

Education (General Provisions) and Other Legislation Amendment Bill 2024

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To the Education, Employment, Training and Skills Committee,

Thank you in advance for taking the time to read this submission. I am writing to advise that I have objections and concerns regarding the Education (General Provisions) and Other Legislation Amendment Bill 2024. My main concerns are the changes to the curriculum requirements for Education Programs; changes to wording “in the best interests of the child”; and the potential costs of the proposed changes.

Our Story:

We were unintentional/accidental homeschoolers. I was in the process of getting my son diagnosed. He was approaching 6. I had been working for a few years (despite not being required to) to keep my skills being used to keep future career options, as the children got older, open. I was preparing to reenter tertiary study to gain a qualification higher than my year 12 certificate. However, the school struggled. I was called out of work by 11 am nearly every day. Even when I arranged plans and strategies with the assistance of allied health reports and the Student Support Services department they weren't implemented. In the end I had to quit my job as I couldn't complete my duties while being at the school with my 5-year-old every day. So, in this situation, I chose to homeschool. I looked at distance education options. A lot of the more flexible options were private and far too expensive for me to afford. State options lacked flexibility. My son didn't write. The Brisbane School of Distance Education (the closest) ran with video calls and the like from 08:00. My daughter was still attending mainstream school which commenced at 09:00 and I needed to walk her, meaning my son would miss at least the first lesson every day and be required to make it up at the end of the day. This was usually Mathematics and English and the afternoons were his least attentive times. So, I wrote a curriculum. It was Australian Curriculum aligned to his grade. It didn't work. It was too much. I took a different approach the following year. And every year I have adjusted his Education Program to reflect how we went, input from his allied health, and input from him. I am not anti-mainstream school. My daughter still attends mainstream school. And we believe that it is in her best interests, at least at the moment. However, it does leave me acutely aware of deficits in the system. The rate that the curriculum moves through topics is fast, across learning areas. And I do a second shift tutoring her every afternoon.

Curriculum requirements for Education Programs:

The current legislation, Education (General Provisions) Act 2006, in Section 217 1a, requires home educators to “ensure the child receives a high-quality education” [4]. Meeting this requirement is currently monitored by the Home Education Unit (HEU) through submission of an Education Program for approval prior to being granted registration (different requirements for the temporary provisional registration), followed by a new Education Plan for the following year being submitted between 2 and 3 months from the annual registration date, in conjunction with a written report on the child’s educational progress [12]. HEU provides guidance for planning a “high-quality education program” suggesting the following be considered in the Education Program:

- is responsive to the changing needs of the child as indicated by the short and long term educational and personal goals
- has regard to the age, ability, aptitude and development of the child concerned
- is conducted in an environment conducive to learning
- is responsive to the child's need for social development
- utilises suitable and relevant teaching strategies to deliver the educational program to the child
- engages the child in a range of rich and varied learning experiences
- is supported by sufficient and appropriate resources
- uses strategies for monitoring educational progress[11]

While these are not hard and fast, this does provide guidance on what HEU looks for in an Education Program. As per the current legislation, the chief executive has the duty to request additional or revised documentation/information if a registration does not meet procedural requirements [4][Section 210(1), Section 211(1)], The chief executive can also refuse the application [4][Section 210(3)]. These responsibilities are being exercised with 2863 further information notices and 1624 show cause notices being issued, and 543 applications being refused in 2023 [9]. So, I would expect that education plans are meeting the requirement of a “high-quality education”, particularly in the consideration to the points outlined above, and that plans which do not are being addressed by HEU under the current legislation.

