

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

**Submission No:** 326  
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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.

I am submitting this second submission as, following the Public Briefing of the Education (General Provisions) and Other Legislation Amendment Bill 2024 ('the Bill') on 18 March 2024, I have more to add for your consideration. Thank you for your attention to this follow-up submission and also for the many pertinent questions that were asked during the Public Briefing.

I have many concerns about the Bill as it pertains to home-education in Queensland, and in this submission, I wish to explore the following key issues:

- (i) Is there evidence that the proposed changes are being made in response to legitimate problems or deficits in the home education sector? And will the proposed changes actually solve any problems / deficits and bring about an overall improvement to the delivery of home education in Queensland?
- (ii) Is there a better way?
- (iii) Why has the Department of Education missed the mark so badly in this Bill?

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In the Explanatory Notes, several key themes around the purpose and intention of the Bill reoccur throughout the document. These include:

- Protecting students
- Realizing the potential of every student
- Enhancing regulation
- Streamlining the home education registration process
- Providing support
- Delivering education in different ways, reflecting varying needs and circumstances.

The key goals listed above appear to have arisen from several specific 'problems' or 'deficits' that the Department of Education appears to have with the manner in which home education currently operates in Queensland. These include:

- (a) The rapid increase of students moving into the home education sector.
- (b) The lack of uniformity of curriculum across the three education sectors (public, private and home – schools) causing difficulties when students transition from one setting to another.
- (c) The desire to bring Queensland 'into line' with legislation and policy for home education in other Australian states and territories.



- (d) The lack of a specific definition for ‘high-quality education’.
- (e) The lack of continuity of learning when students transition into home education.
- (f) The potential that home educated students will be ‘invisible to society’ and thus presumed to be ‘at risk’.
- (g) The lack of support for home educated students and their educating parents.

Disappointingly, in the main, the changes proposed in the Bill miss the mark and fail to achieve the stated goals. Indeed, if anything, if they are to be adopted into legislation, the home education sector in Queensland will suffer a significant setback and the education of home-schooled students will be inhibited.

*(a) The rapid increase of students moving into the home education sector.*

During the Public Briefing, Ms Robyn Albury (Assistant Director General of Disability, Inclusion and Student Services), stated:

*“For me it’s really clear that the Queensland community is wanting to access a range of different ways of learning and models of schooling. And home education is absolutely a valid choice for some children and families”.*

She is 100% correct! Home education IS absolutely a valid choice for some children and families. And, according to the data, it is a choice and more and more families are making. The fact that more people are choosing to home educate their children is NOT, in and of itself, a problem whatsoever! If three perfectly legitimate options are available and many people start choosing one option in favour of the others, it may be an interesting phenomenon to analyse, but it does not pose a problem to be ‘solved’.

Mr Kathleen Farmer (Deputy Director General for Policy Performance - International and Intergovernmental) noted during the Public Briefing that with the increase of students within the home education sector, an increased *regulatory* response was appropriate (emphasis mine). Note that the appropriate response of the Department of Education does not, in any way, appear to be to *support* the growth of the home education sector as a necessary and positive response to the community’s desire for a different model of schooling. Rather, the ‘appropriate response’ is to increase regulation. ‘Regulation’ in no way correlates to ‘support’. To regulate something is to control it. It is very apparent that the Department of Education (DoE) perceives the rise in home education across Queensland as a problematic trend to be stemmed. And this Bill appears to be the first part of the mechanism they wish to put in place to achieve that purpose.

Given that home-schooling is just as valid a choice for the education of young Queenslanders as public and private schools are, is it right that the rise in home education should be

perceived as a problematic trend to be stemmed? Or should the rise simply indicate an area of growth to be recognized and supported.

*(b) The lack of uniformity of curriculum across the three education sectors (public, private and home – schools) causing difficulties when students transition from one setting to another.*

During the Public Briefing Ms Forrester also noted the DoE's goal to ensure smooth transitions as students move between the schooling sectors – in particular from a home-school setting into a public or private school. She indicated the belief that legislating that all school students in Queensland, in whichever setting they are schooled, follow the Australian Curriculum would provide a consistent basis and framework for the continuity of the child's education.

