

Education (General Provisions) and Other Legislation Amendment Bill 2024

Submission No: 837
Submitted by: Samantha Bryan
Publication: Making the submission and your name public
Attachments: See attachment
Submitter Comments:

Submission to the EETSC

Re Education (General Provisions) and Other Legislation Amendment Bill

I am grateful for this opportunity, in a democratic nation, to make my submission to you.

I'll begin by telling you a little about our family. My husband and I are both tertiary graduates with either postgraduate qualifications or dual bachelor degrees. (Though I would add that my home educating friends and associates who do not possess such qualifications are also doing a sterling job of home educating their children.) My husband and I are the parents of five children, ranging in age from 26 to 15. In addition to my part-time work with a nonprofit, I am a home-educating mother, a role I have proudly held for the past 26 years, more than 20 of which could be deemed to be in a more formal education sense, once my children were of official school age. My youngest is currently being home educated, undertaking studies for year 11. My other four children are graduates of home education. I'll expand briefly on their education and the paths they have taken.

My eldest was home educated through all 12 years of school. (She preceded the introduction of Prep.) By the time she finished year 11, using the programs we had used, we considered her essentially finished her education and ready for the world. Thus, in collaboration with me, she crafted her own program for her 12th year of schooling, which included, amongst other things, 3 university subjects in the area of Psychology and the opportunity to study classic literature that she had not yet completed as part of her studies. She received an offer into her first choice of university course, a 4 year Honours program in Psychology. She was offered a place before her schooled peers had received their OP scores, yet alone their university offers. In addition to her Honours degree in Psychology, she has also completed postgraduate qualifications in Human Resources. She has worked in both private and public sectors and last year bought a townhouse. In their spare time, she and her husband serve as committee members for a community football club.

My second child was home educated through year 10. He then attended our local high school where, at the end of year 11, he was elected school captain for the following year. He underwent some initial adjustment to the requirements of school but adapted within a term or less, earning academic awards each of his semesters of senior school. His biggest frustration was the amount of time wasted by the pace at which school operated. He has always been an immensely practical person and has been employed for over 5 years in primary industry. This ex-city boy loves his work and the lifestyle in rural Queensland and is respected by long-termers in the community for his work ethic and skills.

My middle child was home educated through prep to Year 12. My least academic child, and with a diagnosed slow processing speed issue, she had to work harder than others to achieve. However, she was able to earn a Cert 3 in Early Childhood Care and Education during year 11 and undertook 1 university subject in Early Childhood Teaching during her year 12. A natural with children (we call her the Baby Whisperer), she secured a full-time position in a child care centre straight out of school. She now runs her own sole trader

business as a nanny and babysitter and has also launched a community playgroup in the past month.

Child number 4 graduated from our home school last November and received an offer into his first choice, the competitive Bachelor of Advanced Humanities at UQ. Whilst in year 11 and 12, he studied 6 university subjects at 5 different universities, earning credits, distinctions and high distinctions. He has a part-time job as a tutor and volunteers in a not-for-profit, working with children in years 2 and 3.

Our fifth child is currently completing his second VET qualification whilst undertaking home education. He started a 3D printing business when only 14 and has received commissions from local businesses. If you punch in our address to Google Maps, it comes up with his business name! Time will tell whether he pursues a professional or vocational path after completing his home education. He volunteers leading younger teens each week in activities and discussions and also serves alongside adults in providing free yard work to needy members of the community.

None of my children have followed the Australian Curriculum, yet their achievements thus far demonstrate that they have received a high-quality education that has maximised their educational potential and enabled them to become effective and informed members of the community, as per section 5 of the EGPA – Objects of Act. A bespoke educational program, tailored to a particular child, has the best chance of maximising that child's educational potential, rather than seeking to use an off-the-rack approach and altering it to fit the child, as Ms Forrester suggested at the public briefing.

