


Education (General Provisions) and Other Legislation Amendment Bill 2024

Submission No: 1341
Submitted by: 
Publication: Making the submission public but withholding your name
Attachments: See attachment
Submitter Comments:

Dear Committee members,

I am writing to express my deep concern regarding the recent proposed legislation changes to education, specifically those that affect homeschoolers.

The most significant issue to me is the establishment of “a new guiding principle setting out that home education should be in the **best interests** of the child or young person.”

Who “defines” a child’s best interests, and who “approves” it? The way that I interpret this wording is that it demotes parents to be applicants, and the government as the authority who decides whether or not home education is in a child’s best interests. Best interests can be subjective, based on a person’s values. To give one simple example – some parents may value building strong family relationships in a child’s formative years through homeschooling, whereas the government may prioritise independence from a young age. Neither of these are necessarily wrong, but whoever is the authority can make that final decision.

During the EETSC Public Briefing for the Education (General Provisions) and Other Legislation Amendment Bill 2024, Ms Kathleen Forrester stated that this change was initiated following the annual report from the Child Death Review Board. Having read this report, I was concerned to see that the single example used to strengthen oversight of home educated students was a young person who had been failed by Child Safety and the hospital’s mental health unit. “After the young person was discharged from hospital, there were further suicide attempts and the young person died two weeks later. Child Safety had not yet commenced an Investigation and Assessment of the child protection concerns and the Department of Education’s Youth Engagement Service had not yet been initiated at the time of the young person’s death”¹. This young person was already known to Child Safety, and they had not commenced an Investigation and Assessment - that was not a failure of home education regulation, it was a failure of Child Safety. I join with the homeschooling community in expressing our sorrow at the loss of this young person. Any death is devastating, but for this young person’s death to be the source of much public debate would prolong and exacerbate grief for their loved ones.

The Board outlines the current home education registration and reporting requirements², which state that the program must have regard to the age, ability, aptitude and development of the child; is responsive to the child’s need for social development; and is be conducted in an environment conducive to learning. These current requirements mean that parents must already consider the child’s best interests when designing their program, and the Chief Executive must be satisfied that these requirements have been met.

Another sobering statement relevant to this topic was made by Ms Forrester just after 11 minutes 35 seconds into the recording of the Public Briefing: “We do think that it’s important to understand what’s happening to drive that growth [of home education], and to change that growth”. It was very clear throughout the Public Briefing that Ms Forrester believes that it is in children’s best interests to be at school, rather than homeschooled. If such bias is prevalent throughout the department, and there is a stated preference to change the growth of home education, then there is no hope of objectivity when considering individual children’s best interests.

¹ Child Death Review Board Annual Report 2022-2023, page 15

² Ibid, page 17

The government has the right to ensure that children receive a high quality education. The current home education registration and reporting requirements ensure that parents consider their children's best interests when designing their program. But the new guiding principle is subjective, and potentially puts the government in a position of authority over parents in deciding a child's education. This contravenes Article 26 of the United Nations Universal Declaration of Human Rights, which states that "Parents have a prior right to choose the kind of education that shall be given to their children".

There is no need to add a subjective guiding principle referring to the best interests of the child of young person. Parents already demonstrate their consideration of this in the required documentation, which is then approved by the Chief Executive. Increasing oversight of home educated children won't address the issues raised in the report, because the issues are with Child Safety.

I homeschool because it is in my child's best interests. My child experienced such severe school trauma that we were unable to use the word "school" in their presence, and had to refer to their sibling's school using the school's acronym. We were unable to drive anywhere near the proximity of their former school. They were exhibiting extremely distressed behaviours which were completely out of character for them. My child is now thriving, and has astonished everyone with the progress they have made since leaving school. Now that my child is stable, is it still in their best interests to continue homeschooling? I say yes. In addition to academics, we work on a lot of adulting and life skills, both at home and in the community, and are starting to explore employment options. Most homeschooling parents, including myself, consider home education to be very holistic, and academics are only a portion of what they're building into their young people's lives. I have a vision and long term goals that I'm working towards with my young person – very typical things like the skills to be able to live in their own home, find meaningful employment, nurture friendships, and engage with community groups of interest. School attendance would delay the teaching and practice of these skills, as homeschooling is very efficient – 1:1 instruction tailored to the child's learning style, whereas schoolchildren spend many hours away from the home and return tired. We have time to learn and practice new skills, build independence, and to connect with community groups of interest. And to highlight the subjective nature of "best interests" – reread the above paragraph with the additional information that my child has multiple disabilities. Is it in my child's best interests to customise a homeschooling plan towards a typical life, or to return to the disability trajectory of special school leading to disability-specific employment and activities, and a group home?

