

Education (General Provisions) and Other Legislation Amendment Bill 2024

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Submission

EDUCATION (GENERAL PROVISIONS) AND OTHER LEGISLATION AMENDMENT BILL 2024

Background- personal context

My partner and I have two children, both gifted, but with diagnosed disabilities that affect their capacity to learn in a mainstream setting. We have experience both as home educators and parents of children in Queensland state schools and are in an excellent position to provide constructive feedback on the proposed legislation.

For many, the idea of choosing to home educate is quite foreign, and many have concerns regarding both academic outcomes and welfare/socialisation of children in such circumstances. For our mainstream, academic family, home education was never on our radar, and I am certainly guilty of having had quite a few misconceptions before we began our journey. One of these misconceptions is that home education must look like “school at home: to achieve high quality outcomes that leave young people prepared for life and if they choose, university.

We came to home education with a child who began to read at 14 months and could discuss energy cycling at two, but who would become overwhelmed by everyday noises and struggled with unpredictable events. Kindergarten proved a disaster for her mental health and development, and we were forced to hold off putting her in mainstream schooling until the other children had finished learning their ABCs and 123s.

Over the next several years, we learned that it was best to “facilitate” our daughter’s learning rather than teach her. When she was having a bad day, we would cocoon her, and when she was flying, we would present her with maths challenges many years above her age group peers.

We home educated both of our children, identifying their individual strengths and weaknesses; using best strategies for each child. As they grew, their resilience increased and we supported them to improve, their capacity to withstand more sensory challenges and develop social networks in a supported environment. We provided our children with experiences at home and in the community, with educational material far beyond the reach of schools.

When we decided to try our children in a small, relatively well-resourced state school, we were assured by the staff that our children could be accommodated. This was not the case, and after a couple of years we found ourselves home educating once again. Our experience of mainstream education has been that teachers are well-meaning but generally lack understanding of the needs and challenges of gifted children, and that neurodivergent children who are quiet and not disruptive are unsupported.

It is apparent to us that adherence to the Australian Curriculum leaves children for whom it is not suitable wading through mindlessly repetitive work, undertaking testing for the sake of testing then being left for weeks without educational content to allow overworked teachers to complete paperwork. The curriculum is cluttered but barely skims the surface of diverse subject areas without giving the satisfaction of gaining deeper knowledge and understanding. As a scientist, I have been shocked by the inadequacy of the curriculum to provide a foundation in the areas of science and mathematics, and by the failure of system to support development of critical thinking skills. The curriculum may suit many, but it has been a source of anguish for my children.

When we moved our children from home education into mainstream schooling, our children were years ahead in all subject areas – not because they had been learning according to the Australian Curriculum, but because they had not. Sadly, because our children were not “difficult” or “disruptive”, and the teachers did not have adequate resources, our children received limited extension for their giftedness nor support for their disabilities. Both children were frustrated by the limited education they were provided, and overwhelmed by the loud and chaotic environment.

It should also be noted in the context of the proposed legislation requiring home educators to demonstrate progress in all areas every year in their reports, our children did not progress academically at school in spite of receiving excellent grades at school, and we have been left to help them overcome an aversion to formal learning. Our children have been damaged by their experience of the delivery of the Australian Curriculum through the Queensland State School System.

For our children, the Australian Curriculum does not represent a “high quality education”.

We are not “alternative”. We are not “libertarians”. We are not “anti-school”. We are a well-educated, conventional family whose kids have particular learning requirements, and we know we can do better for them than the Australian Curriculum.

We are not alone. Home educators across Queensland will be affected by the lack of flexibility in the legislation proposed. Ordinary people who sacrifice a lot to provide the highest quality education possible for their children. Children who have diverse learning needs and are already vulnerable.

We do not have a peak body. A failure to socialise the Draft Bill among the home educating community means that the key stakeholders have been unable to participate in the development of the legislation.

