

## **INQUIRY INTO HOME SCHOOLING**

**Organisation:** NSW Teachers Federation

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## **NEW SOUTH WALES TEACHERS FEDERATION**

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### **SUBMISSION**

**TO**

### **THE LEGISLATIVE COUNCIL INQUIRY**

**INTO**

### **HOME SCHOOLING**

**Authorised by**

**John Dixon  
General Secretary  
NSW Teachers Federation**

**30 July 2014**

## **New South Wales Teachers Federation**

The New South Wales Teachers Federation (the Federation) is the state registered trade union with coverage of NSW public education teachers. Federation represents teachers in New South Wales public pre-schools, infants, primary and secondary schools, Schools for Specific Purposes, teachers working in consultant/advisory positions, teachers in Corrective Services and teachers in NSW TAFE. The membership coverage includes officers with the Board of Studies, Teaching and Educational Standards (BOSTES) authorised to make recommendations to the Minister regarding registration for home schooling. The current financial membership totals over 69 000 practising permanent, temporary and part-time teachers and student teacher members. Federation is administered by 47 elected union officials and three presidential officers. It is the largest state based public education union in Australia.

## **The Teachers Federation's position**

Policies and positions of the NSW Teachers Federation consistently hold the quality of a child's education and their learning conditions as a top priority. Accordingly, the Federation offers the following response in regard to the Terms of Reference of the Legislative Council Inquiry into Home Schooling:

1. All children have a right to a quality education and the State has a responsibility to ensure that right is upheld.
2. The best way for the vast majority of children to access that education is via their local public school. For those children for whom this type of education is not suitable, the public education system in NSW has alternate modes of delivery available. Distance Education provides a suitable home-based education option for students who require it for educational reasons.
3. The BOSTES Syllabuses provide the minimum curriculum guarantee to meet a child's fundamental right to an education, irrespective of the circumstances in which they are educated. The State has a responsibility to ensure that this guarantee is met, and therefore any registration process must include evidence that a home school is following curriculum requirements.
4. The existing registration process is no more onerous than it needs to be to enable the State to meet its obligations under the *Education Act 1990* and child protection legislation.
5. Authorised persons are experienced and qualified teachers, and are eminently qualified to assess educational programs for suitability under the Act.
6. Both in NSW and federally, legislation and policies have been recently strengthening registration and accreditation processes for teachers in order to assure high quality teaching for students in schools. It would be grossly inappropriate to simultaneously weaken protections for home schooling students.

## **A child's right to a quality education**

Over many years the Federation has repeatedly asserted its support of the right of all children to a quality education. It is one of the founding principles of many of its policies, and the Federation argues that the most effective means of providing access to this right is by an appropriately qualified teacher in a public school.

The *Universal Declaration of Human Rights* and the *Convention on the Rights of the Child* assert very clearly the right of all children to education and note that the State has a responsibility in ensuring that this right is adhered to. In NSW, this responsibility is covered, at least in part, by the *Education Act 1990*, as well as in earlier Acts which it superseded. The right is clearly stated in Section 4, which outlines the principles on which the Act is based:

- (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

In NSW, this duty is administered by the Minister for Education and the public education system in NSW is the primary means by which the State meets these responsibilities.

The Federation acknowledges that the Act makes provision for home schooling as a legal option for parents when educating their children. However, this provision still exists under the same principles and ministerial responsibilities regarding a child's right to a quality education. This right must at all times take precedence over a parent/carer's desire to choose the manner in which they educate their child. The State has a responsibility to ensure that all children being home schooled are not at risk of being denied access to this basic human right.

### **State responsibilities**

The registration process for parents wishing to home school their children exists as an important protection of children's human rights. Any registration process must be adequate for the State to meet its responsibility to ensure a home schooled student is accessing a high quality education. A parent/carer choosing to home school his/her child must demonstrate they are not infringing upon that child's rights in the process.

The NSW Teachers Federation supports the reported response of BOSTES to complaints made by some home schooling parents that the registration process has become unnecessarily onerous. Federation does not believe the process has changed with the revision of the guide for parents titled, *Registration for Home Schooling in NSW – Information Package*, in 2013. While there have been some changes in the text of the document, any new text only clarifies processes which already existed and were explicitly identified in various documents relating to home schooling. The Federation has correspondence with the then Board of Studies NSW dating from 1998-99 which outlines the same processes as those which apply in the 2013 document. 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. The document does not specify the type of evidence required, but provides a range of examples as possibilities.

In NSW the BOSTES Syllabuses are the mechanism which provides the minimum curriculum guarantee for all children and young people, irrespective of the form of education in which they are participating. 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.