In the Education (General Provisions) and Other Legislation Amendment Bill 2024, Clause 68, Section 217(1)(b) it is proposed to have wording changed to include ‘(ii) be

consistent with an approved education and training program”. This is followed by the definition of an approved training program as:

- (a) the national school curriculum (known as the Australian Curriculum)—
 - (i) developed and administered by the Australian Curriculum, Assessment and Reporting Authority established under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Cwlth), section 5; and
 - (ii) published on the authority’s website; or
- (b) a senior subject syllabus for a senior subject; or
- (c) a vocational education and training course at level 1 or above under the AQF; or
- (d) a combination of the curriculum, a syllabus or a course mention in paragraph (a), (b), or (c).

senior subject see the E(QCAA) Act, schedule 1.

senior subject syllabus, for a senior subject, means the syllabus for the subject developed by the QCAA and published on its website.

syllabus see the E(QCAA) Act, schedule 1[6]

While the Australian Curriculum has merit, and is a valid framework to use in a school setting for teaching a large population of students simultaneously, it is not necessarily the best framework to delivery the highest quality of education to all students at an individual level. In one article Dr Rebecca English (QUT) states, while discussing this matter, “Parents do not have to teach to the Australian Curriculum because it sets the goals for what students should learn as they progress through school, not what parents should be doing at home [10].”

During the Public Briefing for the Bill which occurred on 18/03/2024 Kathleen Forrester defended this proposal as the Australian Curriculum was “the single curriculum that [the Queensland Department of Education] can get... I don’t know that another curriculum would have a higher proportion of students using it at the moment.[16][Responding to question by Mr Nick Dametto MP 10:42]” A significant factor affecting the decision of many to homeschool is that there is no one size fits all curriculum and Home Education is a route to provide children with a tailored curriculum.

As highlighted in the Home Education Insight Report November 2022 61% of registered home education students have a disability or health issue [3]. Dr Rebecca English (QUT) supports this statistic stating that it “reflects academic research, which finds most families who choose to homeschool have negative school experiences, withdraw because of bullying

or are neurodiverse[10].” This is the case for my son who is ASD and ADHD. For him attempting to keep pace with the proposed curriculum for his grade level is stressful and induces anxiety, which leads to avoidant behaviors and him disengaging. This is exacerbated by him attending multiple regular allied health therapies which require their own physical and mental energy allocations. Subsequently his plan, while maintaining a constant focus on literacy and numeracy, does not concurrently address all 8 ACARA Primary School Learning Areas [1]. And how some areas are addressed do not align with the Australian Curriculum. For example:

- Health and Physical Education: rather than following the curriculum, I work with his Exercise Physiologist and Podiatrist to follow their Health Care plans for him to ensure he is continuing to meet his physical needs and to continue to develop in a way that is suitable for him. This is complimented by practicing and applying skills learnt with family, friends and while at regular homeschool meet ups with his homeschool peers. Health and self-care is addressed with the assistance of, primarily, his occupational therapist to continue to develop skills and understanding in a way and at a level appropriate to him. Mental health and related skills are being worked on primarily with his psychologist, again at a level and in a way that meets him where he is at and is addressing his individual needs. This however would not easily match up with the Australian Curriculum.
- Languages: This is a subject that we have largely dropped in the process of tailoring an Education Plan to his interests and to meet his need for a lower workload. I am a student of language myself, and genuinely appreciate the value of learning a language. However, this is not suitable for my son currently. Many students must start a new language when commencing high school due to language teacher allocations and many start learning a language at the university level. I do bring a focus to cultural differences when the opportunity arises as I feel the understanding of differences in culture is an important lesson learned through the learning of a foreign language. We also do coding as a part of digital technologies which is now offered as a language alternative at the local high school. I do not feel that his overall education is suffering due to a lack of targeted language education as per the Australian Curriculum.

Writing an Education Program that includes the languages learning area, for it to simply not be completed over the course of a year feels disingenuous. Writing in an Australian Curriculum based health and physical education section for it to not be followed feels

disingenuous. Under the current system I can omit languages and explain that his health and physical education is being addressed in conjunction with and under the guidance of his allied health team. Note that it is on me to justify my decision, the HEU can request additional information if they query the decision. These decisions, made for the sake of my child, in conjunction with his allied health team, would not be possible with the new changes, not words as written. As his health care plans are not ACARA approved curriculums.

This raises concerns with Clause 68 1(ba)(ii) of the Education (General Provisions) and Other Legislation Amendment Bill 2024, “a parent of the child must give the chief executive a written report [...] in relation to each subject or learning area that is part of the educational program used for the child’s home education [6].” Currently reports are provided to HEU reflecting on the education program as a whole, as well as annotated work samples from 3 subject areas (English/literacy, mathematics/numeracy, 1 additional subject area of choice but different to the year prior) [13]. Will this new wording simply require a reflection and summary on each specific learning area in the plan? Will there be an expectation that work samples be provided for every learning area in the plan?

