

Education (General Provisions) and Other Legislation Amendment Bill 2024

Submission No: 1358
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Dear Committee Members,

I disagree with the proposed amendments to the Education (General Provisions Act) 2006, that are currently before the committee.

As a home educating parent, I have a personal interest in this amendment as its proposed changes would adversely impact my daughter's education and learning. In this submission I will outline my background and experience relative to education in Queensland, why the proposed changes are not suitable, not in the best interest of children, and do not ensure that children will receive a high-quality education.

My Background Relative to the Bill

My personal perspective is that of a home educating parent whose daughter attempted attendance at multiple main-stream schooling options (public, private, and distance education) before deciding that home schooling was in her best interests, from an educational and mental health perspective. We are not tree hugging hippies that want to live off grid, avoiding the world and CoVid mandates, like people incorrectly assume about home schooling families. My wife and I are both university educated professionals, who never intended to home educate our child; rather we made a conscious decision that it was the only option available to us to ensure her safety, mental well-being, and ultimately allow her to obtain an education.

Our Autistic daughter has ADHD, is twice-exceptional, and has severe anxiety and pathological demand avoidance (PDA). Each of these aspects in themselves, means that she requires a specifically tailored education program that suitably challenges/encourages her to ultimately, like any education program, find a career and be a functioning member of society.

Our experience with main-stream schooling was that it is **not high quality (despite trying both private and the public system)**, and predominately resulted in:

- A) **Unchecked bullying.** School policies relating to bullying are lip service that fail to address the issue, impose consequences to the instigators and tormentors, and at the end of the day failed to protect my child. *Not a "safe learning environment", not "positive socialisation with peers", not a "positive learning experience"!*
- B) **Misuse of Additional Funding for Children with Verified Disabilities.** With an autism diagnosis, the funding received for a verified disability goes to the school. The school then chooses how to use this funding. In our case (with a relatively high functioning, gifted, compliant child) this meant the funding was used for learning support for other children within the school. There needs to be a review in relation to the allocation of this funding to ensure it is used for the child concerned (both at mainstream and for home education) to ensure the actual child with the verified disability is the recipient of this funding such that it can be allocated to provide that child with a supportive learning environment. The current schooling system often fails to *"recognise the educational needs... of all abilities"*.
- C) **Lack of suitable challenges.** The schooling curriculum was more focused on "busy work" - work sheets and tick and flick assessments; learning sadly doesn't appear to be the goal. Schools actively focus and teach to improve NAPLAN scores, to the detriment of teaching the why and the how. With topics being covered multiple times so the average student could grasp the content, my child was often left asking "why are we going over this again, we covered it already?". Bored they then refused to comply with the "assessment" and as far as the system was concerned "failed". Instead of being extended they were told to "be quiet" and "sit in the

corner and draw". Again, not a "supportive learning environment", nor an education that "recognises the educational needs ... of all abilities".

- D) **Overworked teachers, unable to engage and/or encourage original thought/innovation.** When displaying different thinking beyond their teacher's comprehension or knowledge, teachers were either too busy, or could not admit their lack of knowledge, or dismiss it as "not possible". When on a cursory search, the concepts or ideas proposed would, and do, work in the real world. This behaviour on the teacher's part is a symptom of teachers being overloaded due to the required level of reporting and lack of support provided to them, again "busy work", but this time for the teachers, further demonstrated by the lack of retention of graduate teachers in the profession, or experienced teachers leaving for other industries. Yet again not a "supportive learning environment" and failing to "recognise the educational needs ... of all abilities".

All these aspects turned a bright, intelligent child with a curious mind and natural learning interest, into a dis-interested, bored student, who eventually was failing at school and demonstrated school refusal due to her best interests and safety not being met by the school system.

In our daughter's best interest, and to our personal financial disadvantage, my wife and I elected to home educate. In doing so we tailored the educational content around her special interests whilst also making the content relevant to our lives, and structured around her learning styles and ability. In this way she is able to get access to a high quality education that recognises her abilities, is in her best interest, whilst also keeping her safe. Through this home education program, she has been able to:

- A) explore science and maths subjects at a level that is two year levels above hers school age,
- B) take music to a professional level including composing multi-instrument original songs, recording, self producing, and mixing; generating album art, and developing a web site for a potential musical career,
- C) explore instrument set up and the science relating to music and sound,
- D) utilise different mathematical approaches (eg, Trachtenberg system), in addition to the standard mainstream school approaches,
- E) become a self-directed, auto-didactic learner that can investigate and research topics in a logic and structured manner,
- F) undertake advanced level martial arts training.

The issues we saw in the mainstream schooling system, were like my own school experience, albeit 30 years ago. At school I was also bullied by students, was insufficiently challenged, and hence did not need to learn how to learn, or study to recall the content covered in class, which I completed whilst also holding a part time job. I did well enough academically to get accepted into an Engineering Degree at university, but for all my "schooling" I did not know "how to learn" which I think was a failing of the school system. My first year of university was a challenge as I had to learn how to learn, but as I was interested in the topics and content of my course, I applied myself and quickly adjusted. In finding something that I was actually interested in, I excelled, and I completed my degree (with Honours), and now hold a Senior Management position within industry. All despite school not really engaging or challenging me. The main realisation I had is that school is not for everyone, it is not the only pathway. In short, the best pathway to succeed in life and become a productive member of society is to be allowed the opportunity to follow your interests.

