

Education (General Provisions) and Other Legislation Amendment Bill 2024

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Education (General Provisions) and Other Legislation Amendment Bill 2024

We wish to make a submission on some of the homeschooling provisions in the Education (General Provisions) and Other Legislation Amendment Bill 2024.

In particular we are concerned about:

- The poor understanding of why families are homeschooling;
- Proposed curriculum requirements;
- Removal of provisional registration; and
- Unintended consequences of these changes.

Background – needs not being met

Our family is one of many in Queensland with children whose needs have not been met in mainstream schooling.

Our children are autistic adhd, as well being tested as gifted (high IQ). They are creatives, both are dysgraphic, and one is also dyslexic. It's a complex mix of creativity, being advanced in some areas, having difficulty in some areas, and having serious difficulties regulating in the classroom and at school. One of our children has diagnosed school-related trauma and the other is currently recovering after years of struggling (and not learning) in a classroom.

My husband and I have 5 degrees between us. We believe in education and over the last 10 years we have advocated and sought help through 5 different schools in Qld (catholic, independent, large state and small state schools) and with periods of both official and unofficial homeschooling (when our children have still been enrolled in a school but unable to attend for extended periods with "School Can't" – see below for more on that).

Families pushed into homeschooling

At the public briefing for this Bill (18 March 2024), Department of Education representatives indicated that these homeschooling changes were partially in response to the fast growing homeschooling numbers in Qld. But nothing is being done to investigate WHY students are leaving schools.

Research for the Department's Home Education Unit in 2022 found that 70% of homeschoolers surveyed had not seriously considered or never intended to homeschool. Like us, most of these children had previously attended a mainstream school, have a disability, and the move to homeschooling was in response to an issue in the schooling system.

Other comments at the public briefing (18 March 2024) suggest that the Department sees a social media element driving the appeal of homeschooling. This is inconsistent with the Department's own research, and may reflect limited consultation and understanding of the homeschooling community.

So many stories like ours have been shared with the Disability Royal Commission (and before that the 2016 Senate inquiry into disability in education), and the 2023 Senate inquiry into School Refusal (also referred to as "School Can't"). And like us, so many of those families have been pushed into homeschooling. (For example - schools have said we can no longer meet your child's needs; or they informally exclude them from activities; or there is a lack of appropriate accommodations and inclusion; or the child's mental health deteriorates; or the child develops a trauma response to repeated exposure to serious stressors. We have experienced all of these and more.) The 2023 bipartisan Senate Report on School Refusal and submissions, including the very detailed one from School Can't Australia give more context to this and some of the difficulties experienced in the school environment.

Our experience is that families pushed into homeschooling don't do this lightly. For most of us this isn't a lifestyle choice. We have tried every angle of advocacy and supports, and multiple schools. It also

impacts on our family financially (short and long term), and means that we are taking on responsibility for educating, socialising and supporting our children without the benefits of school supports, networks or funding. These children would qualify for the highest level of support and funding in schools, but none of that is recognised when the system fails these children and parents are left to cover it all.

This is backed up by research by English (2024) on the accidental home educator and Slater (2022) which looks more closely at reasons families were homeschooling (differentiating between those that had always homeschooled vs those that had moved to that after mainstream school) - social and emotional wellbeing, developmental differences (including disability, learning disabilities and giftedness), curriculum and standards, and life circumstances.

Rather than spending money increasing regulation and hoops for homeschoolers, the Department should be investing more in understanding the problem in our schools, and providing appropriate supports and alternatives eg alternative learning options, supports for children with school refusal and school related trauma, and programs outside of the classroom. We can't only focus on long term inclusion ambitions and ignore the students struggling in the system right now.

Curriculum vs “high quality education”

The proposed changes to the “Standard conditions” for homeschooling (s.217 Education (General Provisions) Act 2006) shows poor understanding of why many families are homeschooling and the approaches currently used. In particular:

- The Australian Curriculum is overcrowded and rigid. Many of us forced into homeschooling have children who are already unable to access learning using the Australian curriculum. Shortcomings of the curriculum have been raised in many reports, inquiries and reviews.
- Neurodivergent children often learn better through their interests and projects. Homeschooling provides the opportunity for families to follow those interests, often going deeper with their learning in those areas. For children who have recently left a formal schooling environment and have trauma, this type of approach is necessary in rebuilding trust and confidence.
- Homeschooled children are often working at different levels in their skill development which doesn't align with a standardised curriculum and instead requires an individualised response. We have been in schools who have been unable to provide an ILP within two years of working with our child – ie with their resourcing, education qualifications and experience with the Australian curriculum it is clearly a resource-intensive and specialised activity.
- The Australian Curriculum is designed to be applied by teachers to a class. Homeschooling is generally done by parents 1:1 and in small, informal groups, delivered and engaged with in a different way. Homeschooling resources are often written and presented differently to those for a classroom.
- Teachers are trained in teaching the curriculum and receive supports from schools and the Department of Education to do so. Parents do not have this training and do not receive these supports.
- Homeschooling families can already choose to draw upon the Australian curriculum, but many of them choose other sources that better meet their child's needs. The public briefing for this Bill heard that only approximately 20% of registered homeschoolers are currently using the Australian curriculum. Further detail should be provided on whether they are just referencing some parts of the curriculum in their plans and reports or following it to the extent required by the proposed changes.