At another point during the Public Briefing for the Bill which occurred on 18/03/2024 Kathleen Forrester stated that an Education Program would need to be developed in line with the Australian Curriculum, or another ACARA approved curriculum such as Montessori or Steiner [16][Responding to question by Mr Barry O’Rourke MP 28:18]. My first query with this is regarding the definition of an “approved education and training program”:

- (a) the national school curriculum (known as the Australian Curriculum)—
 - (i) developed and administered by the Australian Curriculum, Assessment and Reporting Authority established under the *Australian Curriculum, Assessment and Reporting Authority Act 2008* (Cwlth), section 5; and
 - (ii) published on the *authority’s* website;

This only refers to the Australian Curriculum and does not refer to alternative approved curriculums. If this is the actual intention, then the wording should be made clearer to ensure that alternative ACARA approved curriculums are and continue to be allowed to be used for the development of Education Programs.

“In the best interests of the child”:

In the Education (General Provisions) and Other Legislation Amendment Bill 2024 Clause 18 (3) it is proposed for the following to be added:

- (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;[6]

The definition of a “high quality education” I have addressed above. While I support parents always doing what is in the best interests of their child, taking into account their health and wellbeing, I do have questions regarding what metrics would be used to assess compliance with this should it become a part of legislation. What evidence will families be required to produce to justify this decision? What requirements do the rest of the parents of school age children have to provide to justify that their school of choice is in the best interests of their children? Decisions on what school your child will attend often have factors outside of those directly relating to the child. Be that geographical location (e.g. catchment areas), family finances (main deciding factor for whether a private school is an option for most people), etc. As well as the child’s individual temperament, leaning style, health, interests, etc.

During the Public Briefing for the Bill which occurred on 18/03/2024 Kathleen Forrester, while answering a question from Mr Joe Kelly MP, referenced the Child Death Review Board Annual Report 2022-2023[16] [Question 08:53]. Recommendation 1 of the Report is:

Assessing the safety of children who are registered for home education

The Board recommends the Department of Education:

- 1.1 Initiate a regular process of data sharing with the Queensland Police Service and the Department of Child Safety, Seniors and Disability Services to identify home-schooling students who may benefit from in-school support services.
- 1.2 Pursues legislative changes to strengthen oversight of children registered for home education in Queensland, with a focus on upholding the child’s rights, best interests, safety and wellbeing at all stages of a child’s home education.[14]

Kathleen Forrester stated that “the board feels there needs to be more support for children registered for home education in Queensland” [16] [Question from Mr Joe Kelly MP 08:53]. She goes on to acknowledge that “the new guiding principal is just the first step” [16] [Question from Mr Joe Kelly MP 08:53]. I appreciate the tragedy of the case study that was covered in the Child Death Review Board Annual Report 2022-2023. I support the sharing

of information across departments to support those at risk. I understand that where there are child safety concerns from other departments, this should be taken into consideration by HEU. However, while we are waiting for the collection and analysis of the recommended data collection, what does this new guiding principle mean, practically, for home educators? How is it intended to be applied? How can it potentially be applied? How is this new guiding principle supporting children? Because I do not see where the increased support for children is in the current bill. Especially as it is limiting accommodations and supports that can be provided in Education Programs.

Costs of changes:

1: The Families:

From ABC North Qld:

The decision to homeschool comes at a cost.

Dr English said the burden fell disproportionately on mothers.

"She has to give up her time to find resources, develop a program, write teaching materials ... she's also got to do the report [on her child's educational progress]," Dr English said.

"If she drops back, say to part-time work, or drops out of work all together for a time, this can have a huge impact on the family's finances both now and in the longer term, particularly around superannuation and the ability to save." [7]

Finances: There is no "Homeschool" payment. Families who choose to homeschool usually do so at a financial disadvantage. Even if the parent was already at home and doesn't need to leave a job, homeschooling uses resources. There is the Assistance for Isolated Children payment that some qualify for. But this is awarded due to barriers to attending school that need to be proven. Geographical barriers are fairly straight forward, however medical barriers can require first spending months on multiple waitlists and/or significant sums of money to get the necessary documentation from qualified specialists.

