraph be inserted before 6.132:

It is realistic to conclude that abusive parents will adopt strategies that limit access by children to important 'others'. The committee remains concerned that home schooling may exacerbate social disconnection from other children. The committee is also concerned that such children, such as GLBTI and gender questioning teenagers, may suffer even greater levels of isolation when home schooled. Such isolation is a significant precursor to self-harm.

Chapter 7

Mr Searle moved: That the paragraph 7.8 be omitted:

Question put and negated.

Resolved, on the motion of Mr Searle: That the following paragraphs 7.10 and 7.11 be omitted:

The Home Education Network in Victoria stated that impressive academic results have been observed in the United States of America for the last 20 years with home schooled students surpassing the national average on both the major college entrance tests. For example, they referred to research by Dr Lawrence Rudner who, from 20,760 home schooled students, found that in every subject and at every grade level, they scored significantly higher than their public and private school counterparts. They also highlighted findings from Dr Brian Ray who found that by Grade 8, the average home schooled student performs four grade levels about the national average.

The Home Education Network also pointed to the results of a 2003 survey, one of the largest surveys ever, of adults who were home educated in America, with it confirming that home educated students are more likely than conventionally schooled students to enter university. It also found that they are employed in a wide variety of occupations, are active and involved in their communities and are more content than the average adult. The Home Education Network also stated that the research shows that the longer children are home educated, the higher their academic results will be.

Resolved, on the motion of Mr Searle: That the following paragraph 7.15 be omitted:

The Home Education Association stated that the research into home education being undertaken by the BOSTES 'will not have a sufficient level of participation to provide a statistically meaningful result'. They stated that it will 'not provide any greater degree of understanding regarding home education than exists at present'.

Mr Searle moved: That the following paragraphs 7.23, 7.25 and 7.26 be omitted:

Cardinal Newman Catechist Consultants also asserted that home schooled students have strong academic achievements. They claimed that many students had gone on to become successful engineers, teachers, electrician and physicians.

A similar success story was outlined by Ms Knox who stated that her son, at age 15, was able to transition into TAFE to undertake several IT courses, with this then enabling him to apply for a Bachelor of Information Technology. He gained credit towards the course because of his TAFE studies, and was awarded a science faculty scholarship. He completed his degree earlier than his peers and is currently employed in an IT role at age 20.

Other examples in terms of the outcomes of home schooling were provided by Mr Daniel Vieira and Mrs Michele Vieira. They listed details for over 20 home schooled students who had transitioned to university study, trades or employment in a variety of industries. Further, in evidence to the committee, Ms Vieira explained the success of her own home schooled students:

My eldest son is a senior secondary teacher teaching English and history in Wagga, the next daughter is a registered nurse, the next daughter is a primary school teacher, the next son is a fitter machinist, the next daughter trained in hospitality and tourism, the next daughter has a diploma in children services and works in in-home care, the next son is a carpenter, the next daughter is at university, and the other two are being home schooled.

And insert instead after paragraph 7.24 'A similar success story was outlined by Ms Knox'.

Question put.

The committee divided.

Ayes: Mr Khan, Mr Searle, Ms Westwood, Dr Kaye

Noes: Mr Green, Mr Clarke

Questioned resolved in the affirmative.

Resolved, on the motion of Dr Kaye: That the following new paragraph be inserted after 7.103

The committee is concerned that part time enrolments can create substantial problems for the schools, including disruption to teaching and child protection and safety challenges.

And that recommendation 23 be amended by:

- (a) Omitting 'any barriers' and inserting instead 'the impacts of'
- (b) Inserting 'on schools, educational delivery and child protection and safety impacts' after 'components'

Mr Searle moved: That recommendation 24 be omitted and paragraph 7.152 be amended as follows:

- (a) By omitting 'necessarily' after the 'committee does not'
- (b) Omitting 'however' before 'the committee would support'
- (c) Inserting 'also not' before 'support the NSW Government in providing a financial incentive'
- (d) Omitting 'particularly in light of the need to encourage home schoolers to register. Therefore, the committee recommends that the NSW Government implement a financial incentive scheme, to enable registered home schooling applicants to apply for an annual payment of \$500 per child.'

