

Education (General Provisions) and Other Legislation Amendment Bill 2024

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Dear Committee Members,

As a home-educating parent of a pre-teen who is diagnosed as 'twice-exceptional,' I would like to submit my objection to proposed changes to Education legislation that I feel severely jeopardise our duty as parents to act in her best interests and her right to receive a high-quality education.

1. Personal Background

For background, we are what would be termed 'accidental' home educators: home education is not a path we ever envisaged, and it's not a decision we came to lightly. However, we had no choice but to withdraw our child from the school system to protect her mental well-being. Our child is diagnosed as gifted and Autistic (with a PDA profile). She also has ADHD and severe anxiety. We attempted to fulfil her education needs through attendance at a total of 5 schools over a 7 year period. We have tried both public and private schools (resulting in extreme sensory overload, severe anxiety and ultimately PTSD from overload and school-related bullying). We subsequently tried distance education via 2 Ed Qld DE schools (resulting in disinterest in learning due to disengagement with the standardised curriculum). We finally realised that the Australian Curriculum is not the right way for every child to access a high-quality education.

Since being home educated, our daughter has been given the opportunity to slowly recover mentally and rediscover her joy for learning. Her areas of exceptionalities and the diversity of her learning needs can be addressed through implementation of a program specifically individualised to address her diverse needs. She now has access to a high-quality education, and as a result, she is an independent, active, and engaged autodidactic learner who is excelling in her areas of giftedness. These areas of exceptionality are the areas where we encourage her to pursue her passion beyond the limitations of the Australian Curriculum, as we firmly believe it is in these areas that she will find a pathway to future employment to ensure she develops to her full potential as a happy, well-rounded member of society.

Community Consultation:

As a registered home educator with the Home Education Unit (HEU), it is important to note that I (and many other registered parents) have not received the advisory email sent from HEU notifying registered homeschoolers of the proposed legislative amendments. I became aware of the bill and learned of the opportunity to submit feedback to the committee through social media. There has been a lack of transparency and representative public consultation throughout this process. No home education representatives were included in the steering committee. Stage 2 consultation was restricted to home education associations, which included private businesses that stand to profit from mandated compliance with the Australian Curriculum. This does not constitute representative consultation with the homeschooling community. As home educators, we are the most affected by these proposed changes, and it is therefore imperative that a more inclusive and collaborative approach with home educating stakeholders be considered.

Specific objections in relation to the proposed legislative changes in clauses 18 and 68 follows. Please note the conclusion to this submission is written from the perspective of our home educated daughter.

2. Clause 18 - Section 7(3)(da)(i) - Guiding Principles - “Best Interests” - ISSUES

*What evidence is there that children's best interests are being provided for at school when there has been a **194% increase in home education since 2019**?*

We chose to leave mainstream school after extensive consultation with our daughter's mental health team. This decision was made in her best interests to protect her well-being and avoid ongoing trauma resulting from autistic overload and bullying at school. There is a significantly increased risk of self-harm and suicidal ideation in children who are the victim of school-related bullying. **We made a reasoned and educated decision that home education was in our child's best interests.** This is in direct response to a failure of the school system to act in her best interests and meet her educational and emotional needs (and on occasion to protect her physical safety). School teachers are simply overwhelmed with classroom behaviour and struggling to address the needs of all their students, resulting in a **substantial increase in teachers and students leaving the school system.** If parents were confident that schools could effectively support their children to learn in a safe and secure environment, there would not be such a significant number (194% increase since 2019) choosing to leave the system. Schools' perceived failure to ensure their children's safety and well-being is clearly a significant factor behind parents' choice to home-educate.