At a certain level, the goal and the proposed solution seem to be quite logical. The trouble is, however, that it is a proposed solution for a problem that simply does not exist! To my understanding, there is simply NO data that indicates that home-schooled students are having any more trouble integrating into a school context than any student would when transitioning from one school to another. Of course, there would be a period of adjustment as a student becomes accustomed to different routines, processes and school culture, and they may find themselves a little behind (or ahead!) academically... but this would be equally true for any student moving into a new school (if indeed, as has been repeatedly emphasized by representatives of the DoE, all education models, including those using the Australian curriculum, should be provided in such a way that meets the varying needs and circumstances of each individual student).

Why is the DoE then inventing problems to be solved in order to justify the need for the amendments in this Bill? The vast majority of home educated students are already transitioning into public and private schools, if necessary, with no trouble at all. It is unnecessary to mandate a common curriculum in order to solve a problem that is not actually occurring.

*(c) The desire to bring Queensland 'into line' with legislation and policy for home education in other Australian states and territories.*

Given the outpouring of concern from home-schoolers in other Australian states and territories, I have significant reservations regarding the accuracy of the claim that the changes in this Bill will bring Queensland into consistency with current legislation in NSW, Vic, SA, NT and WA. Many home educators across Australia are watching Queensland with a sense of trepidation – certainly not because Queensland will come 'into line' with what is already happening those states and territories, but because they are concerned that their own home states and territories might be emboldened to further tighten the regulatory framework within which they are currently operating based on what Queensland is doing.

More fundamentally however, I take issue with the rationale that Queensland should change their legislation simply because that is what other states and territories are (supposedly) doing. As the parent of three teenage daughters a word of wisdom that I often share with them is, 'Don't do something just because others are doing it. Figure out for yourself if it is the best thing to do.' Has the DoE made any attempt to ascertain whether following the Australian Curriculum is, indeed, the best option for home educated students? Has the DoE developed this Bill in response to some kind of data or evidence that shows that home educated students in Queensland are achieving less success across a range of relevant factors than their counterparts in other states and territories? If not, it would appear that the DoE is, once again, inventing non-existent problems to justify the changes they wish to make in this Bill.

Whilst on the topic of data, I question whether the data that the DoE does have is actually accurate. Ms Forrester made a point during the Public Briefing that 20% of home educators have indicated that they are already using the Australian Curriculum. Without any further information about how the data was sourced, it is difficult to make any analysis of this statistic. However, I would like to suggest that if the data is sourced from information that parents include in their annual report and program submission to the HEU, then it is likely that the data is inaccurate. For example, my daughters use a mathematics program based on the Australian Curriculum, however, for all other areas of their learning I have sourced curriculum and learning materials from various other sources. If the fact that I use a program aligned with the Australian Curriculum for maths only means that my family has been counted in the 20% of home educators who are supposedly already happy to use the Australian Curriculum – then I can assure you that the data is skewed. As a simple test of accuracy, I guess one could scroll through the submissions you have received on this issue to see if 20% of the submissions you are receiving – from current home-schoolers – are speaking up in favour of the changes that would mandate home educators to follow the Australian Curriculum. I strongly suspect you will not have had anywhere near 20% (if any!) submissions from home educators to applaud this amendment.

Even with only 20% (or fewer!) home educating families currently utilising the Australian Curriculum, there is NO evidence that Queensland home-schooled students are educationally disadvantaged overall when compared to their inter-state counterparts. Until such data exists, it is unnecessary to mandate a common curriculum to solve a hypothetical problem.

*(d) The lack of a specific definition for 'high-quality education'.*

Home educators in Queensland have always had to demonstrate that they were providing a high-quality education for their child/ren. Previously, 'high-quality education' has been defined in the Act in the following manner:

- (b) education should be provided to a child or young person in a way that—
- (i) provides positive learning experiences; and
- (ii) promotes a safe and supportive learning environment; and
- (iii) recognises his or her educational needs;

Each year, registered home-educators are required to submit a program of learning that meets these criteria.