Objections to the Amendment

These personal experiences and background are all relevant to the proposed bill which I object to. In particular, the sections of the proposed bill relating to home educating, including:

- A) Amendment of s217(3)(a)(b) – the addition of the requirement to comply with the Australian Curriculum or senior subject syllabus.
- B) Amendment of s217(1)(ba)(ii) – the addition of parents providing a written report on each learning area that is a part of the education program used for the child’s home education.
- C) Amendment of s199 – removal of provisional registration fails to keep children safe, as a plan needs to be prepared and submitted prior to registering for home education.

With respect to s217(3)(a)(b), the Australian Curriculum and senior subject syllabuses are intended to be utilised by teachers, **who have had formal education** and training in the use and development of this curriculum and syllabuses. Home educators are **not formally trained teachers** (although ironically a number of teachers have chosen to leave mainstream schools to educate their child at home).

Under **the current Act we are already able to structure** the education program around the specific needs, abilities, and aptitudes of our child – all to provide her with the “high quality education” that the mainstream education system was unable to provide to us.

Holding home educators to deliver a curriculum that they are not trained to deliver is not equitable and is unrealistic. Home educators have successfully delivered home education to children that have resulted in the children becoming successful and productive members of society without following ACARA.

With respect to s217(1)(ba)(ii) Reporting of all subject areas, the requirement for parents to report on all subjects and learning areas would be excessive and inequitable relative to the requirements placed on mainstream schools, who are not required to report on all students and all subjects.

Adding this overly onerous reporting to the workload of home educators distracts us from providing the high-quality education we have provided to our child. The Home Education Unit (HEU) that reviews the plans we submit is already overloaded and does not provide any feedback other than accepted or rejected status for the plan covering three subject areas. Adding all eight subjects to be reviewed (a 166% increase on current workload), raises the question whether the HEU will receive government funding to increase staff, or remain unchanged, which thereby poses the question of how this group can effectively review all plans and reports to ensure that each child receives a “high quality” education, or are they just expected to “tick the boxes”?

With respect to s199 - Removal of Provisional Registration period, the proposed amendment would restrict parents from taking action, such as removing their child from unsafe conditions in mainstream school settings, due to the significant requirement to immediately submit a plan upon registration.

The provisional registration period is used by 5% of families. It serves as a safety net for those families who are removing their child from school immediately to protect their safety and/or mental well-being. Those students who are so traumatised by school they are at risk of physical harm from bullying or self-harm/suicide from school related trauma.

Section 286, of the Qld Criminal Code, provides that **every person who has care of a child under 16 years has a duty to take precautions that are reasonable to avoid danger to the child’s life, health or safety and take actions reasonable to remove the child from any such danger.** Removal of this provision **is in conflict with a parent’s duty of care** under this provision as they are afforded no time to prepare a child’s educational plan before their removal from the unsafe environment.

Concerns over Consultation Process

Further to the objections I have outlined above, I also want to voice my displeasure in relation to the process and timing for this amendment, which appears to be rushed, with a lack of adequate consultation and notification of the potential changes.

The timing for public consultation, requests for comments or input from interested parties, and time allocated to the committee to review submissions, appears to follow a different timeline compared with other amendments that are being put forward at the same time, **25 days for review of submissions (this amendment) versus in excess of four months** afforded to the “*Education (General Provisions) (Helping Families with School Costs) Amendment Bill 2023*”, and the “*Education (General Provisions) (Extension of Primary Schools in Remote Areas) Amendment Bill 2023*”.

As home educators registered with the HEU, **we were not notified by HEU** that our education approach was subject to potential change through the Bill. We would not have been aware of the proposed changes, unless it had been brought to our attention via home school social media. Again, this appears rushed and fails to provide sufficient time for due process or stakeholder involvement.

At the public hearing the representative for the Department of Education made several statements relating to supporting information for the amendment; however, a number of these statements appear incongruous, incorrect or misleading and not representative of the situation including:

- A) this amendment and the mandated use of Australian Curriculum is “to bring us in line with most other states or territories”, however in our own review of the other states legislation, this is not correct. The **legislation of the other states does not mandate the use of ACARA**, except for the NT, which includes a provision for exemption if appropriate to do so for special circumstances. **This proposed Bill does not “bring us in line” but is far more restrictive and serves only to contradict a parent’s duty to provide a high-quality education.**
- B) references to 20% of home educators using ACARA is not representative and should be qualified with the accuracy of the review. I question whether this 20% is fully utilising the full ACARA curriculum or perhaps referencing and utilising it for 1-2 subjects as we do on our plan? The more significant figure that needs to be considered is that **80% of home educators choose NOT to use the Australian Curriculum.**
- C) involving input from “**home education associations**” as stakeholders in stage 2 of the consultation process is highly questionable. These associations are “**paid curriculum service providers**” with a **biased financial opinion**. We note that you excluded the home educating parent representatives, which is not fair, equitable, nor seeking a balanced perspective of the stakeholders involved.
- D) no statistics were provided or cited relating to the number of returning students to the mainstream system to warrant the use of the phrase ‘many’ students return to mainstream schooling which was the justification for the use of the need for home schoolers to comply with the Curriculum.

The inconsistencies in this amendment and the irrational underlying justifications demonstrate how ill-informed this amendment is. Proper consultation and input from all impacted participants would have avoided home educators being overlooked as the actual stakeholders required to be engaged in this consultation.

I ask the committee to table that all references to home education be removed from this bill and to encourage and allow the department to **undertake rigorous, genuine consultation with stakeholders**, before further changes are proposed. It should be evident from the above points that this has not happened to the level required to consider consultation with actual representative stakeholders to this point to be fair and equitable.