The next most important issue is the requirement for homeschoolers to **follow the Australian Curriculum, report on all learning areas, and show educational progress across all subjects.**

I have homeschooled two very different children, and have provided a much higher quality of education through my own program and resources, than they would have experienced under the Australian Curriculum.

The first child that I homeschooled (Child1) only had a short attention span for topics that were not of interest, and struggled with abstract concepts. Through the primary-age years, I exposed them to all subject areas, so that we could find out which areas to focus on in subsequent years. I found a suitable maths curriculum that was very hands-on and exploratory, and it was mastery-based, rather than spiral math. It was an excellent program, but it still took two years (and additional resources) for me to teach them multiplication, due to memory issues and abstraction. English was their favourite subject, and by mid-primary school age, they were writing novels complete with complex characters and in-depth world building. They discovered, enrolled and completed several online courses through Coursera and other

reputable online learning platforms, and were years above their age-grade level in English. I used their love of reading in the humanities subjects, choosing a literature-based curriculum rather than dry textbooks, to remove the abstraction and assist with retention. Along the way, we discovered that their areas of difficulty were due to Autism and ADHD. The diagnoses were a helpful confirmation, but unnecessary in terms of curriculum selection, as I had always adapted their education to match their learning needs. At 14 years of age, they discovered a private school that specialised in one of their areas of interest, and requested enrolment the following year. They skipped grade 10, enrolled in grade 11, and topped four of their five subjects the first semester. The only assistance I needed to provide during this transition was some structure for study skills, and occasional tips for how to lay out assignments. Following school, they were accepted into a double degree of Law and Business at University, with a scholarship.

The second child that I homeschool (Child2), has multiple disabilities. They attended a special school for several years prior to homeschooling, and that school was very focused on implementing the Australian Curriculum. When I began homeschooling, I discovered large gaps in Child2's knowledge and skills. My understanding of mastery is "the ability to reproduce the knowledge/skill across multiple settings and circumstances" – and Child2 was unable to do this. I had to assess what Child2 actually knew, and start from there, which took us years. Child2 is registered as a "Diverse Learner" with the Home Education Unit, which means that in addition to Cognitive Skills, we work on Life Skills, Self Care Skills, Communication, Physical and Social Skills. Their program is very practical, and I collaborate with their therapists about suitable goals, and strategies to achieve them. Child2 is continually increasing their independence by learning new skills, and their communication is improving noticeably.

Both children have thrived with their 1:1 individualised programs, with both content and delivery tailored to their specific needs. The Australian Curriculum was not a high quality education for Child2, and Child1 wasn't disadvantaged during their transition to school due to no prior exposure to it.

From my experiences with designing customised curriculum for my children, I have the following questions and comments about the Australian Curriculum proposal:

- The Home Education Unit (HEU) already ensures that children receive a high-quality education, by scrutinising parents' plans at the beginning of the registration period, and their reports at the end of the registration period. They either approve the plans and reports, or send Show Cause notices. Less than 1% of registrations are rejected due to a failure to demonstrate a high-quality education³. That means that 99% of homeschooling parents are providing a high-quality education, without the requirement to follow the Australian Curriculum. Moving from individualised programs to a standardised program would be a step backwards.
- I was interested in the conversation between Ms Forrester and Mr Nick Dametto MP about whether 20% of homeschoolers following the Australian Curriculum was more significant than 80% of homeschoolers that weren't.⁴ For clarity, I would like to know where Ms Forrester sourced her 20% from – whether it is families fully using the Australian Curriculum as intended, families who use it as a resource alongside other resources, or families who don't delete the references to the Australian Curriculum in the HEU's templates for reporting. I glance over the topics the Australian Curriculum covers as I'm writing my plan for Child2 each year, and if

³ HEU Performance Report - <https://education.qld.gov.au/schools-educators/other-education/home-education/performance>

⁴ EETSC Public Briefing for the Education (General Provisions) and Other Legislation Amendment Bill 2024 - 11:50

there's something relevant and suitable, I might add it as a goal, and leave the HEU's template reference intact, but I'm definitely not part of Ms Forrester's 20%!