Again, the question must be asked... Where is the evidence to show that the current definition of 'high-quality education' is not adequate for purpose? Where is the data to show that home-educated students are failing on various relevant measures as compared to their age counterparts in schools? On the contrary, it would appear that home-educated students are transitioning back into the school system just fine when necessary; on average, achieving on par (or ahead) of their peers in NAPLAN testing; and making positive transitions from home education into tertiary studies or employment at the end of their schooling. Without any evidence that the current definition of 'high-quality education' is resulting in home-educators being approved to deliver inadequate and failing learning programs, why is it necessary to alter that which already appears to be fit for purpose?

Amending the current Act to define 'high-quality education' as being *consistent with the Australian Curriculum and showing evidence of progress* is both unnecessary, as described above, and discriminatory. Public and private schools are required to follow the Australian curriculum and are thus provided by the DoE with registration AND funding. To this point, home educators have accepted the financial burden of self-funding their children's education as a small price to pay for the freedom to structure their learning programs using curriculum and other resources that would best meet the needs of the individual child. If this legislation passes in its current form, requiring all Queensland students to follow the same curriculum, it would logically follow that home educated students should then receive the same access to funding that their peers are able to access in schools.

Additionally, the amendment which specifies that home educators must show evidence that their pupils have made progress in the various key learning areas, also discriminates against home educators. Schools and school teachers do not have to prove that each and every one of their students have made progress in all learning areas each year. It is simply not possible to legislate that children and young people must learn. If this was – then in various circumstances all schools (public, private and home) would fail at some point in time as it is inevitable that some students will go through periods where learning stalls. It IS possible however to legislate that the schools provide an ideal environment with a suitable program that is conducive to learning... and that is what is already in place within the current legislation.

*(e) The lack of continuity of learning when students transition into home education.*

The removal of the Provisional Registration process appears to have been justified by concern that there not be a disruption to the continuity of learning for the student and that “when a parent and child begin their home education journey, they are set up for learning from Day One” (K. Forrester, Public Briefing). This rationale betrays a complete lack of understanding of the multiple functions that the Provisional Registration phase provides for parents and students, particularly for those who are transitioning from a school setting.

If ‘student well-being’ is truly as central a goal of education in Queensland as this Bill purports that it should be, it should not be difficult to understand that there is more to a child or young person’s well-being than just that they ‘don’t get behind in their schooling’. Many, many students who leave the school system to begin home education do so due to specific trauma and / or the on-going failure of the school to fully meet their social, emotional, behavioural and intellectual needs. For parents to truly provide for their child’s over all well-being at such times, there will often need to be a period of healing and recovery before ‘educational matters’ can once again be prioritized. The Provisional Registration phase, as it currently stands, provides for this. Additionally, without Provisional Registration, students may be left in harmful or traumatic school settings until their parents can scramble to put together an acceptable educational program for their child. The removal of the Provisional Registration phase will undoubtedly have an adverse effect on the well-being of students transitioning from schools to home under these circumstances.

A second functional purpose of the Provisional Registration phase is that it provides time for families to develop an educational program for their child/ren. However, it must be understood that an educational program is MUCH MORE than just the content to be covered. A robust educational program that will facilitate high-quality learning will also take into account the way in which the learning will take place according to the student’s preferred learning-style. Does the student learn best in a group, or by themselves? Do they learn best when they read information, watch a video, talk with someone or experiment for themselves? Does the student work to their best when lessons are provided in ‘short chunks’ or do they learn better when they can immerse themselves in the content over a few hours? Do they learn best when content is presented in discrete subjects; or do they learn better when the subjects are integrated by a theme or topic of interest? There are so many factors that need to be considered when developing a comprehensive educational program that is tailored to meet the needs of the specific child. And this takes time, and some experimentation. A wonderful benefit of the Provisional Registration phase is that it provides home educating families with the opportunity to dive into learning, without the bounds of a specific learning plan, and to trial various curricula, methods of teaching and modes of learning to figure out which is the ‘best fit’ which can then provide the basis for the formal learning program to be submitted to HEU.

