

Submission
No 285

**INQUIRY INTO EDUCATION AMENDMENT (ETHICS
CLASSES REPEAL) BILL 2011**

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Presbyterian Church in NSW

**Submission to the
General Purpose Standing Committee No.2
regarding the
Education Amendment (Ethics) Act 2010**

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Introduction

Presbyterian Youth (PY) appreciates the opportunity to make a submission to the General Purpose Standing Committee No. 2 about the Education Amendment (Ethics) Act 2010 (Ethics Act). PY is the department of the Presbyterian Church in NSW and the ACT (PCNSW) charged with the responsibility for overseeing its SRE teachers. As such, PY has been authorised to represent the PCNSW on matters relating to SRE.

Across the state, volunteer teachers from churches in the PCNSW join with other churches and their volunteers to provide SRE for children whose parents and caregivers ask for this sort of educational enrichment for their children. Our volunteers use a variety of curricula that are publically available, age appropriate and attractively produced. The introduction of special education in ethics (SEE) in a small number of schools where our volunteers teach has not disrupted their involvement, except where the Department of Education and Communities (DEC) guidelines have been ignored.

Limitations of our review

Although a curriculum outline was very recently posted on the 'Primary Ethics' website, PY has not been able to obtain access to a completed set of the materials used by students and teachers for the Primary Ethics course. Last year, formal requests for the material were made to both the Saint James Ethics Centre (SJEC) and the DEC but were refused on the grounds that these materials were copyright and commercial in confidence.¹

The following review is based on experience with the implementation of SEE across the state, the review of the effectiveness of SEE conducted by Dr. S Knight and the limited material publicly available.

1. Stated objectives of 'special education in ethics'

To our knowledge the now DEC have never publicly presented a list of objectives for the SEE course. The only objective made public was that the SEE course was designed to provide something meaningful for students who had opted out of SRE.

While there had been years of rumour about its introduction, the first providers of SRE knew about SEE was an announcement at a meeting of the then DET Director-General's Consultative Committee on SRE.² At that meeting, the then DET announced that it was considering the trial. In response to questions from the providers of SRE, the DET was unable to provide any objectives and acknowledged that the driving force was the NSW Parents and Citizens' Associations of NSW (P&C). DET also acknowledged that this was not the normal process for development of curriculum.

We have assumed that the objectives of the 2010 trial Primary Ethics course, developed by Dr Cam, are the same or very similar to those of the current SEE course. These are as follows:

¹ Recently PY has again asked SJEC for copies of all materials used in the SEE Course. SJEC has agreed to provide copies of these materials to us. In the event that we receive these materials, we will endeavour to review these materials and provide the Committee with a supplementary submission.

² Director-General's Consultative Committee on Special Religious Education Minutes of Meeting held Tuesday, 3 November 2009, p. 3.

- Provide a secular complement for the discussion of the ethical dimension of students' lives;
- Offer a secure, non-judgemental space to explore ethical issues;
- Introduce the language of ethics and in doing so, to provide the tools to survey the values and principles we live by;
- Inspire an appreciation of virtues and ideals;
- Develop the intellectual capacity and the personal attitudes needed for participating in ethical reflection and action;
- Encourage an openness towards important personal and public issues;
- Introduce dialogue as a means of resolving ethical issues;
- Develop students' ability to identify the relevant interests and points of view and thoroughly explore, among other things, the consequences of proposed resolutions to the ethical dilemmas that they are considering³

We have three main concerns with these objectives.

1. The objectives arise from a particular philosophical methodology, which is not primarily about understanding ethics but an introduction to a type of philosophy. The objectives are consistent with the Philosophy in Schools movement in Australia, which represents a specialised branch of philosophy with its own traditions, history and pedagogy, incorporating a particular mode of philosophical inquiry for the classroom⁴. The author of the trial Primary Ethics material, Dr Cam, is the NSW President of the Philosophy in Schools Association. This application of a school of philosophy has its roots in the Philosophy for Children movement, founded in the USA by Dr Lipman.⁵ On Dr Lipman's own admission,⁶ his approach has its roots in what has come to be labelled Pragmatism and whose formative thinkers include Dewey and Rorty.⁷

