

Education (General Provisions) and Other Legislation Amendment Bill 2024

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The EPGA Review Committee

**RE: EDUCATION (GENERAL PROVISIONS) AND OTHER LEGISLATION AMENDMENT BILL
2024: Home Education Changes QLD**

Dear Committee members,

I am writing in my capacity as a parent and home educator. I have three children, one educated in the state school system in the Gold Coast, QLD. I currently home educate two children, one with special needs. I have been successfully home educating for 7 years. While I don't have a teaching degree, I have a master's degree in law. This, coupled with my first-hand observations of the local state schools through my eldest child's educational journey, and my specific experience in navigating a high-quality education for my special needs child, informs my perspective.

It's disappointing that as key stakeholders, we were not included in the consultation process. I **strongly oppose** the proposed changes for reasons stated below:

(a) The inclusion of the principle "best interests of the child" **is not supported by credible evidence**. Should this principle be put into practice, it may conceivably violate the right of parents to choose home education, especially since the EGP Act lacks explicit guiding principles or objectives that acknowledge home education as a legitimate parental right. On the contrary, some Australian states not only provide legal protection and recognition of the right to home education, but they have also refrained from imposing the requirement that home education applications be in the child's best interest.

(b) My ability to provide my children with a high-quality education will be considerably hampered. The Australian curriculum is too crowded, providing little time for in-depth learning. It emphasises breadth rather than depth. Further, the Bill is discriminatory to kids with special needs who overwhelmingly require a highly personalized program based on their needs and interests.

(c) The mandatory reporting of **progress in all eight key learning areas** is a significant drain on time and resources, which does not contribute effectively to my children's learning. It will detract valuable time from actual teaching.

(d) The increased compliance burdens, aim to compel parents to abandon home education and enrol their children in a system that continues to disappoint. See reasons why many families choose home education.¹ Many individuals will remain unregistered or relocate to other states.

¹ Eileen V. Slater, Kate Burton & Dianne McKillop (2022) Reasons for home educating in Australia: who and why?, Educational Review, 74:2, 263-280, DOI: [10.1080/00131911.2020.1728232](https://doi.org/10.1080/00131911.2020.1728232)

Requirement to follow the Australian Curriculum (clause 68)

The Amendment Bill defines an authorised education training programme as the Australian Curriculum, a senior subject syllabus (prepared by the QCAA), a VET course (level 1 or above, under the AQF), or a combination thereof. This is unfair and restricting to kids with special needs who need a flexible and adaptable curriculum to thrive. Additionally, the Australian Curriculum is tailored to schools to promote consistency and uniformity. It's not suited for home-schooling, where a customised programme meets each child's needs and goals. It is for this reason; distance education and home education are not synonymous.

While I do use the Australian Curriculum as a guide, I do not follow it to deliver a high-quality education. I certainly do not adhere to the Australian Curriculum across all key eight learning areas. The curriculum is *crowded even for the typically developing* child. Our goal with home education is to get an in-depth, practical grasp of subjects rather than a shallow, breadth-first approach. For my special needs child, I use an interest-based strategy to increase involvement while preventing refusal and demand avoidance. We often complete project-based learning across various learning areas and across higher grade levels. For example, my son has a special interest in travel. He manages a YouTube channel where he creates and publishes shorts on various countries. This pertains to curriculum outcomes that transcend grade levels and skill sets, with no particular emphasis on the Australian Curriculum.

My older son has a diagnosis of autism, ADHD, OCD, generalized anxiety, and a demand avoidance profile. In addition to these, my son is also gifted in some areas like mathematics and science, while he struggles in many other domains such as inferencing comprehension, speech, working memory and sensory processing. It is important for us to *maintain freedom and choice* to allow for a personalised learning program.

In the parliamentary briefing on the Education (General Provisions) and Other Legislation Amendment Bill 2024 (the Bill) on 18 March 2024, Kathleen Forrester stated that the Bill accepts other curriculums approved by ACARA². However, the wording of the Bill *only* includes the Australian Curriculum as the acceptable training program. This discrepancy is not only misleading but also raises concerns. To address this issue and eliminate any ambiguity, it is imperative to *provide additional clarification* on which alternative programs will be deemed acceptable. Also, implementation of the senior curriculum remains ambiguous. Furthermore, there is a need for clarity within the EGP Act as to whether parents will have the flexibility to choose any program or philosophy, similar to the provisions in NSW and Victoria.