Time: Parents spend a lot of time crafting their Education Programs for their children. For families whose Education Programs are currently curriculum aligned, what will be required to prove this if the current bill is passed? What will parents need to do to meet requirements for curriculum alignment? Will each line item need to be cross referenced

against specific curriculums? More than doubling the amount of annotated work samples and specific learning area reports will significantly increase the time needed to be spent on that aspect of the Annual Report.

Alternative Curriculums: Kathleen Forrester stated, during the Public Briefing for the Bill which occurred on 18/03/2024, that an Education Program would need to be developed in line with the Australian Curriculum, or another ACARA approved curriculum such as Montessori or Steiner [16] [Responding to question by Mr Barry O'Rourke MP 28:18]. This was used, by Kathleen Forrester, as a justification that the proposed legislation provides alternatives and flexibility to those who wish to deviate from the Australian Curriculum for any reason. Only specific versions of curriculums are approved by ACARA.

Montessori National Curriculum - : While I believe it is in the process of going through approval, the Montessori National Curriculum is not yet approved by ACARA Version 9.0 (the latest) [2]. Should it be approved then Montessori Australia notes on their website:

Parents - please note that the Montessori National Curriculum document is not a parent document. It has been designed for a Montessori classroom environment, with a full complement of Montessori materials, multi-aged classroom of children, and trained Montessori educators. Parents who are wanting to create a Montessori home-school environment are encouraged to attend workshops and training courses.[8]

In this situation, should a copy of the current approved Montessori curriculum be available, will it be acceptable to use without the parent attending costly workshops and training courses? Will use of aspects of the Montessori curriculum in the Education Program require accompanying proof of training? There is no clear way to access the curriculum on the website meaning that legal access to the current approved curriculum may not be accessible at all without paying. Note that this curriculum, like the Australian Curriculum, has been designed with a classroom setting in mind, not an individual.

The Australian Steiner Curriculum Framework - : This curriculum has been approved by ACARA Version 9.0 [2]. This is what the Steiner Education Australia website states on its Home Schooling page:

ASCF Subscription service

The ASCF is available to registered home schooling families via a yearly subscription service.

Individual home schooling families may apply for:

- access to the ASCF curriculum for one year/stage level
- basic phone support
- a mentor list

The curriculum is packaged by year for K-6 or by high school stage 7/8 or 9/10. The cost for an annual subscription (12 months access from date of payment) is \$200 +GST for each year or stage package.

The ASCF is a framework only and does not contain units of work, lesson plans, assessments, or implementation methods.

Basic phone support is available on Wednesdays and Fridays: this support will help to navigate the curriculum documents which include topics, achievement standards, child development profiles and scope and sequences. Basic phone support includes up to 5 short phone calls or two months phone access whichever is reached first.

Only registered home schoolers may apply for a subscription to the ASCF. The ASCF can be used by subscribers for their own personal use and cannot be shared further or used for commercial purposes.

The Australian Steiner Curriculum Framework is copyright to SEA is not available for commercial use by private businesses.

Steiner education values the social context of education and recommends that where possible families enrol their children in a school but recognises that in some circumstances this may not be possible.[15]

The Australian Steiner Curriculum Framework cannot be accessed until you are registered. And you cannot register without submitting an Education Program. So, use of The Australian Steiner Curriculum Framework may be difficult, if not impossible for first time applicants. Fees must be paid to access the framework; this is prior to knowing if the framework is what you are looking for / is suited to your child. Again, please note that The Australian Steiner Curriculum Framework has been designed with a school setting in mind and is not designed for tailored individual learning one on one.

Medical professionals: I have addressed above that I consult with my son's allied health team regarding certain relevant aspects of his curriculum. I also consult them more generally, monitoring for burnout and anxiety, assistance brainstorming possible ways to assist him through hurdles considering his specific needs and how he operates. When I first pulled my son from school, we were still awaiting a diagnosis. It wasn't until the diagnosis

that we were able to begin some of the waitlists to eventually find an allied health team. There have been changes to the team as we have had to leave a certain practitioner because they have retired, or moved to a different practice, etc. This can lead to gaps in care with a specific discipline.