This understanding of the underlying type of philosophy on which the objectives of the SEE course are based raises three fundamental issues:

1. The origins of SEE, as it is currently delivered, come from a particular philosophical tradition and therefore are not value-neutral.
 2. There are no publically available explanations for the adoption of this approach to the teaching of ethics. Were other possible approaches considered and how were they evaluated?
 3. Are parents made aware of this underlying philosophy so that they have the opportunity to evaluate whether it is consistent with their own values and ethics, thus putting into practice what the SEE course claims to be teaching their children?
2. The objectives do not appear to be consistent with the foundational reasoning behind the proposal for the development of General Religious Education (GRE) as a **real complement** to SRE as per the recommendations of the Rawlinson Report (1980) in NSW government schools. GRE understands that all pedagogy is indebted to epistemological presuppositions and therefore, **all students**, not just those who opt-out of SRE need a complementary exposure to belief systems, both religious and non-religious. This will involve students being encouraged to understand their

³ St James Ethics Centre, Ethics Pilot Information and Permission, February 8th 2010.

⁴ What is Philosophy in Schools? <http://www.fapsa.org.au/about-us#philosophy-in-schools> (accessed 29/7/10)

⁵ <http://www.buf.no/en/read/txt/?page=sn-lip> (Accessed 27/7/10).

⁶ Ibid.

⁷ <http://www.theatlantic.com/past/docs/unbound/bookauth/ba980423.htm> (Accessed 30/0/10)

culture and heritage, make informed decisions about how to live morally and be able to talk about their choices without threat or vilification. An introduction to a philosophic tradition as the underlying premise of the SEE course will not do this.

3. The objectives do not match typical outcomes for a Board of Studies course for Stage 3 (Years 5 and 6)⁸. Even the objectives included in *Foundational Statements for Human Society in its Environment (HSIE)*,⁹ under which DEC includes both SRE and SEE are significantly different. Therefore, the objectives seem overly ambitious and developmentally inappropriate.

2. Curriculum

The following discussion is based on the limited material that PY has been able to access - namely the SJEC's original letter to parents¹⁰ and the facilitator's guide for the lessons on Fairness and Lying,¹¹ which was aimed at children in Stage 3.

i) The facilitator's guide to the two lessons makes no mention of any didactic component. In order for children in this stage to understand complex ethical issues they require significant teacher input and exposure to both historical and cultural solutions. While we recognise that the role of the adult leader is as a facilitator to help clarify the ideas and values a child has, every other subject in the curriculum require significant teacher input.

ii) The facilitator's guide focuses on helping children to gain a limited cognitive awareness of how they understand Fairness and Lying. It is widely recognised that the effective teaching of ethics has cognitive, volitional and emotional frames of reference. However, there is nothing in the guide regarding the role of motives in making ethical decisions.

iii) The facilitator's guide does not include any overarching stories or meta-narratives. This is contrary to the best thinking on moral formation¹². Special ethics cannot be taught without some over-arching story being introduced intentionally or unintentionally by the teacher.

iv) A typology of Values Education approaches includes not just Values Clarification, but also, at least, Action Learning, Analysis, Moral Development and Inculcation.¹³ However, the lesson material attempts to provide values clarification, not an ethics course. Undiscerning parents/carers could consider that their children were being taught something similar to the ethical principles they hold to. However there is nothing in the lessons to suggest this is the case.

v) There is nothing in the facilitator's notes for the two lessons that lead children to making actual ethical decisions in the course of *real life*. The lessons on Fairness and Lying raise the immediate question: just because a child can identify "the relevant interests and points of view" in an ethical issue, does it mean that at any time s/he will act on it for the good of

⁸ Board of Studies NSW, *K-6 HSIE Units of Work Stage 3* <http://k6.boardofstudies.nsw.edu.au/go/hsie> (accessed 28/02/12).

⁹ Board of Studies NSW, *NSW Primary Curriculum Foundational Statements Years 5 and 6 – Stage 3*, <http://k6.boardofstudies.nsw.edu.au/go/k-6-curriculum/foundation-statements> (accessed 28/02/12).