My father used to say, "If it ain't broke, don't fix it." Can the Committee please explain why a successful approach to home education is being tampered with? Families are currently able to develop their own educational program, which must receive approval from the Home Education Unit. The results of my own children, and the data that only 0.5% of registrations are cancelled due to a failure to show evidence of a high-quality education, proves that the current system is working. Families now can choose to provide a program that is "consistent with" the Australian Curriculum and I endorse this option. However, the fact that only 20% do so reveals that most home educators do not feel a need to follow the Australian Curriculum in order to offer a high-quality education, and the successful continuing registration data speaks for itself. Mandating the Australian Curriculum removes choice for families. It will place additional stress on families having to learn a new "system", a curriculum that involves extensive undergraduate instruction and professional development for teachers to implement.

A statistic of more interest to me than the fact that 20% of registered home education students use the Australian Curriculum is the fact that 74.2% of students in 2023 came from the Queensland school system! Nearly $\frac{3}{4}$ of new applicants are leaving the school system! These are not people who never intended to send their children to school. These are people who have tried school and found it wanting. The government is asking us to align with a system that is failing an increasing number of students, as evidenced by this statistic, coupled with the increase in registration numbers. Though there may be many factors behind their departure from the school system, surely the curriculum is one of them. Indeed, one might assume so when we read that in 2023, one third of students did not meet

minimum proficiency standards for NAPLAN, the closest thing to a scorecard for the Australian Curriculum.¹ Or we see in the OECD's PISA rankings that our 15 year olds are now 12-16 months behind in reading and mathematics respectively, compared to where they were in 2000, and 10 months behind in science compared to 2006, when Australia first participated in the science testing.² Questions need to be asked as to why the Australian Curriculum is being touted as the curriculum of choice when it appears to be failing the students of Australia – and when there is ample evidence amongst home educated students and graduates that alternate pedagogies and educational philosophies are satisfying the objects of the Act.

In addition to my objections to the Australian Curriculum as the sole curriculum choice for children not yet able to access VET courses, I am stunned at the mandating of QCAA syllabuses and shocked at the omission of university courses as a legitimate program for students in their senior years. A friend who lectures in education (i.e. teaches undergraduate teachers) informs me that the QCAA courses are not designed for non-specialist (i.e. non-teacher) audiences, and require the involvement of heads of department with QCAA. This indicates to me that parents will be ineligible to utilise these courses. Does this mean the effective enforced return of senior students to schools?

You will have noted from my account of my children's educational pathways that 3 of my 4 graduates (and all 3 of those who were educated at home for their entire schooling) made use of university courses during their senior years. The Bill references the AQF, which include levels of degrees and beyond, but the Bill specifies vocational education and training, not university courses. Will future home educated children be denied the opportunity to include university study as part of their senior years? And does the lack of mention of university courses reveal the extent of the Department of Education's ignorance about contemporary home education?

For two successive years, I had all five children registered with the Home Education Unit. Several other years I had three or four children registered. Reporting would take me days. Literally days. If the Bill is passed, and reporting on ALL learning areas is required, my reporting load would approximately triple. For families of multiple children, like ours, this will necessitate 1-3 weeks of a parent's time invested in creating reports and plans – possibly more, since I have no idea of the workload required in aligning with the Australian Curriculum. Is this a reasonable demand to place on families, taking them away from valuable teaching and family time, when the current system - of requiring reporting on 3 learning areas, and flexibility to choose one's own curriculum - is already producing outstanding citizens?

Additionally, I would anticipate that this increased reporting would place additional demands upon the HEU. Most years I wait more than 2 months to receive confirmation of continuing registration. A friend informed me last week that she was at 4 months post submission of her reports and still waiting. The documents accompanying the Bill seemed to indicate there will not be much additional funding required to implement the new legislation and that most will be in the area of training, I believe. This indicates there will be no significant increases in staffing. Given the increased reporting load, will families be completing a term or even half a year of schooling before they receive a response from the

HEU that the education they offered in the previous year, and the program they are well underway in delivering, is or is not satisfactory?