- Teachers are trained in how to use the Australian Curriculum at university, and they also undertake a significant amount of professional development related to it. In addition to this, most schools have a full-time Head of Curriculum, who interprets the Australian Curriculum for the teachers. What training and support would be available to homeschooling parents? Please note that I do not consider any training materials or communication from the Home Education Unit to be helpful or even accessible. There are multiple parent-led groups to provide peer assistance in understanding the HEU's requirements, so anything the HEU produces is likely to be even less comprehensible than attempting to navigate through the Australian Curriculum website.
- The HEU reports that 2 out of every 3 homeschooling families have children with health issues or disability.⁵ If these children were in school, they would very likely have an Individual Education Plan (IEP) in place, which would customise how they approached the Australian Curriculum. I have multiple questions about this in a homeschooling setting:
 - How will students be assessed as eligible for an IEP? In a school setting, that would be through the Guidance Officer. If through diagnosis - some parents may suspect that their child is neurodivergent, but have not yet obtained a diagnosis (eg private consultation is expensive, public consultations have long waitlists).
 - Will there be additional training/support for families of children with disabilities and health issues, who will need IEP's?
 - What is the purpose of implementing a standardised curriculum, which for 2/3rds of families will have to be adapted significantly (ie individualised, but not as individualised as we are currently providing), especially when 99% of homeschoolers are already providing a high-quality education without this standardised curriculum?
 - What about the children who are a long way below their grade level, and/or not even at a Prep level? How can children with communication difficulties be assessed for progress?
- What happens for children who are gifted, or who have asynchronous development? Child1 was far ahead in English, and a bit behind in Maths. Would I have had to proceed with the next year's Maths work despite lacking mastery in multiplication, and hold them back in English, such that the only lesson they would learn is that their interests weren't important, and learning wasn't fun? Prohibiting working at different levels would not be in many children's best interests – but permitting it would greatly increase the workload for both parents and the HEU.

The next part of this issue is that parents are required to report on all learning areas each year, and children are to show educational progress.

- Young people attending high school are allowed to choose electives – why do homeschoolers have to participate in, and succeed, in every learning area? Not every child is an artist, or loves sport. Why are we wasting our children's time doing subjects they don't enjoy? Child1 explored all learning areas at primary school age, but by high school age, only did the subjects they were interested in. By having the time to focus on these areas of interest, they achieved great success in them, rather than mediocrity across all areas.
- The amount of time it will take both parents and the HEU to report on all learning areas each year is overwhelming.

⁵ Department of Education Home Education Unit Research Insight Report Nov 2022

- Requiring children to show educational progress each year is very concerning to me. The legislation should be about whether I am providing a high-quality education, not about whether my children are making progress.
 - Who decides if progress is sufficient, and how?
 - What would be the consequences of children not making progress?
 - Does this impact continuing registration?
- Under the current system, I can include my teaching strategies and alternative strategies, to demonstrate that I have adapted to my child's changing needs, thus providing a high-quality education, even if the child still hasn't made progress.
- This will require homeschooling parents to report more than school teachers, because we are required to demonstrate that the child has made progress, whereas the teacher just has to report the child's current level. We also have to report on all learning areas. In addition to that, there are no consequences to the teacher's job if children don't progress.
- School children cannot be unenrolled if they don't progress – yet there is a possibility that homeschooled children who don't progress could lose their registration.

The time and paperwork involved with these proposals is enormous, for both homeschooling parents and the HEU. I have written about the impact on parents above – learning about the Australian Curriculum, and writing reports that are three times the length of current reports (which are also very large!), due to having to report on all learning areas. This is an additional, unnecessary administrative burden – and for the purposes of providing a form of education that isn't tailored to their children's needs, interests and learning styles.

The HEU has been grossly understaffed for years, such that they can take months to assess reports. Ms Forrester, in the Public Briefing⁶, seemed very concerned about children's continuity of education – if home educating parents waited for the HEU to process their reports and plans before proceeding with the next year's work - that would greatly disrupt the children's education. However, parents just continue to provide the high quality education their children need, because that's their commitment to their children. This proposal will greatly increase the HEU's workload, with 2/3^{rds} of families using IEP's, the possibility of children working at different levels in different subjects, and all families sending in long reports on all learning areas.

But for me, the greatest impact of these proposals will be on Child2. Their great progress has been due to having the time to focus on Communication, Life Skills, Self Care Skills etc. Being forced to use the Australian Curriculum will mean less time for these important skills while wasting time on things that aren't important to them. (I recognise that some people would consider everything within the Australian Curriculum to be valuable, but I look at the individual, not the system). I would hate to see their progress slowed, because I won't have the time to both fulfil the requirements of the Australian Curriculum, and focus on those other areas. And for this reason, I vigorously oppose the proposed legislation changes.

⁶ EETSC Public Briefing for the Education (General Provisions) and Other Legislation Amendment Bill 2024