¹⁰ Ibid.

¹¹ SJEC, *Fairness and Lying and Telling the Truth*, teacher outlines.

¹² A MacIntyre, *After Virtue*, p. 216.

¹³ <http://www.edpsycinteractive.org/topics/affect/values.html> (accessed 28/2/12).

society? Children need more than peer pressure to be encouraged to act in responsible ways for the benefit of society.

vi) The format of the lessons is exclusively peer-to-peer and there is no place for an experienced, wise adult to challenge the conclusions reached. There is an inherent weakness in this model in that if peer acceptance is the only measure of what is right, then the conclusions reached will not necessarily be ethical from the point of view of the wider society.

vii) There is no discussion of the past, present and future 'tenses' involved in decision making. Students need guidance to explore how they have reached their opinion on an ethical issue. In addition, there is nothing about the future impacts of their decisions and the consequences of ideas.

With the limited information available about the scope and sequence of the lessons, PY concludes that the lessons are really about clarifying the students' critical thinking skills. However, these skills are not directly taught in a way that encourages students to personally appropriate them, making them a part of the praxis that they take into life beyond the lessons.

3. Implementation

In 2012 the implementation of special ethics has generally not impacted on the provision of SRE. In 2011 there were some instances in which over-zealous school administrations presented special ethics education as the alternative to SRE. PY believes that this contravened the purpose of SEE as an option for children whose parents did not want SRE taught to their children. In one case in which we were directly involved, this went as far as dismissing the SRE teachers when the principal determined that all students would take ethics instead of SRE. The decision was reversed and the teachers were invited back when the then DET intervened.

Also in 2011, the DET facilitated the distribution of promotional material about SEE to every school in the state, regardless of whether they had expressed an interest in special education in ethics or were having problems with large numbers of students not choosing SRE. From the perspective of SRE providers, this amounted to promoting special education in ethics.

This year we continue to be involved in a small number of situations where long established SRE classes are being moved to another day of the week in order to accommodate SEE, as if they were dual offerings and other situations where parents are being notified that the students can now opt-in to either SRE or SEE.

We need to acknowledge that, so far, the implementation of SEE has been fair in that, like SRE providers, all teachers are volunteers, not DET teachers, and the providers pay for their own costs e.g. curriculum, worksheets and the training of volunteers.

4. Effectiveness

The only publicly available information on the effectiveness of SEE, of which the Church is aware, is Dr Knight's *NSW Ethics Course Trial*.¹⁴ We draw attention to Dr Knight's Recommendation 3 acknowledging that 'in any future iteration of the course,' 'the issues of moral relativism' should be considered.¹⁵ The Church considers this an admission that the tendency to moral relativism was largely ignored, which Dr Knight indirectly acknowledges.¹⁶

Dr Knight also makes the point that the course was ineffective at enabling students to evaluate the reasons used to justify an ethical belief, a critical aspect of ethical decision-making. This aspect was given only slight attention and usually in only one of the procedural steps toward the end of the lesson. Because there was insufficient time for the lessons, teachers frequently had to skip over or leave out these latter steps. Therefore, the lessons were ineffective in teaching students some very critical aspects of developing a robust ethical decision-making framework.¹⁷

The Committee may not be aware of a critique of the methodology used in Dr. Knight's Report produced by Dr. James Asthanasou of the University of Technology, Sydney. He concluded

There were substantive methodological issues that were not addressed by the design of the study, profound technical restrictions and statistical limitations that impair any judgement that the ethics course unquestionably achieved its aims. Each limitation had the potential to question the results obtained but acting in concert they raise substantive issues about the guidelines and conduct of any evaluation.¹⁸

On the basis of there being only one report of the trial, which was substantially criticised in a peer reviewed journal, and no public statements that indicate either the review or the critique had been influential in changing the course content, PY considers the effectiveness is still very much an open question.