Question put.

The committee divided.

Ayes: Mr Khan, Mr Searle, Ms Westwood, Dr Kaye

Noes: Mr Green, Mr Clarke

Questioned resolved in the affirmative.

Resolved, on the motion of Mr Searle: That recommendation 25 be amended by inserting 'that exist' before 'for financial assistance'.

Resolved, on the motion of Mr Searle: That recommendation 26 be amended by inserting 'and the Minister for Education' after 'Board of Studies, Teaching and Educational Standards'.

Dr Kaye moved: That the following paragraph 7.164 and recommendation 27 be amended as follows:

- (a) By omitting from 7.164 'Whilst the committee recognises that the Board of Studies, Teaching and Educational Standards already provide access to a number of resources, such as the Program Builder and Assessment Resource Centre'
- (b) By omitting references to the 'Board' or 'Board of Studies, Teaching and Educational Standards' and inserting instead 'Minister for Education'.

Question put.

The committee divided.

Ayes: Mr Searle, Ms Westwood, Dr Kaye

Noes: Mr Green, Mr Clarke, Mr Khan

Questioned resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Mr Searle: That paragraph 7.164 and Recommendation 27 be amended by omitting reference to the Board of Studies, Teaching and Educational Standards identifying and developing additional resources and inserting instead reference to the Minister for Education.

Resolved, on the motion of Dr Kaye: That paragraph 7.179 be amended as follows:

- (a) By omitting 'Whilst' and inserting instead 'However'
- (b) Omitting 'the committee believes that the Board could provide greater support to home schoolers, particularly new applicants' and inserting instead 'and that broadening its role would undermine its mission and its ability to act as an independent arbiter of standards'.

Resolved, on the motion of Dr Kaye: That paragraphs 7.180, 7.181 and recommendation 28 be amended as follows:

- (a) By omitting 'that the Board of Studies, Teaching and Educational Standards could provide' in 7.180
- (b) By inserting 'could be provided by the Board where appropriate. Other support should be provided by home schooling organisations including' after 'renewing registration' in 7.180
- (c) By omitting 'which could be provided with registration forms, or alternatively, the inclusion of additional information on forms' in 7.180
- (d) By omitting 'the Board' in 7.181 and inserting instead 'home schooling organisations'
- (e) By omitting 'Board of Studies, Teaching and Educational Standards' in 7.181 and inserting instead 'home schooling organisations be encouraged to' before 'develop and implement strategies'
- (f) By omitting 'Board of Studies, Teaching and Educational Standards' in recommendation 28 and inserting instead 'home schooling organisations be encouraged to'.

Moved by Dr Kaye: That the following paragraph 7.182 and recommendation 29 be omitted:

In terms of providing additional support to parents on the syllabus requirements, and how those requirements can be met in light of the diversity of home schooling approaches, the committee also recommend that the Board of Studies, Teaching and Educational Standards provide, at least once each term, voluntary training days or workshops for registered home schooling parents. The committee would support the newly proposed home schooling sub-committee of the Board to determine the focus, content and administration of such sessions.

Recommendation 29

That the Board of Studies, Teaching and Educational Standards provide, at least once each term, voluntary training days or workshops for registered home schooling parents.

Question put.

The committee divided.

Ayes: Mr Khan, Mr Searle, Ms Westwood, Dr Kaye

Noes: Mr Green, Mr Clarke

Questioned resolved in the affirmative.

Resolved, on the motion of Ms Westwood:

That the draft report, as amended, be the report of the committee and that the committee present the report to the House;

That the transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the Inquiry be tabled in the House with the report;

That upon tabling, all transcripts of evidence, submissions, tabled documents, answers to questions on notice, minutes of proceedings and correspondence relating to the Inquiry not already made public, be made public by the committee, except for those documents kept confidential by resolution of the committee,

That the report be tabled on 5 December 2014.