Even if the proposed legislation is adapted to allow for input on parts of the curriculum by allied health professionals, this is still not going to be accessible to many – even if they do qualify. Certainly not immediately after an incident to the extent of assessing, and diagnosing, and putting a general plan in place and assisting in applying that to an Education Program, without the option of a provisional period. Even if the provisional period is kept, waitlists for specialists and allied health are long, even if paying privately as opposed to using Medicare.

Costs to families: I am genuinely concerned about the proposed curriculum changes, and their insistence on alignment with curriculums designed for school settings and not tailored individual learning environments. Parents who already dedicate a lot of time will need to dedicate more digging through curriculums that were not designed for them to try and find something that fits or adjust the Education Program in a way that fits an arbitrary curriculum standard instead of what is in the best interests of their child. This is before consideration for the fact that while the Australian Curriculum is free through ACARA, the other approved curriculums are not. This will take people who may already be in a difficult financial position, particularly at the beginning, and force additional costs on them simply because the Australian Curriculum is not, and can never be, a one-size-fits-all option. I believe that if this bill is put through as written then it is socio-economically discriminatory, without regard for what is in the best interest of individual children.

2: The Department of Education:

In the Explanatory Notes for Education (General Provisions) and Other Legislation Amendment Bill 2024, on page 13, estimated costs of implementing the proposed changes are laid out:

“Many of the amendments set out in the Bill are aimed at delivering greater efficiencies in delivering education in Queensland. This is particularly relevant for the amendments providing for transfer notes, approved online services, student support plans, P&Cs, SDK and eKindy.

Potentially, there may be costs for government implementation of the Bill, however these costs are not expected to be substantial. Possible costs may arise for staff

training and the development of supporting materials to communicate the changes to principals, schools, student, parents and the community.

In the short to medium term, amendments providing for a new appeal right for students may lead to an increase in inquiries that may require an increase in demand for support to assist principals.

Any potential costs will be met from existing budget allocations and are anticipated to be offset in the longer term as process efficiencies are realised.

Identification of possible future resourcing needs will be examined through annual budget processes if required.[5]”

I do not believe that this properly takes into account the potential costs associated with the proposed changes.

What do all Education Programs being curriculum aligned look like for those at the HEU responsible for reviewing the new applications and the annual reports with continuing Education Programs? Will each section of each Education Plan need to be cross referenced against every possible curriculum until a correlation is found or ruled out? This in addition to evaluating the program for its ability to meet the best interests of the individual child. This has the potential to take significantly longer for those who are not following a traditional school path, which is currently approximately 80% of registered children [16] [Question from Mr Joe Kelly MP 08:53]. This is continued with the proposed requirement for all learning areas to be detailed in the annual report. Should this include annotated work samples for every learning area, this is more than double the work samples that need to be reviewed by HEU annually, potentially also being individually cross referenced against different curriculums instead of being evaluated in the context of the child they are from.

Clause 66 of the Education (General Provisions) and Other Legislation Amendment Bill 2024 reduces the time for a decision to be made by the chief executive from 90 days to 45 days [6]. While a quicker turnaround will be beneficial for Home Educators, should a backlog occur I have concerns about applications being rejected on a technicality. The current proposal seems to indicate a significant increase in work from the HEU, to be completed consistently in less time. This will require an increase in resources to HEU that will need to be sustained in the long term.

Clause 18 of the Education (General Provisions) and Other Legislation Amendment Bill 2024 proposes the following as guiding principles:

(b) education should be 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;[6]

I genuinely do not believe that the proposed changes to legislation for Home Education in Queensland follow these guiding principles for Home Educated Students.

Yours sincerely

AN

References

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- [12] *Reporting for Registration for Home Education Education (General Provisions) Act 2006 (Qld) - Section 217 (2)*. (n.d.). Queensland Government. <https://ppr.qed.qld.gov.au/attachment/reporting-for-registration-for-home-education.docx>
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