5. Other related matters pertaining to the current operation of 'special education in ethics'

1. The numbers used to justify the introduction of SEE do not correlate with our understanding of the scope of SRE in NSW schools. Our state wide presence leads us to conclude that over 70% of students in primary schools attend SRE of some form and there is SRE in a third of state's high schools. Simply put, the parents or caregivers of 100,000 children are not asking for a meaningful alternative to SRE. In fact, SRE would increase in number from the estimated 360,000 students in primary schools, if we had more volunteers to respond to the interest expressed by parents. The matter of finding and training volunteers will be an ongoing issue for Primary Ethics, the SJEC provider.

¹⁴ Dr. S Knight, *NSW Ethics Course Trial Final Report, October 2010*

¹⁵ *Ibid*, p. 88.

¹⁶ *Ibid*, p. 18.

¹⁷ *Ibid*, p. 19.

¹⁸ D. J.A. Athanasou, 'A Critical Review of an Ethics Course Trial Eleven Methodological, Technical and Statistical Errors', *REJA*, Vol. 27, Number 02, 2011, pp.28-33.

2. The Federation of P&C Associations of NSW has exceeded the objectives for which it was set up in commissioning the SJEC to write the ethics course and promoting it in a sectarian way. The P&C objectives are:
 - Promote the interests of the school by bringing parents, citizens, pupils and teaching staff into close co-operation
 - Assist in providing equipment required by the school
 - Report to the Minister the material requirements of the school
 - Assist the teaching staff in establishment of school policy and management in all facets of school activity.¹⁹

3. The curriculum of all courses used by the major SRE providers has always been publically available. If it has an ISBN number the law requires copies to be lodged with the major libraries, thus making it accessible to anyone who uses the library's services. We have always instructed our teachers to make the lessons and, if necessary, the curriculum available to both the principal of the school and any parent who asks. In response to a DEC request at the end of last year, we have now included links to the material on our website. We understand all the major providers of SRE have willingly done the same.

4. PY is strongly of the view that special education in ethics should be permitted to continue in schools **as long as they can meet the same standards set by PY and other SRE providers**. We are involved in partnerships that
 - Improve the quality and age appropriateness of teaching resources using highly qualified developers;
 - Provide SRE teachers with a uniform framework of training and which asks volunteers to aspire to at least a Cert IV level of training;
 - Providing SRE teachers with better support and in-service training

5. In schools where both SRE and SEE are running there are still significant numbers of students whose parents do not take up either option. So, the introduction of SEE does not completely solve the issue that ostensibly led to its development. This is a matter of concern to PY who wants children whose parents opt for neither course to somehow be involved in meaningful activity. We have been at forefront of calling SRE providers of all faiths together to discuss a range of options for students in this situation and consulting principals about their best practice regarding this issue.

6. The question of repeal of the Education Amendment (Ethics) Act 2010

As stated in the introduction, PY is not advocating for the Ethics Act to be repealed. At this point of time, SEE utilises volunteers and provides something meaningful for some of the children whose parents opt out of them attending a SRE class. Subject to the current SEE

¹⁹ The Federation of P&C Associations of NSW <http://www.pandc.org.au/information.seo> (Accessed 28 Feb 2012).

provider utilising volunteers and meeting all the requirements in terms of child protection training and pursuing quality teaching in a way comparable to the rising standards in the delivery of SRE, we recognise its place in law.

7. Conclusion

We trust that our submission provides the Committee with some valuable insights into the response of a long term SRE provider with state wide experience. Without access to the SEE curriculum, we have not been able to investigate the merits of the course in supplementing the well-researched and produced curricula used by our volunteers.

SRE in NSW public education has developed over many years from a heritage of the involvement of Christian churches in the education of children in NSW. This reflects the role churches like ours have had in Australian society. As our society has become more multicultural, SRE has adapted to reflect the presence of many faiths in the classroom. This has led to the situation where SRE is offered to children of our faith tradition and to children whose parents permit them to learn about values and ethics that are foundational to Australian society.

Students in schools in NSW should continue to have access to SRE. If some parents prefer their children to receive SEE, then this should be provided. However, it should be provided in a way that does not compromise access to SRE and SEE should not have stronger legislative protection than SRE.

It should be recognised that having single provider of SEE with single curriculum does not mirror the situation of SRE. Given this, the curriculum of SEE should be publically accessible and should be subject to very close scrutiny.