

**Submission
No 8**

INQUIRY INTO HOME SCHOOLING

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Please find below my submission for the inquiry into home schooling NSW. I present to you my own experiences and observations as a home educator along with excerpts from Australian and international law and independent research.

I consider that our family has been home educating since birth. I draw no arbitrary line at 5 years old between life as a preschool child and that of a home educated child. We did not begin home educating, merely carried on with successful learning practise that was already established. My children are now almost 6 and 8 years old. My background and training is in primary school education and museum education.

The law in relation to education in NSW

"Education act 1990 part 4:

(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 children is the **provision of public education.**"*

The law clearly states that education is the responsibility of parents and **not** the state. Every child should receive an education of the highest quality and it can be argued that for some children a higher quality of education can be found at home than in the available school setting. The United Nations Convention on the Rights of the Child article 18 part 1 similarly states that the child is primarily the responsibility of the parents not the state:

*"States 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".*

Section 5d of the NSW Education act 1990 allows children to be educated at home.

Comparison of practices with other jurisdictions in Australia and New Zealand and around the World

Prior to August 2013 NSW already had very restrictive rules for home educators to follow compared to other countries and states. The introduction of the new home education information package in 2013 and subsequent visits by APs (Authorised persons) once this had been introduced made the requirements even more restrictive and onerous. Other countries and states prioritise the child's **needs** when designing a curriculum. In NSW the child's needs are ignored and a blanket curriculum decided by the BoSTES has been imposed on home educators.

In NSW flexi-school (part time school plus part time home education) is not a legal option.

New Zealand

The ministry of education in New Zealand requires home educators demonstrate that:

“their child will be taught at least as regularly and well as in a registered school”

It is a requirement that a broad curriculum be delivered however:

*“The New Zealand Curriculum or Te Marautanga o Aotearoa may serve as a guide but use is **not compulsory**.”*

Home educators in New Zealand also receive government funding. The annual amounts paid are:

- | | | | |
|---------------|-------|---------------------|-------|
| • first child | \$743 | second child | \$632 |
| • third Child | \$521 | subsequent children | \$372 |

England

As set out in Article 2 of Protocol 1 of the European Convention on Human Rights education, and the form that education takes, is the responsibility of the parents NOT the state

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.”

In England Section 7 of the Education Act 1996 states that:

*“The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable –
(a) to his age, ability and aptitude, and
(b) to any special educational needs he may have,
either by regular attendance at school or **otherwise**.”*

The word "otherwise" relates to educational provision outside of the school system such as distance education or home education.

A “suitable” education has been defined in case law as one that:

“Primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child’s options in later years to adopt some other form of life if he wishes to do so”.

Flexi-schooling is a legal option at the discretion of the head teacher.

In England parents are **not** required to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable

- have premises equipped to any particular standard
- have set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or term
- give formal lessons
- mark work done by their child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school-based, age-specific standards.

In England, education is compulsory, but school is not. The responsibility for a child's education rests with their parents. Registration with a government body is **not compulsory** and there is **no requirement to follow the national curriculum**.

Other Australian States

ACT

In the ACT flexi-schooling is a legal option. The ACT government and training directive states that:

*“Curriculum choice is a matter for parents to decide, in accordance with their chosen approach to Home Education and the educational **needs** of each child registered for Home Education”.*

The Liaison Unit does not supply curriculum documents. The document "Registration of home education in the ACT" states that parents are required to report the child's progress in relation to the terms:

“spiritual, emotional, physical, social and intellectual”

Parents are **not** required to give lists of outcomes achieved from the national curriculum. Parents are **not** required to provide written work samples.

“If the child's learning activities do not produce material that can be collected as evidence of learning, then parents and children may choose to describe these experiences”.

Home visits are **not** compulsory:

*“Experienced home educators may request in writing to have registration (initial) and registration renewal assessed on the basis of the submitted Home Visit Parent Report **without** a home visit”.*

VIC

In Victoria it is also a legally available option to flexi-school. Home educators are required to cover the 8 key learning areas of:

- The Arts
- English
- Health and Physical Education
- Languages other than English
- Mathematics
- Science
- Studies of Society and the Environment
- Technology

They are **not** required to follow a prescribed curriculum and cover outcomes or provide outcome codes, and there is **no requirement for home visits**. The “Home Schooling in Victoria” guide states that home educators are free to:

*“develop their own curriculum and programs to suit their particular circumstances, and their child or children’s **needs** and interests.”*

Outcomes of home schooling including in relation to transition to further study and work

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. In this way children are able to progress quickly through the educational material and reach their potential. In large classroom situations less able children do not get enough one to one time with the teacher and so never reach their potential. Once a child has fallen behind they often are never able to catch up. Able and gifted students in the classroom are also unable to reach their potential as the majority of the rest of the class would be unable to keep up if the education were pitched at their level.