Ultimately, if indeed, it does take some new home educating families a few weeks to get themselves sorted out with limited learning taking place in that time, is there any evidence that students are falling terribly behind because of this? When one considers how many extra weeks of holidays per year that some private school students have as compared to their public-school counterparts, it makes we wonder why the DoE is really all that concerned about a 'one-off' few weeks where limited formal learning occurs while a student transitions from school to home school learning.

While the DoE has identified that Provisional Registration may cause discontinuity in learning for children transitioning from school to home-education; it is evident that they have completely overlooked the significant benefits that the Provisional Registration phase provides to many home educating families and the amendment to completely remove the Provisional Registration phase should be re-considered.

*(f) The potential that home educated students will be 'invisible to society' and thus presumed to be 'at risk'.*

The Child Death Review Board Annual Report, 2022-2023 (CDRR), in response to the tragic death of a young person who was registered with the HEU, has singled out home educated students as being particularly 'at risk' of harm stating that they may 'become invisible to society and their needs go unmet'. Ms Forrester, in her response to Mr Joe Kelly MP's question during the Public Briefing, drew a direct line correlating the new guiding principle in the Act (that the home education of a child or young person should be provided in a way that - is in the best interest of the child or young person) and the CDRR, saying, "So the recommendation in the Report was that the Department pursues legislative changes to strengthen oversight of children registered for home education in Queensland...". Whilst I appreciate and applaud investigation and analysis in circumstances such as the death of this young person; I am concerned by several of the assumptions and conclusions made in the CDRR and the translation of these into recommendations applied to this Bill.

Firstly, I would suggest that it is gross overreach of the CDRR to draw the conclusion that the young person's death was a failure of home education when, despite being aware of the needs of the young person, various agencies actually directly responsible for welfare services (including Child and Youth Mental Health Services, Child Safety and Queensland Health), did not respond to the urgent needs of this young person in a timely manner. Far from being 'invisible to society' due to home schooling the young person in question was well-known to authorities, and sadly, the worst still occurred. Indeed, when considering the CDRR as a whole, all of the remaining children and young people of school-age whose deaths were investigated were well-known to authorities (including the Department of Education via school enrolment) and still, the worst occurred, demonstrating that even the so-called

‘protective factors that attendance at a physical school can provide’ are not fail-proof. Much has been made of the fact that the young person at the centre of this review was home educated, but at the same time, evidence within the report testifies that there were many factors at play in this circumstance. It is evident the ‘invisibility’ to the wider-society played no role at all and this case provides no justification for the case that greater regulatory oversight is necessary for home educated students.

The CDRR goes on to make special mention of the fact that ‘all school-aged children who died by suicide had disengaged from education and learning’ and correlates home educated students with those who are totally absent from physical schools due to drop-out or truancy. Home educated students are not, as a rule, disengaged from their learning just because they are not in attendance at a physical school and thus it is a false correlation to assume that they are somehow at more risk than their public or private-schooled peers. (In fact, I do wonder if the untimely deaths of students in public schools have triggered such an examination of systems and regulations of the public-school sector as a whole as it has for the home education sector!). Rather than stigmatise home educating parents as potential perpetrators of abuse or neglect; one would think that home educating parents be applauded and encouraged in their efforts to ‘go above and beyond’ in order to prevent their child from becoming disengaged in their education and learning.