It is clear from reading the legislation as it pertains to home education that it has been written from the perspective of the Department, with the input of teachers who have no experience education outside the school environment. This stems from the fact that there is no peak body for home educators, the fact that home educators were not invited to participate in the development of the legislation, and that there was a failure to socialise the Draft Bill in the homeschool community (as was the case with other stakeholders).

It is enormously important that the relevant sections of the legislation are revisited in consultation with home educators likely to be affected.

Specific points of concern in the proposed legislation:

1. We are concerned by **the removal of the right for families to choose to home educate their children**, and the addition of a **new guiding principal** that home educators be granted the option of educating their children upon demonstrating that this is in the best interests of the child. This represents a paradigm shift and appears to be overreach. It is unclear who would make this determination, and what parameters they would use to determine these “best interests”.
2. Removal of the s.207 60 day provisional registration option, and s.208 provisional registration upon application. These options provide for short-term options when a child has to be removed from school at short notice, often for safety or wellbeing reasons. It allows time for generation of a well-considered plan that is tailored to the individual child. **Removal of provisional registration may result in vulnerable children remaining in an unsafe/unsuitable environment while awaiting preparation of the plan and application for full registration.** The 60 day provisional registration can be used in the case of ill health or when there is a wait on a place in distance education.
3. Abolition of registration certificates for home educators. **Registration certificates allow home educators to demonstrate that they are registered without the need to disclose personal information to other parties.**
4. Changes to s217 require that home educators follow the Australian Curriculum, a vocational training course, or a combination of the two. This inflexible approach reduces the ability to provide a tailored education specific to the needs of each child. For example:
 - A gifted child may be hamstrung by the Australian Curriculum. Such a child may require a mastery approach, and may have been removed from school because they have been disengaged as a direct result of slavish adherence to a

curriculum that is slow, shallow, busy and piecemeal. They may benefit from specialised high-level curriculum materials that take a problem-solving approach and are designed for enquiring minds.

- An autistic child may disengage when forced to follow a prescriptive path but excel when the educational approach follows their special interest areas.
- Children who struggle with transitions and achieve more when they undertake deep learning in a limited number of subject areas each year (but will, over several years, cover all necessary subjects)

In this way, mandating the use of the Australian Curriculum not only removes flexibility by narrowing the options for demonstrating provision of a high quality education, **but also limits home educators seeking to support high achieving students who have completed the Australian Curriculum, or who are in a position to undertake university courses as part of their home schooling journey.**

5. Changes to the period allowed to respond to a Show Cause Notice. Show Cause Notices are often sent to home educators who need to provide additional information to the Home Education Unit (and this is more likely to occur when there the Home Education Unit lacks the resources to answer questions or support educators), or those who have medical events and have been unable to submit their reports on time. **In such cases, fourteen days is likely to be insufficient for the Show Cause Notice to be addressed, and there is real potential for loss of registration by families who are otherwise providing their children with a quality education.**

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Perspectives and concerns of a parent with eight years' experience as a home educator registered with Education Queensland.

Context:

The stated objective of ensuring the Education (General Provisions) Act 2006 remains contemporary is laudable. The education system is under enormous pressure, and the need to ensure that the system to which Queenslanders entrust their children is fit for purpose cannot be overstated. At a time when many schools appear unable to afford toner for their photocopiers, let alone infrastructure and professional development to support staff to accommodate neurodivergent children and those with disabilities, **it is heartening to see a commitment to inclusivity and procedural fairness within the mainstream education system.**

Given the massive increase in numbers of families opting to home educate their children in recent years, and the inability of the Home Education Unit (HEU) to adequately fulfil its role of registering, regulating and supporting the home education community, it makes good sense to revisit the system of oversight of home education within the state.

Likewise, **it is critical that any update to the legislation does not “streamline” the regulation of home education by an under resourced HEU at the expense of home educating families.** It is important to acknowledge that for every child attending school, a cost is incurred by the State. It is appropriate that at least some of these resources be redirected to defray the cost of running of the home education unit, and that the legislative amendments are not driven by a failure to adequately resource the regulation of this growing sector.