Home educated children do as well as, or better than, their schooled peers with regard to academic results, employment or further education. Knowles (1991), Webb (1999) and Ray (2003) all suggest that a home education can lead into a responsible adulthood. Ray (2003) found that 98.5% of home educated adults had read a book in the last 6 months against 69% of general population; 4.2% found politics and government too complicated to understand as against 35% of general population; 90.3% of the home educated adults used a public library or public library programme in the last year against 56% general population; 6.2% felt their family had no say in what federal government does as opposed to 44% of the general population; and 71.1% engaged in some form of community activity as opposed to 37% of general population.

Paula Rothermel (2004) studied the academic results of home educated primary aged children in the UK. Her research included baseline assessment of 4-5 year olds tested twice over a ‘school’ year. 64% of the home educated children tested scored over 75% on the assessment, whereas nationally just 5.1% of children scored over 75%.

Rothermel (2005) compared national maths and literacy tests results for schooled and home educated children. She found that 16% of school-children nationally scored within the top attainment band, the same level was achieved by between 52% and 96% of the home educated children. In her research she attributes the home educated children's success largely to the parental input and commitment. Rothermel notes that some of the children achieving these scores were learning in unstructured ways and with little, if any, work undertaken whilst sat down at a table.

Rudner (1999) studied the academic outcomes of home educated children aged 5-18. He found that their average scores were in the 70th to 80th percentile (with 50th being the norm).

Ray (2003) found that over 21% of home educated students had achieved a degree qualification compared to the national average of 12.05%. 50% had gone on to further education of some kind. Overall, the American study showed that 74% of home educated adults took college level courses compared to the national average of 46%.

Financial costs

Home educators in Australia receive no government funding. Although all parents in Australia pay taxes towards funding state and independent schools and distance education for isolated children, home educated children are the only group of children who receive no government funding.

In addition to lack of funding one parent usually has to forego a second income for the family as they are at home actually doing the educating.

As well as regular family costs the home educating family will need to pay for resources and materials for the educational program from their own pocket.

Demographics and motivation of parents to home school their children

My personal reasons to home educate, rather than to use traditional schooling, can be divided into 3 categories:

- Academic learning
- Social
- Lifestyle and family

As explained above 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 reason for home educating I have heard is the opportunity to cater for any special needs which could include learning difficulties, social issues or giftedness.

Home education can be child led and follow the child's interests. I believe that people cannot be forced to learn things that they have no interest in.

Many people with no experience of home education wonder how the child can learn social skills. It is my opinion that home education allows parents to provide a much more natural social experience for their children, one which reflects the true nature of society not the institutionalised version displayed in schools. Many of the undesirable social aspects of school, such as bullying, can be more easily managed, or even eliminated, as parents will be both more aware of any problem, having close contact with their children daily, and be empowered to either remove the problem or remove the child from it. Children will have ample opportunity to learn from others who are more experienced, and they will pick up family values.

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. I believe that children (and adults) learn from more experienced individuals not similarly inexperienced peers. For example children do not learn how to behave in a new situation from 30 other children of the same age who are equally inexperienced, but from adults or others who have previous experience. Home education offers many opportunities for social learning from a variety of older and younger children as well as many adults.

I have found in my own experience that home education can lead to very strong family bonds. We, as parents, believe the school routine destroys family life and does not cater for the physical and emotional needs of the child. Home education allows the family to spend a large amount of time together particularly if one parent is doing shift work. We are fully involved in our children's lives. We learn together and spark new interests in each other

Dr Paula Rothermel (2002) found parental motivation to home education as follows:

- Disappointment with education (school) 31%
- Ideology - always intended to home educate 29%
- Bullying 25%
- Child sickness, stress, exhaustion, or depression 24%
- A desire to guide, or a responsibility to be involved in, their children's education 20%
- Lack of suitable schools, bad teaching and behaviour in schools 16.4%

Other reasons included mismanagement of special education needs in school, unsuitable provision for gifted children, parental standards and faith, and inappropriateness of school in relation to family life.