The CDRR also betrays a limited understanding of home education and the home-schooling community as a whole when it states that ‘children registered for home education are completely reliant on their parents or caregivers for their educative, social, health and wellbeing needs’. For the vast majority of home-schooled students, this statement is completely inaccurate. Just like their public and private-schooled peers, home educated students are active members of their communities with family, friends and neighbours. They participate in sports clubs, community associations (such as Scouts, Girl Guides, Girls’ Brigades, etc), religious communities, volunteer organisations, hobby classes, etc). Additionally, home school communities and co-ops provide numerous and varied options for home educated students to have their educative, social, health and well-being needs supported by people other than their parents. Despite their non-attendance at a physical school, home educated students benefit from support from a wide range of sources.

Experience would suggest that the vast majority of home educated students thrive in the home-school setting, and if they do not, they return to school. Therefore, there is no evidence that would suggest that home educated children and young people are at risk simply due to the fact that they are home schooled. Any amendments in the legislation which are made based upon the presumption that home educating families are potential perpetrators of abuse or neglect because of the educational choice that they have made for their own children would be highly offensive to all home educators.

*(g) The lack of support for home educated students and their educating parents.*

The need for support for home educated students and their educating parents appears to be a common theme based on discussion during the Public Briefing, Ms Di Farmer MP's introductory statement for the Bill, and even the CDRR. However, it must be noted that the changes that would be brought about by the proposed legislative amendments (ie. alignment with the national curriculum, removal of provisional registration, etc) would appear designed to hinder the home educator's ability to respond to their child's needs and teach them in such a way that would keep them engaged and motivated in their learning. Far from providing support to home educators, the Bill, if it passes unchanged, will detract from a home educator's ability to provide the best possible education for their child/ren.

***Is there a better way?***

We all – the Department of Education, Members of Parliament, home educators and the general community – want to achieve positive outcomes for home educated students in Queensland. Where legitimate problems and deficiencies occur, I am appreciative of the legislative process which can provide for lasting change and positive impacts. However, as outlined above, I am not convinced that the issues that have been identified by the DoE are anything more than hypothetical problems, and neither am I satisfied that the majority of the amendments to the Act will provide any beneficial outcome at all for home educated students in Queensland.

Firstly however, at this point I wish to acknowledge and applaud the amendment to allow home educated students to remain registered until the end of the year in which they turn 18. This is an excellent amendment, allowing all home educated students to complete Grade 12 as registered home-schoolers.

With regard to the rapid increase of students entering home education – as stated above, I do not perceive this to be a problem at all. However, I would imagine it to be prudent that the DoE engage in focused and systematic research and consultation to investigate the factors that have prompted this trend. This would enable extra supports to be identified and implemented to benefit home educators as they transition their children into home-schooling; and perhaps instigate changes to policies and legislation that govern the administration of public and private schools if problems within these sectors are identified as being a contributing factor to the rise in parents choosing to home educate their own children.

As outlined above, I do not believe that there is currently any evidence that would suggest that legislating compliance with the Australian Curriculum would be of benefit to home educated students in Queensland. Certainly, if it has been envisioned that such a change would be a warmly-welcomed *support* to the home education sector, this amendment has



missed the mark significantly. Queensland home educating parents already have access to use the Australian Curriculum should they wish, but there is no evidence that the majority who are choosing to utilize alternative curricula are providing a program of learning that is inferior. The Australian Curriculum was designed to be utilized within the context of a physical school with teachers who have been trained in its implementation. However, rather than take the approach that – ‘if it’s good for schools then it’s good for home-schools’ – a better way would be if everyone could embrace and encourage the unique position that home educators are in to completely tailor the child’s learning program to the individual needs of the child.

Imagine, if you will – the difference between a suit that was 5 sizes too large (or two small) and has been altered to fit, and a suit that has been measured up and custom-made to your exact measurements. Not only would the altered suit look patchy... it would actually take more work to make such significant alterations to the wrongly-sized suit than it would to make a bespoke one from scratch. As they look at the proposed amendments to mandate use of the Australian Curriculum, home educators in Queensland are looking at a ‘suit’ that doesn’t fit their child. For some the suit is way too big. And for others, the suit is way too small. Home educators are daunted by the prospect of ‘tailoring’ this ill-fitting suit so that they will fit each of their children. Home educators are devastated by the prospect that they will need to ‘hang-up’ their perfectly-fitting custom-made ‘suits’ that they have lovingly and carefully crafted for their children and instead clothe them in a ‘hand-me-down’ suit which, despite the best ‘tailoring’ efforts, the sleeves are too long and you can’t hide where the hems have been let down in the legs.