We have attempted Distance Education, hoping that we could still access the Australian Curriculum at home; however, the curriculum was not flexible enough to suit our child's diverse needs. More importantly, this 'curriculum-aligned' learning was not real learning; merely compliance created the illusion of learning. There was an attempt to 'teach' everything that was mandated in an overcrowded curriculum, which in reality resulted in a lot of 'tick the box' busy work as students completed mandated worksheets and assessments. What was missing was any real focus on actual learning. The irony is that we now had a straight-A student who looked seemingly compliant but was disinterested in what was being taught and constantly complaining that they felt they were learning nothing. There was a treadmill-like feel and constant pressure to move from one task to the next, with no real encouragement of creativity and innovation and never any opportunity to explore a topic in depth. It became apparent that **compliance with the curriculum does not necessarily equal learning.** The joy, spark and passion for learning become lost in a sea of compliance. Creativity and innovation disappear. This is not in the child's best interests, or our society as a whole. **Only after choosing to design and implement an individualised learning plan via home education is our daughter's education being provided in a way that is in her best interests.**

3. Clause 18 - s7(3)(da)(ii) - Guiding Principles - “High-quality” Education - ISSUES:

No similar provision (s7(b)) to ensure that schools provide a 'high-quality' education ... presumption is that education received at school is 'high-quality.'

Whether educated at home or school, every child has the right to receive a high-quality education. The presumption that a child can receive a high-quality education only through compliance with an approved education and training program (as defined in s217(3)) is contrary to the right of every child to have access to education appropriate to their needs (s36(1) Qld Human Rights Act 2019). It is false to assume that every child is the same and will access a high-quality education via the same pathway. Children have a right to access education via a pathway that best suits their individual learning needs and their cognitive, affective, physical, social and aesthetic needs. Article 26 of the Universal Declaration for Human Rights (https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf) specifically provides that: 'Parents have a prior right to choose the kind of education that shall be given to their children.' There is no evidence that mandated compliance with a prescriptive education program is appropriate for every child's needs and the right way to ensure every child will access a high-quality education. Home educators must be able to design and implement individualised learning plans to address the diversity of their child's needs.

Many home educated families left school because their child was not receiving a high-quality education. These children are the fortunate ones with parents who provide them with the opportunity to receive a high-quality education at home via an alternate pathway. The less fortunate ones have more difficulty realising their full potential. These students remain at school, disengaged with a curriculum unsuited to their needs and not the right pathway to access an education. In some instances, the system's failure leads to suspensions, expulsions, and, ultimately, youth crime. The real issue that perhaps needs to be addressed is the cause of disengagement at the school level that prevents those at school accessing a high-quality education.