I am also deeply concerned about the requirement that the report “be accompanied by evidence satisfactory to the chief executive that demonstrates the educational progress of the child”. Insufficient clarity has been given to the definition of “educational progress”? Is this moving through different aspects of study (covering different genres in English, different art styles, different science topics, etc) or is it synonymous with “improvement”? The government cannot mandate “improvement” for home educated students, as school children are not unenrolled if they fail to meet standards or see improvement. Yet the government plans to cancel registration for children whose reports don’t demonstrate “educational progress”. I can support that if it simply means a parent needs to demonstrate they did more than read one book all year, for instance. I vehemently oppose this amendment if it means that children are judged for whether they do or don’t show improvement. Legislation should not punish children for a lack of improvement. What must be assessed is the parent’s provision (or not) of an education that fulfils the guiding principles of section 7.

Additionally, even if we are to define progress as covering different areas of study – why is this essential? What harm could come to a child who chose to spend the entire year learning about astronomy for Science or the path to Federation for History? As adults, you will be aware that you are most learned about the areas where you have focused your attention – whether academically, with the deep dive of a Graduate Certificate or a Masters, in your careers, or even in a personal passion area that you love to read, listen to podcasts or watch videos about. Why should a child be penalised for opting, prior to graduation, to focus on a particular narrow slice of the fascinating world, when we adults have the luxury to do so following high school graduation?

All the above areas are ones that would affect me and my family in our ongoing home education journey. However, there are two aspects of the Bill that concern me greatly, despite them having no personal impact on my life. I share them now because I care about others and am disturbed for the negative impact and discrimination of these proposed changes.

Queensland has a wonderful provision in the EGPA – s207, Provisional Registration. Provisional registration is a route that is not commonly used in applying for home education registration – only 6.7% of new applicants use it, according to HEU figures. However, it is a wonderful safeguard for families in crisis. Under s207, families are able to apply for provisional registration with minimal information supplied and have 60 days to apply for standard registration under s208. This provision (pun not intended) allows for families who need to exit the school system in a hurry and need time to determine the most suitable education program for their child. This time may be needed because the parent had not looked into options before having to make the drastic move of removing their child quickly from a physically or psychologically unsafe environment or because the child has been so stressed or even traumatised from their school experience that they need a period of recovery before the parent can adequately assess their current educational needs and ascertain how best to approach educating them.

I noted with interest at the public briefing that Ms Forrester stated the aim of removing s207 was to ensure continuity of learning. To this I respond in two ways. Firstly, waving the flag of “continuity of learning” is a farce while the government continues to permit lengthy summer holidays of more than the 60 days of provisional registration. (Year 10 and 11 Queensland state-schooled students have 66 days of summer holidays this coming summer.)³ We don’t have continuity of learning for any child in a Queensland state or private school, so why is this so essential for the 6.7% of children beginning home education in any year? Secondly, the Department of Education is assuming that a child exiting the system HAS been learning. Academic research has well established that learning occurs best when children are physically, socially, mentally and psychologically safe and healthy. In many, if not all, uses of s207, the child would not have been maximising their educational potential whilst at school, due to the absence of one or more of the aforementioned health and safety areas. Parents are removing their children from school in order to achieve better wellbeing for their child so that the child can learn better than was occurring whilst they were enrolled at school. The following paragraph unpacks the experience for many families utilising s207.