In recent years, legislation and policies have been developed at both the State and Federal levels to strengthen the quality of teaching to which students in schools have access. This reflects the importance the community places on high quality education. The Federation has been supportive of many of these measures, and will always support government measures which guarantee high quality education for students where those measures are adequately resourced. The *Teacher Accreditation Act 2004* guarantees students in schools' rights to a quality education further than the minimum curriculum guarantee provided by the Syllabuses. Under the Act, teachers are assessed against a set of standards that have been agreed to at the State and Federal levels. The standards cover a wide range of aspects of teachers' work, beyond the curriculum, such as ongoing development of teaching practice and community engagement. In addition, the NSW Government policy, *Great Teaching, Inspired Learning*, seeks to further guarantee the quality of education for students in public schools by strengthening initial teacher education, providing greater support to beginning teachers and promoting and sharing strong professional practice among teachers. None of these provisions exists as a protection for home schooling students.

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.

### **Government capacity meet its obligations under the Act**

The NSW Teachers Federation has consistently supported comprehensive education as the optimal method of delivering education for the majority of students. For a small but significant minority of students, however, no amount of adjustments within a mainstream school will change the fact that for some students the social complexities of a mainstream school are not conducive to either social or academic engagement. It is for this reason that the public education system has in place a range of modes of delivery of education in order to accommodate students' diverse learning needs and allow the state to meet its responsibilities in ensuring all children and young people have access to a quality education. These settings include distance education, Schools for Specific Purposes, specialist classes in mainstream schools, and more. These diverse settings acknowledge that not all children are able to access their right to a quality education in a mainstream classroom and the conditions of entry to these settings are designed to ensure that access is available to those who need it.

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. Its existence as part of a public education system is an important component of the public duty to educate all children, irrespective of circumstances which might otherwise hinder their education. Categories for enrolment include students who are: geographically isolated; travelling within Australia; unable to attend school due to illness; as well as other reasons. Students are able to access the same guarantees to quality education, through the syllabuses, teacher accreditation and other quality teaching policy measures, as those students who are enrolled in schools, while being able to work in a location, and at a time or pace which meets their needs. Even in this context, there are disadvantages of studying by distance, which is why measures are in place to recognise this, such as allowances for distance education students on university admissions scores. Given the additional challenges students studying by distance face, the Federation does not believe that this mode of delivery should be available to any student whose parents/carers wish to choose it. It is appropriate for educational experts to consider the circumstances of students applying for distance education, in the context of access policies, to judge whether any potential disadvantage of studying via distance is outweighed by an educational disadvantage posed by other relevant circumstances should that child be enrolled in a face-to-face school.

The administration of home schooling by those without teacher training or access to professional networks of teachers means the State has even greater responsibilities to ensure that those children's educational needs are being met. The NSW Teachers Federation is seriously concerned about the will of the NSW Government to meet its obligations to home schooled students under the *Education Act 1990*. In the context of large scale budget cuts and "efficiency measures" across the NSW public sector, the Federation doubts that BOSTES has the resources to properly monitor and implement the home schooling registration process, particularly in the context of a growth in applications. Any reduction in the capacity of BOSTES to ensure that the Act is complied with in all educational settings for which it has responsibility in NSW risks endangering children's education, and their future capacity to engage with the community as a result. This concern is heightened by the possibility of growing numbers of students being home schooled and a push for a weakening of the responsibilities of parents and carers of those students.

Additionally, the State has a responsibility, under a range of child protection legislation, 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. 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. 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.

In response to those parents who identify the reason for home schooling as the local school not meeting the needs of their child, then the State has a responsibility to ensure that the school is properly resourced to be able to do so. For those parents who are opposed to sending their children to school for religious or philosophical reasons, then the State must meet its responsibilities in protecting the interests of those children. In the community context of strengthening the protections of the guarantee to quality education for students enrolled in schools, it would be a gross neglect of state responsibility to allow students who are home schooled to be denied that guarantee by relaxing registration requirements.

The Federation argues that if there is an increase in the numbers of parents wishing to home school their children, then the response of government should not be to reduce the registration requirements in order to accommodate those additional numbers. In addition to the risk to which this may expose these students, the State's primary responsibility under the *Education Act* is to provide public education. If there is a perception among parents that public education is not able to meet the needs of their children, then the Government responsibility is to ensure that public schools are meeting the diverse learning needs of all students. The public education system in NSW has a range of modes of delivery available to accommodate these needs.

If these settings are not able to meet the needs of students, then the Government has a responsibility to properly resource public schools to ensure that this is done. The NSW Government has taken a big step in this direction by committing its support to the National Education Reform Agreement, also known as the Gonski funding model. This fundamental remodelling of the allocation and distribution of education funding will mean monies are targeted in a way that enables schools to better meet students' educational needs. This is why it is critically important that all governments in Australia commit to this model in full. The NSW Government must continue its support for the model and commit to a strong insistence that the Federal Government maintains its commitment to the full six years of funding under the agreement.