

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

**Submission No:** 326  
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**Submitter Comments:**

I have prepared this submission because of the **grave concerns** I have about many aspects of the Education (General Provisions) and Other Legislation Amendment Bill 2024 ('the Bill') as they pertain to home-educating families in Queensland. I have been a home-educating parent to my three daughters for 12 years. Prior to my time as a Home Educator, I taught as a Primary School Teacher in government and private schools in Australia and overseas.

### **Concern #1: Holding Home-Educators to a Higher Standard than Schools**

There appears to be a distinct bias against Home Education with the level of expectation and scrutiny set far higher for home-educated students and their teaching parents than it is for school-educated students and their teachers. I understand that home-education is not as common a choice for parents as sending their children to a public or private school (though it is certainly becoming more popular) – and yet, the fact that it is less common, in itself is not a valid reason to view it with suspicion and thus legislate stronger policies of scrutiny and implementation surrounding it which appears to have been the case in the formulation of this Bill.

For example, the legislation, referring to all Queensland students (in-schooled & home-schooled inclusive) states that *'education should be provided in a way that:*

- (i) provides positive learning experiences for children and young people; and*
- (ii) promotes an inclusive, safe and supportive learning environment for children and young people; and*
- (iii) recognises the educational needs of children and young people of all abilities and from all backgrounds; and*
- (iv) recognises wellbeing as a foundation of educational engagement and outcomes for children and young people'.*

These goals are commendable and will not be in dispute by any home educating parent. Home-educators already address these criteria in the reports and plans they submit within the current framework. The issue in the new Bill is that, singling out home-educated students exclusively, the Bill states that the, *'home education of a child or young person should be provided in a way that— (i) is in the best interests of the child or young person taking into account their safety and wellbeing.*

This specific and focused additional clause for home-educators alone raises a number of questions in my mind...

- Why are parents who choose to home-educate their children required to justify their decision to home-educate as being in their child's best interest, whilst parents who choose to send their children to a public or private school do not have to make any similar justification? Why is there greater scrutiny on home-educating parents as compared to parents who send their children to school? If an educational context (whether it be at home or at school) meets the criteria in points (i) – (iv) above, then

that alone should suffice. Certainly, it is inequitable for the government to discriminate between parents based on the educational choices they make for their children by 'setting the bar' higher for one than the other.

- Who will define 'best interest'? How will it be defined? How will it be measured? What evidence will be required to prove it? The legislation is vague, but the policies developed from it have the potential to be very strict. What protection will home-educating parents have from government overreach into their right as parents to make choices for their own children? Does the Queensland State Government (and in particular, the Education Department) even have jurisdiction over a parent's educational choices for their own children? I would strongly suggest that they do not.
- If 'the powers that be' were to somehow determine that home-education was not in a particular child's best interest, what would the consequence be? Might policies be developed from this legislation that could result in home-educated students having their registration withdrawn and being forced to attend school?
- Will the provision be applied equally to all educational contexts? Will schools be compelled to prove that the education they are providing is in the best interests of each and every one of their students? What would the consequences be if a school student were to be struggling academically (and the school was not able to demonstrate progress in each of the eight Key Learning Areas), not coping in a school environment, and clearly showing signs of depression and distress? Might policies be developed that would require the exclusion of such children from schools and their parents forced to home-educate them?

Of course, the very idea of this last point is nonsense! Parents would never be compelled to home-educate their child (even if it might actually be in the child's best interest!)... and neither should they be. Parents, not governments, have the right and responsibility to determine what is in the best interest of their children when it comes to education. These rights and responsibilities apply equally to home-educating parents as they do to parents who choose to send their children to school.

I am very concerned that this Bill puts unreasonable and unfair expectations, demands and scrutiny on the vast, vast majority of home-educating parents who simply want to do the very best they can by their own children because they actually love and care for their children in a way that no government ever can. Home-educating parents are those who have usually given far more consideration, and are far more invested in, their children's education than parents who simply, as a matter of course, send their children to a local public school. Both the home-educating parent and the school-sending parent make their choices because they think it is

best for their children. Is it fair that one has to provide justification for their choice while the other does not?