Education Otherwise survey (2003) asked parents why they decided to home educate:

- For reasons relating to family lifestyle 33%
- Views about childhood and learning 28%
- Views and feelings about school 26%
- Special needs 13%

For those children previously enrolled at school but withdrawn for home education the survey found:

- Bullying either by children or staff 22%
- Unhappiness with school 17%

In my local home education support group I estimate that around 20% of the members were school teachers before they decide to home educate. It is my experience that the teaching profession is over represented in home education. This is perhaps due to insider knowledge that school based education is not right for those particular families. I myself have an extensive background in education. I am a trained (BEd Hons - UK) primary teacher. I have worked in both public and private schools and with many children with special educational needs including autism, dyslexia, dyspraxia and ADHD. I have also worked in more informal educational settings particularly museum education. I have worked with children from 0 -18 years.

Rothermel (2002) found that 47.4% of home educating parents in her sample had attended university.

- 13.5% were school teachers or lecturers.
- 11.7% were working in the arts
- 10.2% described their work as 'manual'
- 41% of said that at least one parent was teacher trained.

Extent of and reasons for unregistered home schoolers,

I do not know the extent of unregistered home educators in NSW however I am aware that there are many. I am also aware that more home educators are choosing to either not renew their registration or to not register initially since the introduction of the new information pack in 2013. I believe that many home educators see the new information pack as overly restrictive.

I myself have considered not renewing my registration. My primary reason for this is that registration encourages me, as the parent, to provide a program based on the requirements of the BoSTES and not based on the **needs** of the child. I try very hard to resist the pressure to conform to the overly restrictive requirements of the new information pack if I believe that it will negatively impact on the education of my children. However APs are becoming aggressively determined to make sure that every child receives the same education as that provided in schools. Here I paraphrase Tony Attwood (psychologist) speaking at a recent conference about Aspergers syndrome:

"Equality is not treating everyone the same, equality is giving individual children what they need to succeed"

I believe the quote above is very pertinent to the current situation in NSW. Equality in education will not be achieved by insisting that home educated children are taught exactly the same subject matter in exactly the same way as their school peers, but in providing an education that caters to the children's **needs**. At present home educators are restricted in their ability to give an appropriate education by the NSW BoSTES.

Characteristics and educational needs of home schooled children

In my experience children with special needs are overly represented in home education. However it is important to realise that home educated children are all different and that children from many walks of life are represented.

Research by Reilly, Chapman, and O'Donoghue (2002) looked at Australian parents home educating children with disabilities. Parents' concerns with the school system included:

- Negative socialisation
- Insufficient academic progress
- Failure to understand their child's academic and social capabilities or the nature of their child's disability.

They found that children benefited from a flexible structure that suited their individual child's needs with no set timetable.

Rothermel (2002) found 22.54% of her sample to have special needs with 19.87% of parents citing 'special needs' as a reason to home educate.

Comparison of home schooling to school education including distance education

It has already been discussed above that home educated children do academically as well, or better than, their school peers.

There are many different philosophies that parents use when home educating their children. They range from the very informal method of unschooling (also known as natural learning or autonomous education) right through to very formal methods such as school at home. Many home educators are eclectic, picking aspects from various methods to suit their children's changing needs. For a very good overview of the methods I would recommend the committee reads the books and research of Alan Thomas outlined in the references below. Thomas found that over time parents became more comfortable with home education and moved further and further away from formal school like methods towards a more autonomous education.

The term home schooling is not generally used by the community it represents but only by outsiders. In general home education does not look very much like school education. "Home education" is also very misleading as most home educated children learn extensively outside the home in community groups, educational visits, voluntary work and other programs. It showed a dramatic misunderstanding of what home education is when the BoSTES recently changed the name of its department from "Home Education unit" into "Home schooling unit". This also reflects the board's new agenda to make home education just like school through implementation of its new information pack. Rothermel suggested that the term 'home education' is misleading, as there was no evidence to show that families used home in a way that school uses a classroom.

Distance education is similar school at home in that children learn from materials produced and decided upon by the adult. The biggest difference however is that distance education curriculum is the same for every student in the "school" in a particular year group. Although school at home curriculum is also chosen by the adult and not the child it can be catered to the children's specific needs unlike

distance education.

