

## Education (General Provisions) and Other Legislation Amendment Bill 2024

**Submission No:** 78  
**Submitted by:** [REDACTED]  
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**Attachments:**  
**Submitter Comments:**

To the Committee Members,

I am writing to express my concern and frustration regarding the education legislation amendments that have recently been proposed in Queensland. As a constituent and a member of the community, I believe it is crucial to voice my apprehensions about the potential impact of these changes on our education system – and, most importantly, on the wellbeing of our children.

My name is [REDACTED]. My husband, [REDACTED], and I have two beautiful children – [REDACTED] (11-year-old girl) and [REDACTED] (8-year-old boy). Both of our children have diagnoses that make them eligible for NDIS and, supposedly, eligible for additional support and reasonable adjustments at school. We worked hard to engage positively with our school so that it could be a safe space for our children. And in the early years (Prep to Grade 2), it mostly was. As [REDACTED], in particular, went up through the grades, understanding and support became less and less. After spending six months intensively trying to negotiate and partner with our school during grade 4, [REDACTED] experienced such a severe level of autistic burnout that she developed Obsessive Compulsive Disorder (OCD) and her paediatrician and psychologist recommended we remove her from school for the remainder of that term. We spent two terms of grade 5 on a part-time attendance plan in an attempt to get [REDACTED] back to school, but it was ultimately unsuccessful. The current education system, however, essentially meant that the school had not done anything ‘wrong’. As attempting a different school was too triggering for [REDACTED] (and really not likely to result in a different outcome), home education has really been our only choice.

Since realising that I would need to leave my career for the foreseeable future and stay home with [REDACTED], we offered [REDACTED] the same opportunity – and he jumped at it. Although he was coping with the school environment, he wasn’t thriving. And reducing the load on me, with regular conversations with his teachers and school staff, maintaining lines of communication, supporting drop-offs and dealing with the fallout at pick-ups, as well as caring for a child whose needs had suddenly risen to that of a child half her age, also made it a sensible choice.

We are extremely privileged, though, that this was even a choice at all – to have our combined household income reduced so significantly is not something that many families are able to deal with. And yet, data shows that more and more of us are making that choice. I have participated in consultation activities and have provided my feedback wherever I can. There is no question that our education system is not providing a safe environment for Queensland children. So, I was originally very relieved to hear that the Queensland Government was looking at amending the legislation.

Whilst I can see that these amendments have been intended to ensure quality education and equity in our state’s education system, I firmly believe that this won’t be the outcome. In fact, I think it is pre-emptive, as I am aware that the QFCC is currently seeking the voice of children and families who have become disengaged from the education system, and progressing with legislative amendments before hearing directly from Queensland youth seems extremely short sighted.

I have concerns with two key areas of the proposed amendments that I would like to raise.

### **School Disciplinary Absences (SDAs)**

Firstly, the amendments relating to SDAs amount to a significant missed opportunity. Children like mine were not subject to School Disciplinary Absences. Instead, they internalised everything and developed significant mental health conditions and School Can't. However, I am firmly of the belief that the cause is still the same – an education system that is too rigid, too focused on behaviour and conduct, and does not account for different learning styles. The current amendments aim to provide more guidance around the use of SDAs, not address the systemic issues that result in so many “behaviours” that fall under the criteria for the use of SDAs. Instead, the education system should be looking at how environments, resources and materials, and communication/teaching styles can be better designed and how schools can better meet the requests for adjustments coming from Occupational Therapists, Psychologists and Paediatricians.

There is a lot of research and evidence coming out from a range of organisations pointing to the fact that modern expectations on what children will do, how they will participate/learn, and how they will react/behave is resulting in massive wellbeing issues for a huge cohort of kids, especially First Nations children and children with disability ([www.qai.org.au](http://www.qai.org.au), [www.schoolcantaustralia.com.au](http://www.schoolcantaustralia.com.au), there has even been a federal senate enquiry into why so many students are struggling to engage with mainstream schooling). Overwhelmingly, SDAs are something that happen to kids who are forced into an environment that many grownups wouldn't thrive in, and then being punished because their brains lack the capacity to cope with that. I would never be expected to perform an academic job in a hot office, where the colleague on either side of me was so close they kept bumping my elbows; where I'm forced to spend every break with people I may not necessarily get along with; where I am negatively judged for needing movement or alone time to regulate; where my emotional state is pointed out to the rest of my colleagues and my name moved up or down a board; and where my physical and mental needs might be seen as weird, melodramatic or disruptive. Research and recommendations have been made to government since 2017 ([Review of education for students with disability in Queensland state schools – Executive Summary](#)) showing that the disconnect in the school system between 'learning support' and 'behaviour management' is leading to an overrepresentation of kids with disability being suspended (i.e. when a school doesn't properly implement reasonable and necessary adjustments, kids' behaviour deteriorates).

