

**Submission
No 87**

**INQUIRY INTO CHILDREN AND YOUNG PEOPLE WITH
DISABILITY IN NEW SOUTH WALES EDUCATIONAL
SETTINGS**

Name: Dr Rebecca English

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Submission

EDUCATION (GENERAL PROVISIONS) AND OTHER LEGISLATION AMENDMENT BILL 2024

Author's name	Dr Rebecca English
Organisation	Senior Lecturer School of Teacher Education and Leadership Faculty of Creative Industries, Education and Social Justice Queensland University of Technology
Email address	
Mailing address	QUT – Kelvin Grove E Block Victoria Park Road Kelvin Grove Q 4059
Telephone	
Mobile	

Overview of concerns about children and young people with a disability in education settings:

This submission concerns the experiences of children and young people with a disability or alternative learning need (ALN) in educational settings. There are several sections to this submission:

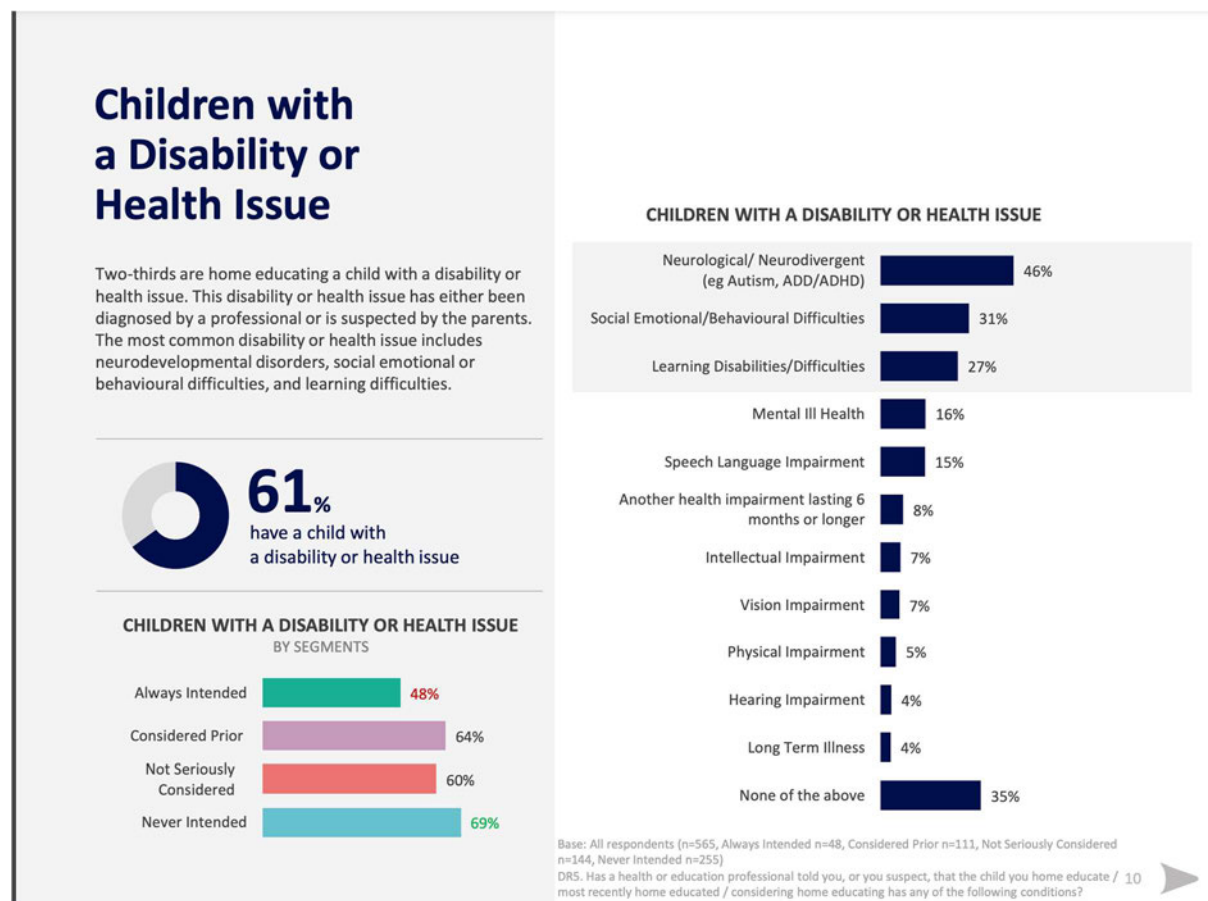
- Queensland Department of Education data on the role of disabilities in the decision to choose home education.
- The reasons families choose home education.
- The intersection between disability, best interest of the child and home education.