Resolved, on the motion of Dr Kaye: That any dissenting statements be provided to the Secretariat within two working days after the draft minutes are circulated to members.

Resolved on the motion of Mr Khan: That the Government be requested to provide a response to the report prior to 5 March 2015.

Resolved on the motion of Dr Kaye: That the committee acknowledge and thank the secretariat for their contribution to the inquiry and the report.

5. Adjournment

The committee adjourned at 1.15 pm.

John Young

Clerk to the Committee

Appendix 10 Dissenting statements

DISSENTING STATEMENT – THE HON ADAM SEARLE MLC AND THE HON HELEN WESTWOOD MLC

We recognise that the subject matter of this inquiry is one which is controversial and upon which many, on this Committee and in the wider community, have sharply divided opinions.

While it is easy to accept home schooling as a necessity in some circumstances, the proposition that it is a valid, positive educational choice made for children by some parents can be troubling, particularly as it is very lightly regulated apart from registration and there is only piecemeal, anecdotal information available as to the educational and social attainments of those who have been home schooled. As the Committee has noted, much more work gathering this information is needed.

While home schooling has been explicitly permissible since the passage of the *Education Reform Act* 1990, Minister Metherell made very little mention of it in his Second Reading speech⁷⁴⁵, and as the Committee noted in Chapter 2 of the report the Minister made no mention at all of his thinking behind what is now s4(b) of the Act. To the extent that what is now s4 was mentioned at all, it was in the context of providing public education which is accessible to all children and of the highest educational standards, reflecting s4(c) and (d).⁷⁴⁶

We think these are material, and unfortunate, omissions. It appears that a significant shift in public policy occurred, but which was not properly and fully disclosed and discussed at the time.

The committee also considered that this provision, s4(b) has been applied inappropriately by some parents as a means of asserting a right to educate their children, irrespective of whether the particular choices are the best interests of the child. This approach has unfortunately reflected a focus on what some regard as parental *rights* rather than parental *responsibilities*. This is clearly an incorrect reading of the legislation. To overcome this misconception, we believe the legislation should be amended so it is consistent with child welfare and other relevant laws.

In addition to what is currently in the legislation, there should be an amendment to s4 that reads:

Decisions made by any person relating to the education of a child should be made by reference to the paramount interests of the child.

We are disappointed the Committee has not followed through on its own concerns in this area and adopted such an approach.

Whatever views they hold on the issue of home schooling, the members of this Committee have endeavoured to be respectful of different opinions and to craft a report and recommendations which are designed to improve educational outcomes for those students who are being educated in a non-institutional setting.

We believe the above proposed amendment to the Act is in the same spirit and should be included as one of the measures arising from this inquiry.

Adam Searle MLC

Helen Westwood MLC

⁷⁴⁵ Legislative Assembly, *Hansard*, 29 March 1990, p1352

⁷⁴⁶ Legislative Assembly, *Hansard*, 29 March 1990, p1343

DISSENTING STATEMENT – DR JOHN KAYE MLC

The majority of the Committee on Home Schooling rejected important amendments to the Chair's Draft Report that would have led to:

- 1) amending the principles of the Education Act to ensure that the paramount interests of each child informs all educational decisions;
- 2) recognising and avoiding adverse consequences that follow from compromising the educational standards mission of the *Board of Studies, Teaching and Educational Standards (BOSTES)* by requiring it to provide support to home schooling families; and
- 3) requiring each home schooling family to belong to a BOSTES-certified home schooling organisation in order to improve child welfare and educational outcomes.

1. Principles of the Education Act

A number of parents who presented evidence to the inquiry appeared to be relying on section 4(b) of the Education Act to justify their rejection of what they saw as state interference in the educational decisions they were making with respect to their children.