In addition, Ms Forrester informed the committee that the Bill will align Queensland with the legislative frameworks of other states and territory in Australia. I submit that this is clearly *not* an accurate statement as to the requirement in other states and territories. To summarise, the proposed Bill is going to **impose far more restrictive** home educating conditions, than most Australian jurisdictions. For example, in NSW, while reference is made to follow the NSW curriculum, home educators are *free to implement whatever learning philosophy or educational program* that works for their child. Also see Victorian Registration and Qualifications Authority (VRQA), where parents are recognised as the child's first educators

² The Amendment Bill defines an authorised education training programme as the Australian Curriculum, a senior subject syllabus (prepared by the QCAA), a VET course (level 1 or above, under the AQF), or a combination of these.

and may design an educational program that meets their child's needs³. Further the *reporting requirements are liberal* in that parents can use a whole range of assessments, worksheets, end of year tests, etc, to show learning.⁴ In QLD the HEU requires *dated comparative samples showing progress*. These are extremely time consuming as currently we must show progress in 3 learning areas. If the department wishes to replicate other states, then at the very least, the *reporting obligations should be eased* enough to allow a wide variety of evidence to demonstrate learning outcomes have been met. For example, an end of term assessment or exam, should be sufficient evidence. Further, the EGP Act needs to include an express provision reciprocating the NSW Education Act, which *recognises home education as a valid choice for parents*.

Interestingly, Ms Forrester also mentioned that because twenty percent of the home education community followed the Australian curriculum, the rest should have no problem doing the same. I don't see how this is a valid reason to force the majority to follow the curriculum. It makes more sense to conclude that *the majority are successfully home educating without following the Australia curriculum*.

Requirement to Report on all Key Learning Areas (clause 68 amends section 217)

The Bill mandates home educators to report on all key learning areas. This means that home educators will need to show dated comparative samples evidencing progress in all eight learning areas, failing which registration renewal will be declined. *This is significantly more than what we are currently required to do and what qualified teachers* are currently required to provide for the students they teach. Having educated one child through the state school system, the reports I received were a brief overview, with no references or evidence of tangible development. In fact, my child was being bullied and victimized so badly, it was leading to school refusal and truancy, and ultimately poor academic performance. The bill makes no mention of reducing reporting standards to coincide with other jurisdictions that accept a wide range of evidence. For example, in New South Wales, reporting educational progress is highly flexible and liberal, which reduces compliance obligations for families. See also Western Australia.

Best interest of the child (clause 18 guiding principle)

During the public briefing, Ms. Forrester revealed that the department of education made the decision to include the "best interest of the child" premise into the EGP Act after the unfortunate death of a child who was being educated at home. Although the loss of any child is undeniably tragic, it is challenging to understand the rationale behind using a single case to argue for more policing of home educators. This approach may not resonate well with many families who

³ The VRQA's responsibilities for home schooling are set out in the *Education and Training Reform Act 2006* (Act) and the *Education and Training Reform Regulations 2017* (Regulations). Victorian Qualifications and Registration Authority, *Home Schooling Support Materials for the Registration of Home Schooling in Victoria*, (2008) specifically states "The VRQA acknowledges parents* as the first educators of their children. The VRQA will ensure that the regulation of home-schooling respects parents' right to home school and to design an educational program that meets their child's needs."

⁴ See for instance Western Australia, home education guiding policy which accepts a whole range of materials deemed acceptable to show educational progress, <https://www.education.wa.edu.au/dl/8gp7kek>.

choose home education to shield their children from the prevalent dangers in the public school system.

In fact, I would argue *home educating prevents self-harm* in school aged kids. Speaking from personal experience, my eldest child who was in the school system was self-harming because of the bullying and harassment at school and the failure of the school to address the situation. Her friend was bullied to the point where she had to cut herself in the school toilets before the bullies would leave her alone. Another male friend was forced to change schools after he was knocked to the ground, and the school administration did not address the situation adequately enough to provide a safe learning environment. School was more about survival than learning.