4. Clause 68 Amendments - Issues:

- **s217(1)(b)(ii)** - The requirement that the home education program must be consistent with an ‘approved education and training program’ (as defined s217(3)) fails to address the diversity of each child’s learning style and needs; therefore it is in contradiction to a parent’s requirement to provide a high-quality education (s7(3)(da)(ii)). **Two in three families (HEU 2022 research) choose to home educate due to an underlying disability or health issue.** These children have **diverse needs** (neurodiversity, twice-exceptionality, gifted profiles, learning disorders) that **necessitate individualised learning**. There is no evidence to suggest that mandated compliance with an ‘approved program’ will address these needs and ensure a high-quality education.
- **The Australian Curriculum (s217(3)(a))** is a specialist document designed for use by teachers in schools to ensure consistency across the country. It is not intended to be prescriptive, even when implemented in schools. It is designed to be used flexibly by teachers when developing teaching and learning programs that meet the educational needs and interests of their students (<https://v9.australiancurriculum.edu.au/f-10-curriculum/f-10-curriculum-overview/planning-teaching-assessing-reporting>). Teachers specialise across year levels, or subjects, to ensure proper implementation of the curriculum. Home educating parents already have access to the Australian Curriculum when designing a learning plan for their child. 80% of registered home educators choose not to use it to as find it not fit for purpose to meet their child’s diverse needs and interests. **80% feel the best way to address their children’s learning needs is by implementation of an individualised learning plan** sourced from various programs and courses. These plans (along with reports to demonstrate educational progress) are submitted yearly to HEU to ensure parents are providing a high-quality education (already a condition of registration under s217(1)(a) of the existing act). Without an independent review of these reports and plans, there is no evidence to suggest that they are not “high-quality”, as determined by HEU. Given there are existing issues in Qld concerning under-registration, the children most at risk of not receiving a high-quality education are those unregistered ‘cult’ families (alluded to in Courier Mail). **These proposed legislative changes do nothing to ensure unregistered families provide a high-quality education.**
- It was submitted at **EETSC public briefing** that the new home education requirements align Qld with most other states and territories that use the Australian Curriculum. **Most other states and territories do not have provisions in their act that require the home education program to follow the Australian Curriculum.** Specifically, the NT is the only state where there is currently a legislative requirement to follow the Australian Curriculum. (**ADDENDUM 1**) It was also submitted at the briefing that one of the justifications for compliance with the Australian Curriculum was ‘to ensure consistency’ for the “many” students who return to school. Given the 194% increase in home education since 2019, **what percentage indicates how “many” students have returned to the school system?**
- QCAA defines a **senior subject syllabus (s217(3)(b))** as an ‘official map’ of a senior school subject (<https://www.qcaa.qld.edu.au/senior/subjects-from-2024/syllabuses>). They are intended for use by senior-level specialist teachers to develop four-unit study plans that are submitted to QCAA for approval 12 months before implementation. This requirement to follow a senior subject syllabus carries **significant budgetary implications** to ensure adequate resourcing of HEU and QCAA departments to execute its implementation in home education, and enable participation in external exams. It would appear to **go against the intent of the bill to modernise and improve education services by streamlining the home education registration process** (<https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=251&id=4389>)
- No provisions under s217(3)(c) to cater for early access to **university** level subjects.
- Schools receive funding for **reasonable adjustments for students with verified disabilities** (DoE Students with disability - RAR) to ensure reasonable adjustments are made to Australian Curriculum and Senior Syllabuses for students with a verified disability to ensure equitable access to education. Is there **similar consideration for funding** for home educated students if full compliance with the Australian Curriculum is mandated to ensure equitable access?
- **s217(ba)(ii)** - The requirement for a written report for all learning areas will result in a significant increase in workload for HEU and goes against the intent of Bill to streamline the home education registration process. (<https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=251&id=4389>). Without **budget increases** to employ more staff, quality control in relation to HEU’s ability to check home registration documentation (and ensure the provision of a high-quality education) will inevitably suffer. As an example, my last HEU submission comprised an 8 page plan and 26 page report that covered 3 learning areas. A plan and report that covers all 8 learning areas would be double this length and require double the review time.

5. Conclusion (written by our home educated student):

I am autistic, and that meant that my experiences with the school system were pretty terrible. Constant sensory overload paired with constant bullying created a less-than-ideal environment for learning. I was mentally unable to learn in this type of environment, so my parents pulled me out of the school system.

Next, I tried distance education, and my marks went up from failing everything to being a seemingly happy straight-A student. However, I felt like I had learnt nothing. I eventually became bored and disengaged.

Finally, my mother decided to pull the pin and home-educate me without the Australian curriculum. I can learn how I need to learn. It was liberating, and I finally felt like it was ok to be who I am and to think differently.

Attached is my letter to the education minister explaining why school isn't for everyone. **(ADDENDUM 2)**