Concerns:

In its current form, it does not appear that the EGPA Bill 2024 is likely to fulfil the stated objective of improving education services and related operations in the area of home education.

Families choose to home educate their children for a myriad of reasons. For some it is a philosophical choice, but for many it is for the health and wellbeing of their children – whether this be related to physical, psychological or neurodevelopmental conditions. In many cases, it has been necessary for home educators within these families to sacrifice financial security and their own careers to care for and educate children who are unable to cope in a school environment, or who have not responded well to the learning approach formalised by the ACARA.

Over the past decade, the capacity of the HEU to support an ever-increasing number of families in the context of apparently static resources has plummeted. Once, when a statement of the family's educational philosophy and a plan for the delivery of a "high quality education" tailored to the needs of each child was submitted annually, HEU staff reviewed them and provided comments and suggestions along with the next year's registration approval and certificate. This allowed each child's unique needs and their family circumstances to be taken into consideration.

Over time, as the system has become increasingly stretched, the capacity of the HEU to comment on individual plans and provide any suggestions or support has been eroded. Home educating families can no longer contact HEU to ask questions and receive guidance as there is simply no capacity to provide support upon request.

Sadly, it appears that the proposed legislation in its current form is incapable of addressing the issue at the heart of this problem. **HEU is under resourced.**

Rather than prescribing a one-size-fits-all educational model, removing provisional regulation, and reducing the period of show cause notices, home education services could

be improved enormously by ensuring adequate staff to engage with and support home educators within the existing framework.

Additional regulatory burden rarely results in streamlining, and it is likely that the proposed curriculum strictures, additional reporting, and narrowing of the registration process would contribute to a worsening of the acknowledged problem of families failing to register their children.

Children who require a different educational environment are leaving mainstream education in droves. This was happening long before the covid pandemic brought education outside brick-and-mortar schools to the attention of the wider public. **For many of the children, removed from school for their wellbeing, the Australian Curriculum does NOT constitute a high quality education.** It is for this reason that, in seeking to “enhance the regulation of home education and streamline the home education registration process” it is critical that the proposed amendments to the Act as they pertain to Home Education do not remove the flexibility required to provide a high quality education for children with diverse needs.

Fit for purpose regulation of home education should:

- **Allow families to decide** whether home education is in the best interests of their children. This right has been replaced in the proposed legislation by a need to demonstrate the “best interests”, however it is unclear who is to determine what the child’s best interests are and how they would be defined.
- **Provide and option for provisional registration** for families that need to remove their children from school at short notice. This not only allows families to listen to the needs of their children and respond in a timely manner, but provides time for home educators to design a considered plan that is tailored for their child rather than to attempt to replicate a school setting that may have already failed their child. This option has been removed in the proposed legislation.
- **Ensure families have the flexibility to choose** the educational approach that best suits the child, rather than force to follow the ACARA curriculum. Where previously parents had the latitude to demonstrate provision of a “high quality education” and

were required to demonstrate that this approach was tailored to a child's individual needs, the proposed changes remove this recognition that individual children may learn better outside the narrow confines of the Australian Curriculum many have left mainstream schooling to escape. Additionally, there does not appear to be scope for exemption from the requirement to follow the Australian Curriculum to cater for disabled or gifted children.

- **Allow for reporting that is useful for reflection but not onerous.** The HEU struggles to cope with existing reporting requirements and the proposed amendments will only make the burden of paperwork more onerous for both home educators and HEU staff.
- **Be developed in consultation with home educators.** It must be noted that the focused review of the EGP Act 2006 undertaken by the Department of Education was not undertaken in consultation with the broader homeschooling community, and that, unlike other stakeholders in the process, the Draft Act was not socialised among home educators. It is well past time that expressions of interest be sought from appropriate individuals with experience of homeschooling to participate in the process.

A fit for purpose Home Education Unit within Education Queensland would be sufficiently resourced to support home educators rather than simply police them, and would assist families as required to support their decision making as they tailor high quality education for their children. Any amendments to the current legislation to improve home education regulation and outcomes should be based upon these principles.