I studied a Bachelor of Education (Early Childhood) and taught in Australian and overseas’ primary schools for seven years. During my studies, I really wrestled with aligning the philosophy of education and ‘best-practice’ for teaching that I was learning at university with the reality of the fundamental constraints that exist within the context of a physical school setting. Principles of self-directed learning, a mastery approach, time and space to foster creative expression, multi-age learning, inquiry & project-based cross-curricular studies, etc were strongly promoted in the lecture theatres on the university campus, but despite being in a school which strongly emphasised many of these principles, ultimately, I did not see these principles consistently manifest into practice until I began to home educate my children. Finally I was part of an educational setting where my students were free to work completely at their own pace, to have a powerful voice in setting the agenda for their own learning (without being drowned out by 25 other students with alternative interests), to learn and interact with children and adults of all ages (within the family and beyond), to have plenty of time for creativity and free exploration, etc, etc.

Public and private schools, as valuable and necessary as they are in the overall provision of education for young Queenslanders; are fundamentally different from home schools. Both have their benefits. Both have their constraints. But the benefits and constraints of one are

not the same as the benefits and constraints of the other. Methods and curricula that work in the school sector, will not work in the home school setting. Ms Farmer MP, in the Record of Proceedings, First Session of the Fifty-Seventh Parliament, 6 March 2024, p.60 stated,

“I have always said we will do the things that work and, if they do not, we will find new ways”.

To Ms Farmer, to Members of the Education, Employment, Training & Skills Committee, to representatives of the Department of Education... Home Educators of Queensland say:

“We have tried school. It didn’t work. We found a new way.”

“We have tried the Australian Curriculum. It didn’t work. We found a new way”.

If ‘invisibility’ is a concern from a child protection perspective, I could understand if the high numbers of unregistered home-schoolers in Queensland was deemed to be problematic by the DoE. However, this Bill demonstrates no attempt to encourage people to obey the law, but rather seeks to constrain those who in good faith did the ‘right’ thing by registering. It must surely be understood that this Bill will only encourage more and more home educators to avoid registration. In my experience with home schoolers who do not register, I can testify that they are implementing excellent learning programs with their children - programs that would be approved by the HEU in a heartbeat if they were to be submitted. But they resist registration for two reasons: (i) there is no benefit to registration & (ii) concern that regulatory oversight of their educational choice to home school will intensify to the point that it will create a negative impact on the education of their children. And on this second point, with the amendments to the Bill that are now on the table, they feel completely (and regrettably) vindicated.

If increasing regulatory oversight to a degree that expectations of home educators is greater than that of school teachers (eg. mandating the demonstration of student progress across all learning areas each year) and enforcing that the Australian Curriculum must be followed by all home educated student, is not the solution to increasing registration compliance, what is? Perhaps the DoE could re-visit recommendations made many years ago in consultation with the home education community, recommendations that have been repeated many times since. Recommendations that would include:

- Allowing partial enrolment between physical school and home school settings. Partial enrolment is, in practicality, occurring as a regular practice with schools supporting (and often-times, recommending!) that parents keep their child at home for a day or two each week without marking them as absent. It seems that it is not just home educators who sometimes ‘fly under the radar’! Permitting home educated students to be both registered for home education AND enrolled at a public or private school

for an agreed upon number of days per week would go a long way to allaying the DoE's fears for home educated students about lack of consistency, 'invisibility', need for exposure to the national curriculum, bringing in line with other states (Tasmania permits partial enrolment up to 2 days per week), etc as well as providing home educated families with tangible support and the availability of resources. It's a win-win!