It is not clear to me how these current amendments will reduce this, and my concern is that they may even double-down on it, especially when taken in the context that supports for vulnerable groups of children are not mentioned in the legislation at all. Will the Student Support Plans referenced in the amendments be the same tool currently referred to in many schools as an Individual Education Plan (IEP)? Will we end up with children having an IEP *and* a SSP? And how will the proposed amendments ensure that either of these documents will actually start meeting the learning and wellbeing needs of the child?

The amendments also do not address the fact that SDAs are only one outcome of an education system and environment that doesn't cater for a significant proportion of Queensland children. As outlined above, the barriers to engaging with mainstream schooling experienced by my children are quite similar to those expressed by children who have been subject to SDAs. They just express it differently. Looking at School Can't *together* with the overrepresentation of SDAs in children with disability is something that the education system desperately needs to do, otherwise legislation and policy are going to keep missing the mark entirely.

### Home Education

The second area of amendments that concern me relate to home education, and what looks like an attempt to create departmental processing efficiencies by removing the capacity for tailoring learning plans specifically for children who have already struggled under the national curriculum. This hardly supports the notion that the amendments are about ensuring the best interests of the child.

Firstly, the removal of the provisional registration period puts families like mine in a situation where we do not have a reasonable level of registration for our child. To put together an education plan that meets the existing requirements takes research, energy and time. For many of us, it comes during a time when a child is in a state of extreme anxiety, and in the context of high anxiety and significant lifestyle change for ourselves. The provisional registration period gives many of us the opportunity to remove the need to continue dealing with a school where there has (in all likelihood) been a breakdown of trust, stabilise our child's mental health, and upskill ourselves enough to put together an appropriate plan. Reported figures of families either remaining on provisional registration for multiple renewals or never progressing to a full registration are certainly troubling. However, removing the function entirely, whilst reducing the workload for public servants, will put significant strain on already vulnerable families.

Secondly, the imposition of the Australian Curriculum is extremely problematic and demonstrates a severe lack of understanding about why so many Queensland families are opting to home school. Clearly, the way the Australian Curriculum is delivered in mainstream schools has not worked for our children. To be clear, I (and many others that I speak to) use elements of the Australian Curriculum to produce our home education plans. Personally, I particularly like to use the General Capabilities as a framework, finding ways that genuinely build my children's capacity in those areas. I also try to find ways that as many of the key learning areas in Maths and English as can reasonably be expected (given my children have diagnoses that legitimately create communication differences) are addressed. Many of the service providers we source materials from also align to the Australian Curriculum (e.g. Twinkl).

However, expecting home educators to deliver on all learning areas, including Languages, The Arts and much of the Health and Physical Education curriculum when our children are struggling to develop social and communication skills, writing and reading skills, and many physical motor skills due to their disabilities is absurd. It also does not recognise that key learning areas in the Australian Curriculum *will not* achieve the desired outcome for diverse learners (and, I would challenge, many other types of learners, diagnoses or not). Further, general capabilities such as Creative and Critical Thinking and Personal and Social Capability are currently linked to key learning areas that, quite frankly, will not help my children to develop these capabilities, and actually compound their sense of shame and 'otherness'.

I would like to offer some specific examples...

The Australian Curriculum lists a key area of the Year 6 English curriculum as "Use interaction skills, varying conventions of spoken interactions such as voice volume, tone, pitch and pace, according to group size, formality of interaction and needs and expertise of the audience (ACELY1816)". Some Autistic people have incredible flair for performing. But others struggle to understand or modify tone, pitch and volume. In a mainstream school

setting, I would be advocating for [REDACTED] to be excluded from any assessment based on this learning outcome, with the full support of her treating doctor and therapist. Currently, I am able to submit a home education plan that caters for these challenges, without an undue administrative burden (to me, the Home Education Unit, or my children’s therapists). How would that be managed through the Home Education Unit under the proposed amendments?