Rothermel's research shows that home educating families:

- Adopt a flexible approach to education
- Believe that their children benefit from the freedom to develop their skills at their own speed
- Provide a high level of parental attention although that input did not necessarily involve a curriculum or firm timetable.

Dr John Barratt-Peacock found conversational learning to be very important, with families spending an average of 6.12 hours daily in conversation. This compares with research showing that US teachers spend just seven minutes per day in personal exchanges with their students.

Rothermel (2002) also asked what home education meant to families:

- Freedom and flexibility to "do what we want, when we want" 36%
- Child can learn in his or her own style and can develop naturally 29.74%
- Close relationship/time together 25.13%

Current registration processes and ways of reducing the number of unregistered home schoolers

As explained above I believe that many people are not registering due to the restrictive nature of the requirements of the BoSTES. I believe that the only way more people will be encouraged to register would be to make the requirements less restrictive. This should start with the immediate withdrawal of the current 2013 information pack which was introduced with no consultation with home educators.

Funding or other assistance may encourage more people to register. However I believe that this alone would not encourage a significant number of people to register if the restrictive requirements were still in place.

Training, qualifications and experience of authorised persons

I cannot speak of the training and qualifications of APs in general. I can however speak of my own AP as I asked her about her experience at my last visit. Whilst my AP is professional and friendly she has less educational experience and qualifications than many of the parents she is approving including myself. Perhaps the most glaring gap in the training and qualifications of APs is that none that I am aware of have actually home educated children themselves or received any training about home education from a person experience in this area. Many do not seem to understand how home education works or the ways in which it is different to school.

Adherence to delivery of the New South Wales Syllabuses

It is my opinion that all home educators wish to deliver an educational program that is appropriate for the needs of their child. Whether this ties in with the national curriculum or not is not generally seen as important. The NSW syllabuses and National Curriculum are very restrictive especially in relation to when a subject can

be taught. In my own experience I have found that my children have covered the same areas as schooled children but not necessarily at the same time or in the same order. Often children are interested in a subject which may not come up in the curriculum for several more years. Sometimes they cover a subject later than their school peers. Home educators see the sense in teaching subjects when the child is enthusiastic and interested. It is a nonsense to ignore an interest or need because the syllabus dictated that the time is not right to pursue it.

The UK Rothermel (2002) study found that 56.09% of home educating parents do not use the national curriculum at all, whilst 26% described it as narrow and restrictive

The NSW Education act 1990 part, 7 division 6 73 2b, states that home education:

“must provide for the child to receive instruction that meets the relevant requirements of Part 3 relating to the minimum curriculum for schools.”

The minimum curriculum for schools, part 3 section 8 (as defined below), does not include unwavering adherence to outcomes and outcome codes. Therefore APs working with the new information pack and insisting on parents working to outcomes are working outside the current law. Asking parents to supply a curriculum based on the needs of the BoSTES and not on the needs of the child also violates part 1d (emphasised in bold below). Moreover the education act part 3, section 8 part 3 (also in bold below), permits modifications to the syllabus if it is deemed to be incompatible with the educational philosophy or religious outlook. Current AP inspections are not allowing modifications to the syllabus.

Minimum requirements for the secondary curriculum are very similarly worded to the primary requirements and as such are not reproduced below. However they may be viewed in the Education act 1990– part 3 section 10.

"Education act 1990 part 3 section 8

Minimum curriculum for primary education:

(1) The curriculum for primary school children during Kindergarten to Year 6 must meet the following requirements:

- (a) courses of study in each of the 6 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 a 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.*

(2) *The requirements of this section constitute the minimum curriculum for schools providing primary education.*

(3) *If requested to do so by the proprietor of a non-government school (or, in the case of a school that is a member of a system of non-government schools the approved authority for the system), **the board may approve such modifications to the syllabus referred to in subsection (1) (f) as it considers necessary to enable any part of a course of study in a key learning area that appears to the board to be incompatible with the educational philosophy or religious outlook of the school to be based on, and taught compatibly with, that educational philosophy or religious outlook.** The part of the course of study at that school is to be based on and taught in accordance with the syllabus as modified.*

(4) *Any modification approved under subsection (3) must be consistent with the guidelines referred to in subsection (1) (e)."*

The UN Convention on the Rights of the Child, article 3 section 1, also states:

*"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration**".*

It is often not in the child's best interest to adhere exactly to the outcomes of the BoSTES curriculum.

