

**Submission
No 129**

INQUIRY INTO HOME SCHOOLING

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Submission to NSW Parliamentary Inquiry into home schooling

As a home schooling parent of four boys currently aged from 6 to 10 years, I submit the following thoughts to the present Inquiry.

At the outset, I commend to all interested readers the comprehensive submission by **Daniel and Michele Vieira** based on a remarkable 24 years of home schooling experience in New South Wales, as a very thorough and informative context for the current inquiry.

My main points concern (and I intend all of these in a positive and constructive way):

- the illegality of government micro-managing how parents choose to educate their children,
- the lack of funding to home educating parents, who pay taxes which fund schools they do not require, but must self-fund resources which they do require,
- overly-prescriptive provisions in the latest regulations, and
- how to better regulate in accordance with the mandatory guidelines binding on all NSW Government agencies.

1.(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

The NSW regulatory regime cannot exceed the authority delegated to the Education Minister by parliament, and in accordance with obligations under international treaties.

These boundaries are sufficiently encapsulated in the ***Universal Declaration on Human Rights*** and the ***Education Act 1990***. In summary, parents are always the primary educators of their children (UDHR Articles 18 and 26), and the regulator is required to permit parents to educate children at home (Education Act 1990 Sections 4(b) and 5(d)).

However, Section 73(b) **refuses** home school registration if the requirements under Part 3 of the Education Act are not met. The latest requirements issued by the Board of Studies require mandatory documentation mapping all activities to the NSW implementation of the National Curriculum, which has been very controversial for many parents of school children in government and other schools as well as home educators. A parent must therefore be refused registration unless they comply. There is no discretion permitted in the Act.

The National Curriculum, while well-presented and easy to access, search and filter, contains various emphases and elements which are problematic for many parents. Making such aspects mandatory over those parents' objections oversteps the legal authority of the Minister to recognise the rights of parents to educate their children as they choose.

The government should obviously produce curriculum resources for schools, but for parents educating at home, their use can be proposed but cannot be mandated.

Parents of non-English speaking background might even choose to teach their children in language/s other than English. They may even teach literature, spelling and grammar using a different language base, including reading lists. Whatever others may think about this, it is the parents' right to do so.

1(a) The background of home schooling including comparison of practices with other jurisdictions in Australia and New Zealand

Parliament has already completed this work and published it quite thoroughly and clearly in August 2013 at

[http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/HomeEducationinNSW/\\$File/Home+schooling+GG+3.pdf](http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/key/HomeEducationinNSW/$File/Home+schooling+GG+3.pdf)

My recommendation would be to establish a home education registration body separate to the school-focussed Board of Studies, and I note that the Tasmanian model seems to be well-regarded. It should have the character of a registration and support entity, not a regulator. This would increase the level of voluntary registration.

1(b)(ii) financial costs

In July 1963, when the NSW government imposed a requirement on a Goulburn Catholic school to install additional toilets, the bishop summarily closed six Catholic schools, and 2,000 students all applied the following Monday for admission to NSW government schools. The NSW government realised it had over-regulated, and backed down. Soon afterward, government also began to formally fund student places in Catholic schools. The cost of educating children in a government school is high, and parents choosing to use non-government schools or to home educate still fund most of the cost themselves, while also funding the full cost of government schools through their taxes.

Cf. <http://www.smh.com.au/federal-politics/political-opinion/the-lessons-of-goulburn-resonate-in-schools-50-years-later-20120820-24ik2.html>

One home schooling parent generally sacrifices his/her career to provide a decade of education to each child, and foregoes the household income from paid work, as well as the second income tax-free threshold that a second income attracts. Just as the NSW Government did in the 1960s when it began to contribute to student places in non-government schools, it would be appropriate for some of the costs of home educational resources to attract a contribution from the state education budget. (Our annual essential book purchases run into thousands of dollars, for instance.)

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.

1. (iii) adherence to delivery of the New South Wales Syllabuses

Under the 2013 Board rules, the only way for a parent to legally home educate in NSW, if they object to teaching any single element of the curriculum is to claim an exemption, but exemptions must be sought on religious grounds. Many objections to the curriculum are not religious, but may be philosophical, literary, historical or political.

Parents who refuse to teach mandatory elements of the curriculum on non-religious grounds cannot legally be registered, and cannot claim a non-religious exemption. They are therefore required to send their children to school, which breaches their rights to home educate guaranteed by the Education Act. Such parents must either break the law by teaching without registration or exemption, or else break the law by lying to the Minister that they object on religious grounds.

In practice this is not strictly enforced, so it should not be in the regulation at all.

The regulator starts to look irrelevant if it fails to attract voluntary registrations from parents.

Regulation should be improved by simply allowing application for registration or exemption from registration. A reason for exemption may be supplied if the parent so chooses.

The regulation should be improved by proposing, but not mandating curricula.

Objections to increased paperwork, teaching hours and visits

A widespread objection concerns the amount of detailed paperwork now required, additional visits by a Board inspector, and the requirement that the amount of time to be spent must be similar to that in a

school. A school classroom always operates at the speed of the slowest students, and much school documentation is produced in order to report to parents the progress of their children. Many home educators spend far less formal teaching time and a great deal of extension work, often opportunistic extensions based on the enthusiasm of a student to take a topic well beyond the curriculum for their year. Parents already know how each child is progressing.

Further, many home school families are large, and the collaborative learning across ages makes documentation difficult, if not impossible, yet the educational outcomes are certainly being achieved.

A less onerous mechanism to verify essential outcomes is therefore warranted. It should be low-impact and opt-out, respecting the educational choices of the parents. If the regulator has any genuine serious concern, then this becomes a welfare matter for Community Services.

In fact, parents making a commitment to home educate for a variety of positive reasons and generally deliver outcomes at or above school standards. Policing the few hard cases is a welfare matter.

Better Regulation and Premier's directive *M2012-02 Red tape reduction - new requirements*

Regulators in NSW government are bound to deliver 20% reductions in compliance costs to business and the community by 2015, compared to a February 2012 baseline. The requirements on pages 13-15 of the 2013 Board of Studies guide for home education plainly have the opposite effect.

The *Better Regulation Guide* of 2008, which is still frequently cited by the Department of Premier and Cabinet as a key resource for all NSW government agencies, explicitly requires costings for any changed regulation, effective consultation, and consideration of non-regulatory alternatives. We have been home schooling since 2009 but have received no correspondence in this regard.

Conclusion

- A separate registration body should register home educators.
- Curricula may be proposed but not mandated.
- Exemption should be granted without the need for a religious ground.
- The details of education should be left to parents with minimal oversight, but the offer of resources and support.
- Funding should be made available to parents to assist with education of all school-age children, from the taxation revenue to which home educating parents contribute.

The outcome should be a home education registration body with which virtually all home educating parents will be prepared to collaborate, and will achieve a high level of satisfaction.

I commend the Committee for its interest in seeking best practice in this important area, in which the parents' prior right to teach their own children is fully respected and supported.

Francis Young