I will address each of my concerns below.

Interstate data on why families choose home education:

Much of the recent research suggests that students with special educational needs and disabilities are driving the growth in homeschooling (English, 2021; 2022; 2023). In Queensland, the Department of Education's specialist section devoted to homeschooling, the Home Education Unit, undertook market research on their homeschooling community (registered only) community in 2023 and found the majority (61%) of their enrolments had some kind of what they termed disability or health issue. Their [report](#), page 10, demonstrated that 61% of the respondents' children had a

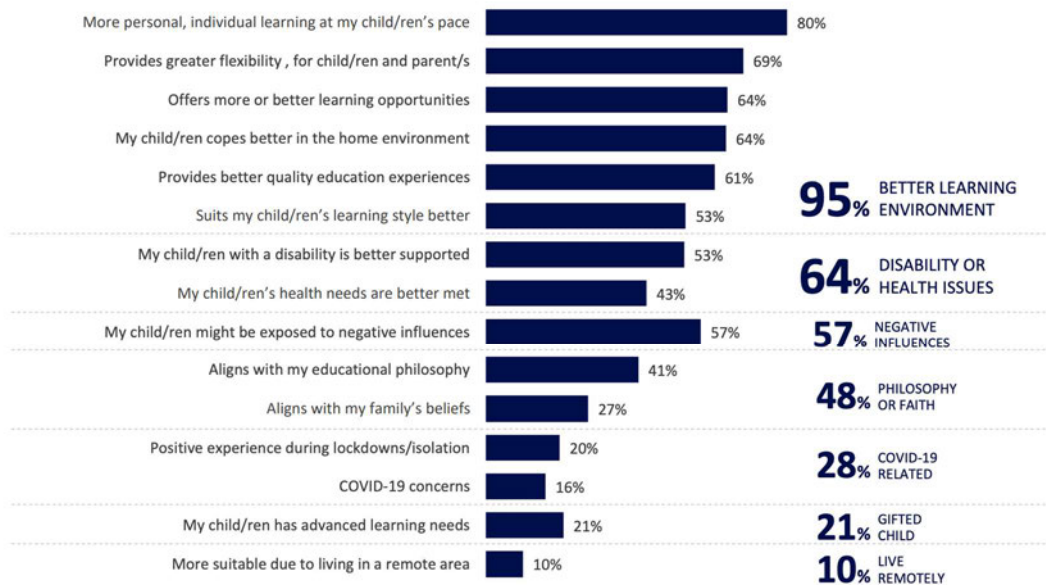
disability or health issue that was impacting on their education and that, for 46% of the respondents, these issues were around neurodivergence. Further, 31% reported social and emotional difficulties and that these were connected with their reasons to homeschool:



This same report (p. 14) also argued that 95% of respondents wanted a better learning environment with 64% suggesting disability or health issue was behind their reasons for choosing the practice. It may be, because the data are not adequately reported in this document, that 95% who were looking for a better educational environment and the 57% who cited negative influences as the reasons for choosing to homeschool, that the child's disability, health issue or neurodivergence (or mental health issue) may have contributed to homeschooling being perceived as a better learning environment or may have been behind the choice.

Reasons for Home Educating

Overall, a common reason for home educating includes the child being able to learn at their own pace with a flexible curriculum that meets their needs. Many children who are home educated have a disability or health issue, and it is believed they cope better in the home environment. It is also felt that home education prevents children from being exposed to negative influences, such as bullying.



Base: All respondents (n=565)
DR2A. Which of the following best reflects your reasoning for choosing home education registration?

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While this research only got ~560 respondents (of a total enrolled cohort of around 8,000 at the time) and was not data that was properly collected and easy to analyse, it is still data on students' needs. In addition, there is a long history of failure to register in Queensland, with **significant issues with under-registration in Queensland** (English & Gribble, 2021; English, 2023) which supports ABC analysis from 2012 (Townsend, 2012) which suggested while official figures identified 951 homeschoolers in the state, there were 12,000 unregistered homeschoolers. Further, Queensland's department of education's own review of home education in 2003 showed that **significant numbers of families were not registered** because of a **fear of government intrusion**, a **perception of a hostile regulatory environment**, a **belief the department did not understand home education** and homeschool families' needs, and **over-regulation** (Jeffrey & Giskes, 2004). These issues persist (Euka, nd) and disabilities are often cited as families struggle to meet reporting and registration requirements, even in Queensland where there is a specialist form to register for **students with a disability**. It is noted these students **tend not to register and are invisible to regulators**.