Article 29, section 1a states that:

*"States Parties agree that **the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential**".*

Any government body who insists that the parent designs their curriculum according to the needs of that body and not for the needs of the child are breaking the UN Convention on the Rights of the Child.

Section 2 states:

*"No part of the present article or article 28 shall be construed so as to interfere with the **liberty of individuals and bodies to establish and direct educational institutions**, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State".*

In other words parents, as individuals, have the right to establish their own educational institution for their children.

The UN Convention on the Rights of the Child, article 13 part 1, states that:

*"The child shall have the right to freedom of expression; this right shall include **freedom to seek, receive and impart information and ideas of all kinds,***

regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice”.

The UN convention gives the child rights in regards to what they wish to learn (i.e. seek and receive information) and how they wish to learn it. Any government body seeking to define and restrict what a child learns or to stipulate how this learning should occur is breaking the UN convention.

Article 31 states:

“1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity”

These type of play and cultural activities form a large part of home education for many people. To expect the child to forego these activities in favour of rigidly sticking to outcomes and curriculum content is again violating the child's human rights.

Potential benefits or impediments to children's safety, welfare and wellbeing

It should not be assumed that a child is safer at school than at home. There are reports in the World's media every day of school shootings, sexual assaults, bullying, suicide and injury. For a child exposed to these sorts of experiences at school home is infinitely safer. Research quoted above gives bullying as one of the main reasons parents remove their children from school.

I believe that concerns for the safety and welfare of home educated children stem from a lack of understanding of home education and a wrong assumption that home educated children never leave the house and are never seen by people outside the family. As described above home education is not usually like this. In fact I would go so far as to suggest that my children are seen by more adults outside the family than a typical school child who spends most of the day with a single teacher. My children regularly come into contact with people in the community such as postal workers, shop assistants, librarians, doctors and sports teachers. In addition to this most home educating parents go to one or more home education community support groups. My children come into close contact with around 25 adults each week at such groups.

One only has to read the news to see that many cases of child abuse or neglect are not picked up at school. In fact there have been several high profile cases (especially in the UK) where school children have died even though social services (DOCS) have them listed as in danger. Being at school does not mean that children's welfare is assured. In the same way increased monitoring of home educators by the state is unlikely to uncover more cases of child abuse.

It is interesting to note that children who are educated by a school distance education program are not required to have home visits. This begs the question of

who is monitoring these children for child welfare and why do home educated children need to be monitored but distance educated children do not?

The Badman report (2009) in the UK found no evidence that home education was linked to forced marriage, servitude or child trafficking. I do not know of any research that links home education to issues with child welfare, neglect or abuse.

Appropriateness of the current regulatory regime and ways in which it could be improved.

With regard to the current increase in refused registrations (up some 600% since 2011) the rights of the child need to be taken into account before registration is refused and school attendance is mandated. Often the parents are not even told of the reason for the refusal or given any help to make their application comply. The child is usually ignored completely. The UN Convention on the Rights of the child article 9 part 1 declares:

“States Parties shall ensure that **a child shall not be separated from his or her parents against their will...**”

And article 12 states:

“ 1. States Parties shall assure to the child who is capable of forming his or her own views the **right to express those views freely in all matters affecting the child**, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the **child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child**, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

The biggest improvement to the current regulations would be for the focus to be on the **needs** of the child and not on the "one size fits all" requirements of the state. A more relaxed model of registration similar to that of ACT, VIC the UK or New Zealand (as described above) should be established.

Support issues for home schooling families and barriers to accessing support

Currently there is no support, financial or otherwise, for home educators outside of home education community support groups. A good rule of thumb would be that home educated children should be eligible for ALL programs that school students are eligible for.

Home educators in NSW should also be able to access school programs through flexi-schooling as is the case in other states and countries.

Representation of home schoolers within Board of Studies, Teaching and Educational Standards (BoSTES)

Currently home educators have no representation with the BoSTES. Given that the

BoSTES defines policies that directly affect home educators we should have some representation on the board. I would also like to see a representative from the home educating community involved with the training of APs. Home educators should also have a major input into the development of any new home education information pack. These type of documents should be written in collaboration with practising home educators.

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