Creative and Critical Thinking is largely taught in a very implied way through different subjects, but is not explicitly taught as a set of underlying steps that will be found in every framework, every topic, every subject. For children like mine, this becomes a set of rigid rules that only apply in very specific situations, rather than a framework that they can apply to any situation. It also doesn’t enable them to explore how their innate creativity and problem-solving skills are genuine strengths... but only when they are able to accommodate their emotional regulation needs. So, understanding what strategies a neurodivergent child may need in order to develop critical thinking is as much about environment, fidgets, stimming, and what has occurred during the day or week prior to the lesson, as it is about how to structure an information report.

Personal and Social Capability is again, taught mostly through implied means within the HPE and Languages curriculum – how to work as a team in a sporting context, how emotions impact others, how challenge should be seen as good, how to express likes and dislikes in French or Italian, and how students by Grade 4 should be able to engage with things like personal self-talk as a strategy to deal with disappointment. Any paediatrician or psychologist will tell you that self-talk is not a strategy that supports neurodivergent children to manage their emotional reactions to the unexpected (like failure). Their executive functioning delays mean their brains are not yet capable of those types of strategies – and may never be. These methods also don’t explore things like different brains and different needs, and a focus on how a person’s emotions impact others never seems to also consider how environmental and social factors might legitimately impact a person’s emotions – so, once again, it becomes an inherent message of “you need to change so that you don’t make others uncomfortable” without having any learnings about strategies to support the child’s needs. Instead, most neurodivergent children need to develop personal and social capability through NDIS-funded therapy sessions. And, please see my earlier explanation of why this can create other issues.

In our specific circumstances, home schooling has allowed us to spend more time working on key deficits caused by [REDACTED] disability that simply would not be delivered in a school-setting, including physical coordination and balance, perspective taking and implicit communication, unwritten rules, coping with unexpected change, recognising triggers *before* they become so severe she is unable to use calming strategies, personal boundaries (hers and others) and how to communicate these appropriately, and many others. When we were at a mainstream school, we were attempting to provide these supports to [REDACTED] as ‘extracurricular’ (so, before or after school), or pulling her out of school for therapy appointments. This added too much to [REDACTED] load, caused her to have to cope with multiple transitions in a day, resulted in teachers expecting her to catch up anything that she had missed, and contributed to burnout and a significant mental health crisis.

I have spent hundreds of hours consulting with numerous specialists and allied health experts to determine how to best support the growth and development of our children. I have liaised tirelessly with their former teachers to try to implement therapists’ recommendations. Unfortunately, what my children required was just not able to be achieved by their school. My children learn best with a project-led learning style, where they can find connectedness and purpose to the lessons in the context of their areas of interest. Such learning works

better for their processing styles and will often cross several key learning areas. They also continue to require learning and developmental support from allied health experts, as the tools and strategies they will need in order to develop the capabilities outlined in the Australian Curriculum are not delivered by the curriculum. I am concerned that we will be unable to continue doing this if we are required to adhere to the Australian Curriculum.

Finally, I am worried about the lack of public consultation surrounding these changes with the families who will be most impacted by the amendments. There are clear indicators through media statements and the release of government reports after the review committee hearing date was set that the amendments relating to home education (in particular) have been triggered by a very small number of tragic instances where a child's best interests were clearly being abused and neglected. It seems that conclusions have been drawn that this was enabled due to the child not regularly attending school. To apply this conclusion to the more than 10,000 other children registered for home education in Queensland is ludicrous.

How many cases of children being abused and neglected were discovered in families what weren't registered for home education? How many children who attended mainstream schooling died by suicide in the past 12 months? I would challenge, in the strongest terms, any suggestion that the neglect and abuse of children is either caused or enabled by home education legislation. This is not a symptom that is common amongst home schooling families, and the issues resulting in childhood neglect and/or abuse come from much more complicated generational, economic, and societal issues.

As a stakeholder in our education system, I believe it is imperative for the voices of educators, parents, students, and community members to be heard and considered in any decision-making process that impacts the way our children are nurtured into adulthood.

In light of these concerns, I urge you to carefully reconsider the proposed education legislation amendments and to prioritise the best interests of *all* Queensland children. I implore you to advocate for a more inclusive and collaborative approach to policymaking that values input from all stakeholders and ensures the integrity and quality of our education system.

Thank you for taking the time to read my submission and for considering my concerns. I look forward to your response and to further dialogue on this important issue.

Sincerely,

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