Why parents choose home education:

Governments tend to fundamentally **misunderstand the reasons parents choose to home educate**. It is important to understand what research shows about why families choose home education. Researchers (see English 2021a for a discussion of the issues around theorising home education choice), over the past 30 years (see Van Galen, 1991), have shown that **families consistently choose home education when other educational options are perceived to have failed them**. Recently, there has been a growth in home education after the pandemic when parents saw what was happening in classrooms during the online schooling phase of the lockdowns (see English, 2021b) and were not happy with the ways classrooms were being managed (English, Campbell & Moir, 2023) and what was being taught (Preethi & Lawrence, 2021).

Research (Neuman, 2021; Neuman & Oz, 2021) have shown that families report high levels of dissatisfaction with mainstream schooling and do not believe it is being conducted in their child's best interests. However, this research also shows that **parents who choose home education are responding to what is perceived to be schools' failure** to teach properly, manage behaviours, both those of their child and that of other students, and the inability of curriculum to be flexible and adaptable to students' needs. **Families choose home education not because they want to, but largely because they feel they have no other choices** (English, 2021a; 2021b; 2022). **If schools were perceived to be effective at meeting children's needs**, and at educating their children in ways that met their needs, families consistently report that **they would keep their children in schools** (Green-Hennessy & Mariotti, 2023). In the past this decision was not set, with families exiting home education to return to schools (Allen & Jackson, 2010), however, increasingly once they exit the system and enter home education, they tend to stay (English et al., 2023) unless a major life event (such as the death of a partner) changes their situation (Sheng, 2024).

Research shows that home education is preferred by parents of young people with a disability because of **deep distress experienced in school** (Chatzitheochari & Butler-

Rees, 2022), in these cases, the experiences of the child's disability, coupled with the school's apparent inability to manage inclusion and that child's needs, as well as their inability to manage other students' behaviour toward that child, tend to result in a decision to homeschool. In these cases, it may be that **if schools worked, the child would stay there** and not homeschool. This point, about schools not working, is seen in the choice being, what research (Green-Hennessy & Mariotti, 2021), terms a reactive choice. It is reactive in that **parents do not choose it initially but wind up homeschooling because the child's disability makes staying at school impossible.** For some parents, the experiences in school are so damaging for the child or young person with a disability that they cannot follow a structured curriculum, making registration difficult or impossible (Riley, 2023). For these young people, the choice is for more 'informal' or 'unstructured' homeschooling with 'unschooling' being cited as both protective and healing for their children (Riley, 2023). In addition, research (Forlin & Chambers, 2024) argued that **mainstream schools' practices, including inclusion, appear to be a barrier to students with a disability or ALN experiencing success in education.**

The intersection between disability, the best interest of the child, experiences in schooling and the choice of home education

Interstate data, in this case in Queensland, demonstrate that homeschooling is growing rapidly. In Queensland, which has the highest growth in registered home educators in Australia; experiencing a 194% increase in the five years to 2023, data show significant numbers of homeschool families do not register (English, 2023) with suggestions that between 50% and 80% of the total home educating population are unregistered (Euka, nd; Tablelands Home Education, nd). Under-registration is a long-term problem, with a review into the legislation in 2004 showing that many families do not register because they are **fearful of the government who is perceived to not understand significant issues in schools that lead [many disabled students] to homeschooling** (Jeffrey & Giskes, 2004). However, this point is not exclusive to Queensland with advocates estimating that **New South Wales' numbers are dropping not because there are more children returning to school but because they are finding registration difficult**

or impossible and ‘dropping out’ in order to homeschool illegally. The points made earlier in this submission may demonstrate why parents of young people with a disability choose not to register their children.

Much of the work in education fundamentally misunderstand parents’ reasons for choosing to homeschool. First, **a perceived failure of schools to ensure the safety and wellbeing of their students are known drivers to home education** (English et al., 2023). Bullying, for example, and the schools’ perceived failure to keep children safe either through failing to manage bullying and other issues (such as in the English et al. paper where a participant reported the school lost a severely anaphylactic child’s EpiPen and the participant reported finding it under some chairs in the school hall) is not consistent with keeping children and young people safe. As Neuman (2021) noted, **if schools were effective in keeping young people safe and secure, they would stay in schools**. In addition, anxiety is often linked to schooling issues and is also an issue with regards to keeping children safe (see Riley, 2023).

Second, one of the main outcomes of schools’ reported failure to keep children safe is the increase in school refusal. The numbers of **young people refusing school has increased** so much that it was the topic of both a Federal Senate Inquiry (Clark, 2023) and a senator’s survey (Duffy, 2023). Senate Inquiry data from 2022 show more than half of all Australian students were attending less than 90% of school days (Clark, 2023) while the senator’s survey released to the ABC showed that 39% of parents had experienced school refusal, where the child would not attend school at all (Duffy, 2023). These children tend to demonstrate serious distress, anxiety and depression which are disabling in a mainstream school environment.