Connected with the need to utilise s207 is the matter of school refusal - or school can’t, a term many parents and professionals believe better reflects the child’s experience. The Committee would do well to familiarise themselves with the 2023 Senate inquiry report into school refusal.⁴ I believe that no changes should be made to s207 until Recommendation 1 of the Senate Inquiry has been completed which includes “research into the drivers and prevalence of school refusal in Australia”. There needs to be a greater understanding of this condition before legislative changes are made which could further harm those children and their families. Additionally, Recommendation 5 is “that state and territory education authorities and the non-government school sector investigate ways to increase the **flexibility of education delivery**, including by: identifying ways to **enhance flexibility in mainstream school settings** for children going through school refusal [*perhaps partial enrolment?*] **facilitating easier access to distance education and home schooling** for students experiencing school refusal [*not making it harder by having to follow a mandated curriculum or having to supply a program the day after removing a child from a school*]; and facilitating the provision of more alternative and specialist school settings that cater for students experiencing school refusal. (*Emphases and parenthetical comments added.*) Furthermore, Recommendation 9 advocates “the use of trauma-informed practices in schools, so they can implement best-practice methods to support students to continue with their education.” In my conversations with professionals and parents dealing with school can’t students, I have repeatedly heard of the value of a time of “decompression”, “recovery” or “healing” for children who have been scarred by their school experience. These professionals I have spoken with have connected this with trauma-informed practices, and the parents have done the same, quoting their child’s psychologist, paediatrician or occupational therapist. Children should be allowed to be registered for provisional registration. Retaining provisional registration signals to the government that the parent remains committed to providing an education for that child but allows a period of up to 2 months for the child to recover somewhat before requiring a formal education program. In this way, compassion and duty can be balanced.

A proposed amendment to the legislation is the addition of s7 (da) “for chapter 9, part 5, 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; and (ii) ensures the child or young person receives a high-quality education;”. Whilst these two subpoints are exactly the reason every home educating parent undertakes the time-consuming, salary-sacrificing job of home education, I and many others I have spoken with have concerns about how this would be determined. Exactly WHO determines what is in the best interests of my child? Can a government-authorised representative, who has no ongoing relationship with my child determine this? Can a school teacher, who sees what occurs in the school setting but not the fallout at home, determine this? No, the best people to determine what is in the best interests of their child are the parents themselves. Whilst I appreciate the heart behind this proposed law, without clarity about the processes for determining the child’s best interests, it smacks of totalitarianism, a term I use reluctantly with reference to our free and democratic state.

Furthermore, why is this addition even necessary, given the excellent subpoints in s7 (b)? If a home education is 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;” then surely it is an education that is in the *best interests* of the child, taking into account their *safety and wellbeing*, and delivering a high-quality education. As a home educating parent, the addition of this amendment feels like I am being reprimanded and warned to do the right thing, even after I agreed wholeheartedly in s7 (b) to do the right thing. Please remove this discriminatory amendment which spells out – unnecessarily and potentially detrimentally – what is already covered excellently in s7 (b).

Another objection I have is to the removal of s210. Removing this would mean that families who fail to supply all documentation at the time of their application would NOT be notified of this and would automatically have their application denied. When I realised this, it struck me that this is surely at odds with enrolment procedures in schools. To confirm this, I contacted the local high school and made enquiries about their enrolment procedures. When I asked what would happen if I failed to bring one of the necessary documents to the enrolment interview, I was informed that I would be requested to provide those (email would be acceptable) and the application would remain open until all documents were supplied. Why is the government planning to discriminate against home educating families if *they* fail to supply all documents at the time of application when they do not automatically deny enrolment in a school if parents fail to supply everything at the enrolment appointment?

So far, I have sought to point out the ways that the current legislation is working and how this Bill is unnecessary or potentially harmful, remembering the wise axiom – If it ain’t broke, don’t fix it. The government is tampering unnecessarily with an effective legislation and is likely to cause more problems: Increased suffering for students having to follow a curriculum that does not suit them, increased pressure on parents and, equally disturbing, decreased compliance.