These stories are not uncommon, and I'm surprised that the DoE deemed home education so unsafe that they needed to add an additional layer of regulatory power, to police families. With respect, this seems like an overreach and an attempt to extinguish long standing right of a parent to educate their kids. Further, the EGP Act already has strict measures in place to regulate home education, and other jurisdictions do not have the best interest of the child specifically expressed in their legislation. It's clear there is no need for the extra powers. Furthermore, the EGP Act lacks *explicit declarations affirming the right of parents to home educate*. To reiterate, NSW and Victoria have provisions in their education legislation specifically recognising home education as legitimate and equal. It would follow that the additional best interest principle will excessively prioritise state regulation, disempowering and suffocating the autonomy and democratic spirit of home education families.

It appears to be a knee-jerk reaction to the increase in home schooling applications post pandemic with poor understanding and analysis of *why parents choose to home educate* in the first instance.

I have home educated in NSW and I found the home education unit in NSW to *be collaborative and supportive*. In the *NSW Education Act 1990, home education is specifically stated to be a valid and recognised option*.⁵ The wording is included in the objects of the Education Act 1990 and in the guiding principles as well. There are no equivalent express rights or guiding principles stated in the QLD legislation.⁶ Further, in QLD home educators receive little to no support and are largely viewed as a cult or a fringe group. This is unfortunate as many of us are women who hold university level qualifications and have given up our careers to provide the best education for our children.

The school system is not designed for kids who need a highly specialised education to meet their goals. Teachers are not often trained in dealing with these kids, so they are left behind often without being taught the fundamentals. Further, kids with autism for instance, are at greater risk of bullying and harassment. See meta-analysis which concluded that school-aged

⁵ Education Act 1990, part 2 titled Object of the Act. Under [the Act](#), the education of a child is primarily the responsibility of the child's parents. Parents may choose home schooling registration as a legitimate way of providing for the compulsory schooling of their children.

⁶ The EGP Act section 176 provides that each parent of a child who is of compulsory school age must ensure the child is enrolled at a State school or non-State school . [Section 176](#)(1) does not apply to a child who is provisionally registered, or registered, for home education under [part 5](#).

youth with autism were found to be at greater risk of school victimization in general, as well as verbal bullying, than their typically developing peers⁷

Shortened show-cause time for a registration plan (clause 60, 61)

The concern here is that kids exiting the school system often do so after a *significant traumatic event* such as bullying and abuse. On our home education community Facebook group, we have hundreds of parents describing severe bullying and victimisation in the school system, with many looking for advice on how to remove their children from the damaging school environment and begin home learning. Shortening the time window will bring unnecessary grief, concern, and angst for already traumatised families. I would urge the Department of Education to act responsibly by affording these families more time to prepare reports. We should help disadvantaged families, many of whom have children with impairments. A longer duration should be considered to strike a compromise between family protection and government regulation.

Conclusion

The Bill will infringe upon and potentially restrict the longstanding right of parents to educate their children at home. Furthermore, it is abundantly evident that there is an extreme dearth of evidence to support additional policing by implementing the best interest of the child principle. The department's role is to uphold a child's right to education, not policing or investigation of parents for abuse or neglect. The "best interest of the child" principle is disconcerting. Moreover, the right to home educate is safeguarded explicitly by legislation and/or policy in other jurisdictions. Similar safeguards are not present in EPG Act.

The requirement to follow only the Australian curriculum is discriminatory to special needs children and ignores valid reasons as to why families choose home education. The bill appears to be a hasty response to the substantial surge in applications for home-schooling that has occurred since the pandemic. Finally, no consideration is given to the reasons why families choose to home educate in the first place, hence it fails to create realistic solutions that benefits both home educating families and the Education department's regulatory role in ensuring children's right to education.

I implore you to carefully consider the above.

Kind regards

Priya Briggs

⁷ Maïano, C., Normand, C.L., Salvas, M.-C., Moullec, G. and Aimé, A. (2016), Prevalence of School Bullying Among Youth with Autism Spectrum Disorders: A Systematic Review and Meta-Analysis. *Autism Research*, 9: 601-615. <https://doi.org/10.1002/aur.1568>