School refusal is associated with severe emotional distress experienced while attending school where, despite repeated attempts to remedy the situation through school interventions, the symptoms disappear only when the child stays home (Havik & Ingul, 2021). **This legislative change**, and its attempt to **replicate a school-like setting in the home**, is **not likely to be effective** with this community, which may be up to 80 per cent of the home education population. The cohort of school refusing students

seeking a non-school approach is driving the growth in home education (English, 2021a; 2021b).

The effect of school refusal is often described as dire. For example, recent research (Lamb & Huo, 2017) suggested it costs the Australian economy ~\$13 billion annually. School refusal is said to risk unemployment and isolation for the school refusing young person (Havik & Ingul, 2021). It impacts the parents of the school refuser who must stay home to look after the child. Schools are affected because they are tasked with implementing interventions that are frequently unsuccessful (Duffy, 2023).

However, it is unlikely to be as dire as the above suggests. The 2023 survey suggested school refusers are (1) not engaging in anti-social behaviours, (2) not hiding their absences and (3) happy to learn at home in a more relaxed and less ‘school like’ manner (Duffy, 2023). The Senate Inquiry (Clark, 2023) and survey (Duffy, 2023) showed there are many reasons a child refuses school, and many events that lead to it, however, we do not understand enough about the issue (Black, 2023). But, we do know they are frequently found in the home education population (English, 2021a; 2021b). Despite school refusal numbers increasing post-pandemic (Clark, 2023), current approaches tend to endeavour to ‘force’ school refusers back to school (Heyne, 2022) with ‘tough love’ strategies that do not work (Duffy, 2023; Fisher, 2023). **Research in home education** (Moir & English, 2022), **suggest increasing enrolments in home education are driven by students exiting schools which, as recent international (Fisher, 2023) and Australian (Duffy, 2023) research shows, is preferred by school refusers because home education is unlike school.**

Third, **home education has been found to have positive outcomes for the child that experiences it** (Ray, 2021) regardless of the curriculum approach taken (highly structured to unstructured), with the likely positive effect being the interventions of the parent (Martin-Chang & Levesque, 2017). A review of the literature in the field (Valiente, Spinrad, Ray, Eisenberg & Ruof, 2022) argued it was effective. Valiente et al. (2022) noted methodological limitations in many studies suggesting homeschooling outperformed traditional or mainstream approaches. However, they cited research

(Murphy,2012; National Education Association, 2020; Ray,2017) which **showed there is no evidence it places children in any risk of harm, or at risk of more harm than other educational approaches** (including mainstream school, unregistered schools, specialist schools or religious schools). They stated, “we do not find systematic evidence that homeschoolers typically experience problematic academic or socioemotional outcomes” (Valiente et al., 2022, p. 52) regardless of the curriculum approach implemented. Further, as Hamlin and Cheng (2022) found, research indicates no statistical difference between short and long term homeschoolers to argue that **the practice does not negatively affect the social or educational opportunities of homeschoolers** in the USA regardless of the approach the parents take. **As such, the use of curriculum is not positively correlated with success in home education, home education is successful because the child is educated at home.**

Interestingly, in a large review of the literature, Kunzman and Gaither (2020, p. 304) argued that the issue at play in both research and legislative spaces is that, homeschooling [continues] to challenge modern conceptions of schooling, education, and the family. Conventional categories of schooling, curriculum, and achievement will continue to blur, shifting not only participants’ conceptions of education but very likely broader society’s as well (Lees, 2011).

Concluding statement

As Kunzman and Gaither (2020, p. 304) stated, “**Homeschooling ... pushes us to consider ... the purposes of education more broadly**”. This point is likely to be at issue in this legislation and may be the root of the issue here, homeschoolers and the department see education differently.

What it means to be an educated and productive member of the New South Wales population in 2024, when a child identifies as having a disability, must be considered. It is incumbent on governments to consider not just how to better meet the needs of these families in such a way that it understands the drivers to homeschooling and how experiences in mainstream, particularly for the cohort of young people with a disability,

are drivers of the choice and ask us all to question what it means to be an educated citizen in 2024 and beyond and whether schools are able to provide that in every instance. **The growth in home education**, here in Australia, for example in Queensland where the numbers of legally registered home educators have grown 194% in the five years to 2023 but also across the world, **suggests that schools are perceived to not be providing an education in the best interests of the child or young person taking into account their safety and wellbeing; and the school did not ensure the child or young person received a high-quality education.** As noted above, if schools were perceived to work, parents would keep their children and young people enrolled in them.