This bill legislates a gross overreach on the part of government and indicates a strong bias against home-education. I implore the Committee to completely remove from this Bill the specific provision to require the demonstration ‘that home-education is provided in a way that is in the best interest of the child’.

### **Concern #2: Defining High-Quality Education as the National School Curriculum**

A significant trouble with this Bill is found in a second statement which is specifically directed towards home-educated students (and not students who attend a school). It states that the ‘*home education of a child or young person should be provided in a way that— (ii) ensures the child or young person receives a high-quality education*’. Subsequent sections of the Bill make it clear that ‘a high-quality education’ equates with an ‘approved education and training program’ (ie. curriculum that is consistent with ACARA’s Australian Curriculum, a senior subject syllabus, or a vocational education and training course). This reveals that the fundamental assumption underlying this Bill is that ‘quality’ is achieved when every student in Queensland learns the same thing, at the same time in the course of their education. I would argue that by this measure of ‘quality education’ the Bill actually moves the goalposts backwards for home-educated students.

Let’s be clear, the Queensland Government *already* has in place a very rigorous process to monitor that home-educated students are safe and well and being provided with a high-quality education. Parents of each student registered for home education in Queensland are *already* required to prepare an individualized education plan tailored to the specific learning, social and developmental needs of their children. These plans are *already* reviewed by Department of Education staff within the Home Education Unit. Parents *already* need to demonstrate that they are providing positive learning experiences for their children in a safe and supportive learning environment in a manner which recognizes their child’s individual educational needs. Until this Bill, this recognition of the student’s individual educational needs, and the tailoring of a specific learning program, has been the determining factor of ‘quality education’; and it is this measure of ‘quality education’ that home-educators wish to retain.

The current Queensland Minister for Education, Di Farmer, in a recent post announcing the Bill on her Facebook page, stated that ‘Every child deserves the same access to quality education’. If this were really true, and the Bill were to legislate in such a way as to give the same access to quality education to all students, it is my believe that it should then require that every school student in Queensland be provided with an individualized education plan tailored to their specific learning needs as is the case currently for every home-educated student in Queensland. This is because ‘quality’ education is achieved through learning

experiences targeted at a child's individual needs and developmental level, not by forcing all students to follow the same curriculum.

This aspect of the Bill, which equates 'quality education' with an 'approved education and training program' is extremely concerning to a great many home-educators, many of whom have specifically left the school system due to their child not having received a quality education under the Australian Curriculum. Please understand – Queensland home-educators *already* have access to utilize the Australian Curriculum should they choose to do so. Many choose to use something better – curricula or programs better suited to their own children's learning and developmental needs, and, to be honest, curricula that often produces students who achieve consistently higher outcome levels. Whilst the Australian Curriculum has a perfectly valid role in the school context, where students are taught in large groups and consistency is important to facilitate a smooth transition as they move from school to school, these are not matters relevant to home-educated students. Their educational programs are tailored specifically to their own needs and often delivered in a one-on-one context. They have freedom to progress as quickly or as slowly as they need to in order to achieve deep learning, without the concern of keeping in step with their age-peers. Thus, a major problem with this Bill is that, in stipulating a curriculum designed to meet the needs of students in a school context, it overlooks the many benefits that other programs of learning bring to the home-school context. In fact, the general consensus among home-educators is that this Bill mandates the mediocre.

Home-educators will not support less than the best for our children and we do NOT support the notion in this Bill that equates 'high-quality education' with the Australian curriculum.