- Additionally, if the DoE truly wanted to promote (note: not 'enforce') the implementation of the national curriculum or Senior Syllabus subjects in home education settings, I would advocate that positive incentives might be considered. Currently home educated students are not eligible in any circumstance to receive a Senior Certificate or to sit Senior exams in order to obtain an ATAR. It would certainly take some work to implement, but if home educators were offered the incentive of such accreditations (especially in conjunction with partial enrolment at schools), some may be open to consider if it might be of benefit for their child. This 'carrot' rather than 'stick' approach would be far more effective again in achieving a win-win solution for everyone.
- The establishment of a Home Education Advisory Council and a central support hub that would provide support and resources to home educating families. Such a Council could also provide advocacy on behalf of the home education sector to the government and provide accurate data and consultation from the home education community to the DoE. Clearly there is miscommunication between the home education community at large and the DoE who has prepared this Bill. Ms Forrester referred to the relatively small number of submissions (300) made during the Round 1 consultation stage. In contrast to the quantity of submissions that I suspect will be received in this period of consultation, it is evident, not that the home education community is apathetic about legislative changes that affect the sector; but rather that the DoE failed to communicate the significance of the impending changes to the relevant stakeholders.
- It is notable that, at the Public Briefing, Ms Forrester was accompanied by fellow public servants within the DoE to represent sectors including Early Childhood; Disability, Inclusion & Social Services; and Information Technology. Despite there being significant amendments made pertaining to the Home Education sector, there was no representative of the sector. If this is not within the mandate of the Home Education Unit, then, perhaps, with the rise in home education in Queensland, it would be appropriate to consider such a government appointment.

Regarding Provisional Registration – if another, underlying reason for the amendment to remove Provisional Registration is to streamline the registration process by reducing it to one step, perhaps the DoE might consider retaining the Provisional Registration phase for children who are transitioning from schools into the home-school setting, and only removing Provisional Registration for children and young people who are registering with HEU for the

first time but not coming from a school (eg. Preps, home educated students who have not yet been registered and students moving from interstate). Again, this would provide a win-win scenario which would lighten the administrative load on the HEU whilst at the same time protecting, through legislation and policy, an important phase of the registration process for many families.

### ***Why has the Department of Education missed the mark so badly in this Bill?***

I am sure there will be little dispute that something has gone wrong when there is almost entirely unanimous opposition to legislation from the sector which the legislation is supposedly designed to 'support'. It can be helpful to identify reasons why this has occurred, with the positive aim to learn from the past in order to do better in the future.

Perception is everything. There is no doubt that home education, despite it being a growing phenomenon in Queensland, is still a minority choice when it comes to parents' schooling options for their families. That it is a less common choice easily correlates to the fact that it is less understood by the majority of people who send their own children to school and only know other people who also send their children to school. However, I keep coming back to Ms Robyn Albury's statement quoted earlier in this submission, in which she states:

*"For me it's really clear that the Queensland community is wanting to access a range of different ways of learning and models of schooling. And home education is absolutely a valid choice for some children and families".*

To hear this said out loud by a public servant during the Public Briefing was a breath of fresh air, as, despite home education being a perfectly legitimate model of schooling, along with public and private schools, references to home education in departmental documents overwhelmingly cast a perception of it as being inferior and suspect, and the rise of home education cast as being a 'problem'.

Take, for example, the following instances (emphasis mine):

*"... a child or young person's best interests must be central to **the significant choice of home education** ..."* (Ms Di Farmer MP, Record of Proceedings, First Session of the Fifty-Seventh Parliament, 6 March 2024). Are all three models not equally valid and legitimate? What makes the choice to home educate any more significant than the choice to send a child to the local public school or to a private school?

*"These amendments ensure **the best interests** of the child or young person are central to the decision-making about **their own education**..."* (Ms Di Farmer MP, Record of Proceedings, First Session of the Fifty-Seventh Parliament, 6 March 2024).