ADDENDUM 1

State	Relevant Provisions	Australian Curriculum referenced in Legislation?
ACT	<p>Education Act 2004. Chapter 5 Home Education s128 - Chapter 5 based on principles that specifically accommodates for diversity of educational philosophies and preferences s132 - outlines conditions of registration for home education</p>	NO - No requirement to follow Australian Curriculum or any outlined learning areas.
TAS	<p>Education Act 2016 Division 7, Subdivision 1 Section 67(7) - definition of home education program very broad</p> <p>Education Regulations 2017 Schedule 1 outlines standards for approved home education programs</p>	NO - No requirement to follow Australian Curriculum or any outlined learning areas.
VIC	<p>Education and Training Reform Regulations 2017 Section 76 sets out requirements of instruction in home schooling:</p> <ul style="list-style-type: none"> • (1)(a) instruction must address Schedule 1 learning areas and • (1)(b) be consistent with principles under Section 1.2.1(a) of the Act • (2) - allows exemption from learning areas upon application <p>Education and Training Reform Act 2006</p> <ul style="list-style-type: none"> • Schedule 1 definition - lists learning areas subject to free instruction. • Section 1.2.1 outlines principles underlying the Act 	NO - No reference to Australian Curriculum in legislation. Outlined learning areas, taken as a whole, to be substantially addressed (with provision for exemption by application) and curriculum consistent with principles and practice of Australian Democracy.
WA	<p>School Education Act 1999 Section 51 - References evaluation of child's educational program and progress</p> <p>Dept of Education Home Education Policy 2014 Appendix A - considerations for evaluating educational programs and student progress</p>	NO - No reference to Australian Curriculum in legislation. Instead Guidelines provide that appropriateness of educational program and progress is decided according to the Western Australian Curriculum.
NT	<p>Education Act 2015 Section 46(6)(a) states that the curriculum used must be one that is approved by ACARA Section 46(7)(a) and s46(8) allow for an exemption to use of ACARA if satisfied that it is appropriate to do so in social circumstances</p>	YES - curriculum used must be approved by ACARA BUT with provisions for exemptions if 'it is appropriate to do so because of special circumstances'
NSW	<p>Education Act 1990 (No 8) Part 7, Subdivision 5 Section 73(2)(b) - conditions of registration for home schooling ... child to receive instruction that meets relevant requirements of Part 3 relating to minimum curriculum for schools</p>	NO - No reference to Australian Curriculum. Key learnings areas to be covered in accordance with approved syllabus (NSW curriculum referenced in guidelines)
SA	<p>Education Act 2019 Home education is not legislated for in Act but upon exemption from school, home education is covered by policies. Current policies: https://www.education.sa.gov.au/docs/curriculum/guide-to-home-education-in-south-australia.pdf</p>	NO - There is a requirement under policy guidelines to cover the 8 learning areas as defined by the Australian Curriculum but flexibility to use a broad range of teaching styles and methods.

ADDENDUM 2

Dear Ms Farmer,

You tell us that "every child deserves the same access to a high-quality education, no matter who they are or where they live in QLD." However, this so-called "high-quality education" isn't so high-quality because the curriculum kills creativity, encourages conformity, and kids aren't learning how to learn. In a world of AI chatbots that will eventually replace many laborious or repetitive tasks, creativity is humans' best defence, and schools are killing it.

I am going to tell a little story about how school curriculums kill creativity.

In year 2, when I was 6 years old, a teacher decided to host a science lesson on gravity. She emphasised that without gravity, we would not stay on the ground and "be able to fly." My brain liked the sound of "being able to fly", and I had a flashback to year 1. During year 1, the classroom didn't have aircon, and it was sweltering because it was the middle of a hot Queensland summer. So, the teacher had to bring an industrial-sized fan into the classroom to stop the children from getting too hot. I distinctly remembered that my worksheet papers flew off my desk when she turned the fan on. And she had to get me a clipboard (because I sat closest to the fan). In the middle of the lesson on gravity, I proposed to the teacher that I could defy gravity and allow a human to levitate using an industrial-sized fan. The teacher told me that that was impossible and that I should stay quiet and listen to the lesson.

When my fantastic dad heard of my idea, he was appalled at the teacher's dismissal. After brainstorming with my father, he used the exhaust from his workshop vacuum cleaner to blow air into a Coke bottle, where a Lego figure defied gravity.

On my 7th birthday, my dad proceeded to take me indoor skydiving, even though I was petrified. Still, I got to see that a fan could help a human fly, and it caused a spark that resulted in my love of stem and engineering.

In conclusion, I hope this story shows you how crucial nurturing creativity is. Suppose that teacher had told the same thing to a young Jeff Bezos when he had the idea for an online shopping platform that would eventually become Amazon. In that case, we might not have the convenience of Amazon, an online shopping business now worth over 1.82 trillion USD. The point is creative thinking can be easily trampled, and in a world of rapidly improving AI, that is the last thing we want to lose.