Section 4 of the Education Act 1990⁷⁴⁷ provides "principles on which [the] Act is based" which includes:

(b) the education of a child is primarily the responsibility of the child's parents,

However, this section also includes the principle that

(c) it is the duty of the State to ensure that every child receives an education of the highest quality,

The evidence of some parents therefore relied on what is clearly a misinterpretation of 4(b) which arises from its reading in isolation from 4(c).

It was proposed and accepted by the first deliberative meeting that the conflict between 4(b) and 4(c) be resolved by replacing 4(b) with:

(b) Decisions relating to the education of each child should be made by a reference to the paramount interests of that child

and adding a new principle that recognises the central role that parents and guardians played:

Parents and guardians play a pivotal role in the education of children.

At the second deliberative, these amendments were rescinded.

The Coalition and Christian Democrat majority on the Committee also rejected two attempts to reach a compromise; firstly by recommending that if 4(b) is to stay in place, a new principle be added:

the primary concern of all decision makers in the education of children must be protecting and advancing the best interests of each child.

While it is acknowledged that the consequences of changes to the principles on which the Education Act is written might reach beyond the area of home schooling, the misuse of 4(b) is of concern.

The second attempt at compromise was to add a new recommendation:

That the Minister for Education makes clear that section 4(b) of the Education Act does not override the state's responsibilities to secure educational and welfare outcomes that are in the interests of each child in the state.

⁷⁴⁷ http://www5.austlii.edu.au/au/legis/nsw/consol_act/ea1990104/s4.html

This would have been accompanied by the observation that "the committee is concerned that many parents are applying section 4(b) of the Education Act beyond its intended scope. The committee does not accept that the words in that section give parents an unfettered right to make decisions about the education of their children that do not respect the law and the regulations, including key learning outcomes contained in the National curriculum and the BOSTES's syllabus."

This was also rejected by the Coalition and Christian Democrat majority on the Committee.

The apparent contradiction in the principles remains in place and unaddressed, with potentially adverse consequences for some children, particularly where parents are using it to reject or avoid state scrutiny.

The principles have not been revised since 1990 and much has changed in the intervening quarter of a century, particularly in the understanding of the rights of children.

Some parents will take the Committee's majority report as licence to continue to treat the standards that BOSTES is attempting to uphold as an unwarranted and unnecessary intrusion on their right to determine outcomes for their children.

In fact, the work of the Board is an essential expression of the rights of all children to a quality education.

2. BOSTES as a regulator, not a support body

Throughout the inquiry, the Greens were concerned by a number of suggestions, some of which became recommendations, that would cast the BOSTES into the role of supporting home schooling families.

The Board was created specifically to remove tension between enforcing standards and providing support to educational institutions, as specified in section 6 of the Board of Studies, Teaching and Educational Standards Act 2013.

Just as it was unreasonable to expect the Department of Education to both run public schools and establish and enforce educational standards, there will be adverse consequences if the Board is expected to both assess and regulate home schoolers and also provide them with professional support.

The Liberal, National and Christian Democrat Committee majority recognised that a number of their own recommendations would change the "intended functions of the Board" but rejected the warning that these would have "adverse consequences". They also rejected changes which would have protected the Board from the dual role.

Protecting the integrity of the Board from conflicts of interest is critical to maintaining educational standards. The Committee's majority recommendations go to a dangerous place where the Board's officers will be both supporting home schoolers and assessing them.

3. Compulsory membership of home schooling association

In order to provide an alternative to the conflict of interest that would arise if the Board were to provide both regulation and support, the Greens proposed to require all home schooling families to belong to an association or organisation that could provide guidance, advice and development opportunities for parents.

It was proposed that the BOSTES certify a number of suitable organisations or associations.

The Committee majority rejected this proposition, preferring instead to compromise the Board.

If parents are going to home school, the least they could do is share their experiences and resources with their peers and provide collective assistance to those who are struggling. Compulsory membership of associations will provide some measure of protection against complete isolation for some children and some support for educational outcomes.

Dr John Kaye MLC