Again, why is there differentiation between students educated at home and schools? Have any amendments been made that would legislate that the best interests of students in schools are central to the decision-making about their education? Is there truly no student in a Queensland school who would actually benefit from being home educated, but their parent cannot or will not? I frequently have family, friends and complete strangers say to me, “My child would really benefit from home-schooling, but I just can’t do it because.... I have to work / I don’t have the patience / my partner doesn’t want them to be home-schooled / etc”. Perfectly valid reasons to choose not to home-school and to send the child to school instead... but let’s face it... none of those reasons actually have the child or young person’s *best interest* at heart.

Additionally, have any amendments been made that would legislate that children and young people in school settings be involved in decision-making about their own education and whether they will attend a physical school or home school? Is there truly no student in a Queensland school who has ever said, “I really want to be home-schooled, but Mum and Dad won’t do it”? I have had many of my children’s friends express this sentiment with me on a regular basis. Ms Farmer MP added that she believed that having a child or young person’s best interest central to the choice to home educate “is something (she) is confident Queensland families and home educators will support”. And of course... this is something we all support... for ALL Queensland students – for public and private schooled students, as well as home educated students; and with ‘best interests to be determined by parents, not government.

*“There is potential for these (distance education) students to be exposed to similar risks as their peers in home education.”* (Child Death Review Board Annual Report 2022-2023).

Again, as noted earlier in the submission, home educated students are perceived as being ‘at risk’ solely on the basis that they are home educated. This is despite the CDRR referencing research conducted by the Department of Education 2022 which overwhelmingly indicates that home educating parents do indeed have the best interest of their children at heart when making the decision to home educate them. Lack of understanding about home educating families appears to indicate that they are unjustifiably cast as ‘other’ and considered with suspicion.

Both the proposed legislative amendments and the discourse around them indicate a general lack of understanding and potentially even a distrust of the home education sector. This has resulted in legislation that focuses heavily on regulation and constraint rather than legislation that will result in policies which will support and encourage home educating families.

Several matters within the legislation itself highlight the lack of understanding within the DoE for home education, with almost laughable results, including:

- The belief that the costs to implement legislation within the Bill (including amendments which would multiply many times over the planning and reporting workload of home educating parents) would not be expected to be substantial. The HEU already operates on a shoestring of staff, and yet, despite recognizing the growth in the home education sector, and despite doubling or tripling (or more) the workload of the HEU if the Bill is passed without amendments, it is surprising to think that no additional budget would be allocated to the HEU to fund an increase in staff that will be necessary to process all the reports and plans.
- The suggestion that home educated students in Grades 11 and 12 should do Senior Syllabus subjects (without partial enrolment in a school) is absurd. These subjects make up an educational program specifically designed to prepare students for exams that home schooled kids can't sit. Teachers (and frequently Head of Departments) must prepare very specific learning programs up to a year in advance for approval. Does the DoE really suppose that this is a framework that is in any way suitable for the home education context?

However, to ensure that there is no misunderstanding... be assured that home educated students are rarely disadvantaged by not graduating Grade 12 with a Senior Certificate and an ATAR. My oldest daughter is currently registered with HEU for her Grade 11 year. She is also enrolled part-time in a Certificate II at a major Queensland university. Upon completion of this qualification, she will be automatically eligible to complete a Certificate IV in the same field of study which, upon completion, will provide her with an ATAR if she should wish to continue to further university studies. If my daughter had to complete Senior Syllabus subjects along with the Certificate II, she would be overwhelmed (and overwhelmed primarily with content that will not be of great benefit to her apart from passing her exams). Instead, along with working through the Certificate II, she is able to focus on a few subjects (English, Maths, Basic Accounting & Business Studies and Modern History) in Grades 11 and 12 – subjects that she is passionate to learn about and / or that will provide her with essential skills for her future.

The apparent negative perception of home education, and the clear misunderstanding of the actual needs of home educated students would be mitigated with the establishment of a Home Education Advisory Council and a central support hub for home educating families. Whilst not a part of the existing Bill, it is my sincere request that it be included in policy and be brought into existence as soon as possible, for the benefit of all home educated students in Queensland.