Since the review into the EGPA began in April 2022, I have lost count of how many currently registered parents have told me that, if they are required to follow the Australian

Curriculum, they will unregister. This is the law-abiding families who are already registered! And new families exiting the system are less likely to register if they are required to follow the narrow options in this Bill. If the government wants to “reduce the regulatory burden”, they are going the right way about it, for I predict a decrease in numbers of families registering with the HEU. The regulator’s burden will be reduced. However, I do not predict a decrease in the number of homeschoolers – just a decrease in the compliance level. The government is required to implement risk-based legislation but this Bill and the review process so far have demonstrated no risk that is great enough to justify the limiting legislation of this Bill. The government is touting child safety as a factor behind their proposed legislation, yet is crafting legislation that is likely to drive home education underground, where child safety is less able to be monitored. As someone active in the home education community for 21 years, and involved in volunteer support and advocacy for over 5 years, I can honestly say that if the government wanted to craft legislation to decrease compliance and increase mistrust of the regulator, it’s unlikely they could have come up with anything better than the current Bill.

In addition to “fixing” functional legislation, the current Bill also contains a disturbing omission. After my second child did NAPLAN in year 9 at the local high school, I spoke with the then principal, Corrine McMillan, about having him attend the school for some subjects. Corrine was incredibly supportive of this idea – until she discovered that it was forbidden by legislation. The current legislation and the proposed amendments fail to offer students the choice of partial enrolment. By contrast, Victoria, Tasmania and the ACT allow for this marvellous provision, which enables students to benefit from the strengths of each educational option. Though this would be a fabulous option for many students, it would especially benefit students who are neurodivergent, have sensory issues or have physical or mental health issues. Imagine a world where for two or three days, students attend school, to take advantage of the many fine features of a school education, with the remaining days at home, benefitting from a decreased sensory load, a slower pace, ability to focus on topics of their own choosing, etc. This would be a way to truly make sure the Queensland Government and parents are providing an education that “recognises the educational needs of children and young people of all abilities and from all backgrounds; and... recognises wellbeing as a foundation of educational engagement and outcomes for children and young people” (Section 7 (b) subpoints (iii) and (iv).)

Another omission is the failure of the government to enact the wonderful recommendation (Recommendation 6) from the 2003 Review of Home Schooling in Queensland⁵ – the provision of a central entity to provide resources and support to the home education community. Twenty-one years on, and we are still waiting. A few resources, such as access to Scootle, are provided by the HEU but there is no support for parents wishing to discuss curriculum choices, teaching strategies, university pathways and the like. Registered HEU families must turn to other parents and associations such as the Home Education Association for this support.

Likewise, we are still waiting for the creation of a home education advisory committee, as recommended by that review (Recommendation 7). I quote in full:

The review recommends that a ‘Home Schooling Advisory Committee’, together with its role and responsibility, be established by regulation, and that it report

annually to the Minister for Education. The membership of such committee should reflect the diversity of the home schooling community and include parents who have registered their children to be home schooled. The committee should work with the Department of Education to develop a set of protocols to manage the interface between registered home schooling families and government agencies.

From my years volunteering in advocacy and support for home educators, I believe that no other single choice by the government could do more to increase community trust in the regulator and, over time, increase compliance. Though accurate figures are not available, compliance appears to be much higher in Tasmania and Victoria where such interfaces exist or have until recently.

Finally, I wish to mention the ONE amendment that has my full approval. After years of discriminating against home educated students, it is well overdue that the maximum registration age is extended to 18.

Thank you for reading what turned into a longer submission than I anticipated. I hope the committee does a better job of listening to the home education community than the review team and the crafters of this Bill have done to this point. Let's not try to fix what isn't broken, and let's make the few changes that need to be made – an age increase to 18, provision for partial enrolment, greater support and resourcing for home educators and – most importantly – a home education advisory committee.

Footnotes

1. <https://class-action.org.au/news/naplan-results-offer-proof-australias-education-system-is-failing/>
2. <https://ipa.org.au/publications-ipa/media-releases/latest-pisa-rankings-confirm-long-term-decline-in-australian-student-achievement>
3. <https://education.qld.gov.au/about/Documents/school-calendar.pdf>
4. https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/SchoolRefusal/Report/List_of_recommendations
5. <https://documents.parliament.qld.gov.au/explore/ResearchPublications/ResearchBriefs/2004/200409.pdf>