I would sincerely encourage every member on the Committee, and every Member of Parliament who will vote on this Bill, to please, before you vote, meet with and spend some time with home-educating families. Talk to the children. Be aware that they will have strengths and weaknesses (just like school-children do). Ask them how they feel about their home-education. Talk to them about what they are learning and how they are learning. Consider the many students who have completed their education at home, without following the Australian Curriculum, who have gone on to be productive and successful members of adult society. Then ask yourself if compelling these students to follow the Australian Curriculum will really make their lives any better. Do you truly believe that the changes that this Bill puts forward will be in the best interest of all home-educated students and improve their educational outcomes? If no, then I implore you to amend the Bill.

### **Concern #3: Increased Reporting Expectation to Demonstrate Educational Progress**

Please note that home-educators are not concerned with this Bill because they are afraid that new reporting requirements that come about as a result of the proposed legislation will somehow show that they are not providing a curriculum that is consistent with the Australian

Curriculum. Home-educators have every confidence that their children are succeeding and thriving and they don't need the Australian Curriculum to prove it. Rather they are concerned about how they will report on a child who has surpassed the expectations of the Australian Curriculum. They are concerned about the massive increase in workload to their already stringent reporting requirements where they will now need to demonstrate how each of their learning goals maps onto the curriculum for each subject area, and how their child's progress is also consistent with the Australian curriculum – and not just for one grade level, but for a different grade level for each of their children. They are concerned how they will be able to facilitate multi-age, project-based learning experiences for their children and be able to map it to the curriculum.

It is not that the learning programs of home-educated students cannot be mapped to the curriculum – it can... and more! It is just that every minute preparing such documentation (that, let's be honest, will not actually be read unless the Home Education Unit receives substantial staffing increases) takes away from actual time with our children... time that is precious and that no caring parent (home-educating or school-sending) desires to squander.

If the Bill is indeed legislated, I can say with much confidence, that significant numbers of genuinely good, law-abiding home-educators will refuse to register their children going forward. They will not waste their precious time developing Australian Curriculum-aligned plans and producing extensive reports about their children for people who don't know their children and who will not read the plans and reports anyway. They will not waste their children's precious time forcing them to follow a program of learning that is not suited to their needs. If a purpose of the Bill is to increase the government's oversight of home-education by encouraging registration, this Bill, if legislated in its current form, will be an utter failure.

I would sincerely encourage every member on the Committee, and every Member of Parliament who will vote on this Bill, to please, before you vote, meet with and spend some more time with home-educating families. Talk to the parents. See how fully-invested they are in the lives and futures of their children. Consider the sacrifices they have personally made to ensure the quality education of their children. Hear their passion when they talk about the way in which they provide an education specifically tailored to the needs of each of their children. Then ask yourself if you really want to make their job so much more difficult. Is that really what you want to do? Will this Bill actually encourage home-educating families to register and have their educational programs monitored; or will it only succeed in 'punishing' the law-abiding parents who have already demonstrate their willingness to go above and beyond to ensure the well-being of their children; and ultimately bring about less registration compliance among parents who have concerns about the overreach of the government and the discrimination that is demonstrated toward home-educators? Please amend the Bill and remove the provision that home-educated students must follow and provide a full report on 'an approved education or training program'.

**Concern #4: Inadequate Consultation with the Home-Education Community in the Formulation of this Bill.**

The Bill has been released with much fanfare by various MP's as being the result of 'extensive consultation'. However, it is clear that the overwhelmingly united voice of Queenslanders who actually home-educate their children and who clearly do not support the proposals outlined in this Bill, have been entirely ignored throughout the entire process of this consultation. I therefore implore that you will please carefully and seriously consider all the submissions that you will receive from actual home-educators in this Committee Enquiry, that you will request further consultation (with truly relevant parties), listen to them, and that you will amend the proposed Bill according to guidance received so that this Bill might truly support and benefit the growing population of home-educated students in Queensland.

Thank you for your consideration of my submission. I hope that it has been able to give you some insight into the valid concerns that the home-education community has in regard to this Bill. I am happy to be contacted for further discussion on this matter. May wisdom, knowledge and understanding guide you as you make your recommendations.