From Jackson (2014) - “Home educators use a variety of practices, usually starting with more structured ones, but almost always move to less structured ones in response to

the flexible and expanding needs, interests and motivations of children. The need for flexibility and ability to modify programs is very important in order to best meet the needs of children as they arise—one of the most significant educational benefits of home education. This is particularly true for students with special needs.”

- The proposed definition of “approved education and training program” for this section is also restrictive in that it doesn’t take into account university subjects and courses that homeschooling students often engage in from a younger age. It also doesn’t consider the potential for students to engage in micro credentials as part of pursuing interests.
- The Explanatory Notes for the Bill and public briefing both indicate that these changes bring Qld into alignment with other states and territories. This is an oversimplified statement and takes one aspect of regulation independently to the ecosystem it operates in. We note:
 - The proposed Qld legislation that says a plan “must be consistent with an approved education and training program” and requiring reporting “in relation to each subject or learning area”. Which is different to, for example:
 - A guideline requiring a plan to address the key learning areas in the Australian curriculum (South Australia)
 - Legislation requiring a plan to address listed key learning areas (Victoria)
 - Regulation requiring approved programs to “cover a range of learning areas, providing a rich educational program to meet individual needs” including literacy, numeracy, interpersonal skills, and safety, health and wellbeing (Tasmania)
 - Legislation that sets out key learning areas for different schooling stages and requires them to be taught in accordance with any guidelines and “to be based on and in accordance with a syllabus developed or endorsed by the Authority and approved by the Minister”. This is then supported by homeschooling guidelines that state “Home schooling parents can choose from the syllabus stage statements, outcomes and/or content to prepare the child’s learning program.” (New South Wales)
 - Details of the plan and when and how provided, and what assistance is provided by the relevant home education body varies between jurisdictions.
For example in Western Australia a home education moderator meets with home educators within the first 3 months of registering. This is to assess the plan, make sure the child is making progress and to offer support and suggestions.
 - Reporting requirements also differ across jurisdictions – how often they report, if it’s written or if it’s partly talking through progress and evidencing this in a different way. For example, in Victoria only 10% of homeschoolers are reviewed each year.
 - Some other jurisdictions have more supports or a wider range of alternatives so families may not actually have to homeschool. For example:
 - partial homeschooling and school enrolment (Victoria, Tasmania and ACT)
 - more supportive online options (like VSV which students can enrol in full time or part time alongside homeschooling or school attendance)
 - programs like FLO and Open Access College (South Australia)
 - programs taking a trauma informed approach to school refusal (eg Naivgator program in Victoria)
 - a wider range of community colleges and schools

- more Big Picture Schools (are just 2 in Qld vs 10 in south west WA), or schools taking a mixed age and flexible approach (like Lindfield Learning Village)
 - specialist schools for underserved cohorts (like Dara School in Adelaide and Tomobolo Academy in Melbourne)
 - alternatives for creatives (like IDEA Academy in Perth).
- The public briefing for this Bill indicated that following the curriculum would assist if homeschoolers returned to the classroom.
 - I'm sure the Committee will hear from others of successful stories of returning to the classroom. For some students, time at home is needed to follow interests, build confidence, and address learning difficulties in ways that can't happen whilst in a classroom.
 - The number of students returning from homeschooling is small compared with the number of new students from interstate and overseas each year in Qld. In 2022, the net migration (overseas and interstate) for Qld, ages 5-9 and 10-14 was 10,870. In comparison, HEU performance data (published by Education Qld) showed 2,161 home schooling students moved to a primary or secondary school.
- Asking parents to report against the full curriculum might even be expecting parents to report to a higher level than schools.

Our children have received years of report cards with N's on them because of medical exemptions from assessments. Last year, from two different state schools, we received reports with no comments, just N's. No insights on what they had actually achieved and a rigid curriculum meant that there was no recognition of their achievements beyond that. Would that be an acceptable report for a homeschooling parent to provide to the Home Education Unit? Would that show a higher standard of education than if I had written a report about three areas that we had actually focused on and seen improvement in?

The benefit of provisional registration

The public briefing indicated that removal of provisional registration would ensure students were getting more learning done and that this was bringing Qld into alignment with other jurisdictions.

Again, that shows poor understanding of homeschooling and when provisional registration is used.

Our family has used provisional registration twice over the last 4 years when we have had to withdraw a child from school with serious concerns for their mental health and wellbeing. One of our children is currently provisionally registered.

The provisional registration time gives us a chance to work out a plan as our child starts to recover. It doesn't mean that we aren't doing any learning during this time, but it is less formal and helps work out interests and possible learning programs and styles so we can write a more informed plan at the end of the provisional period.

As with our curriculum comments, it is difficult to just compare provisional registration in isolation across jurisdictions. The registration and planning processes are different in every jurisdiction. Some allow longer to prepare plans, some have supports to help with plan preparation.

We are concerned that removing this option puts additional pressure on families that are already dealing with very difficult circumstances.

Unintended consequences

We are also concerned about some unintended consequences of the proposed homeschooling changes, including:

- The rigidity of teaching the Australian Curriculum may actually result in a lower standard of education for homeschoolers.
- Increased governmental resources required to monitor and regulate this instead of being allocated to actually assisting homeschooling families or providing more alternative learning options so they aren't forced into homeschooling.
- Increasing numbers may move to distance education, special assistance and flexi schools because that is "easier" than homeschooling to the Australian Curriculum. Those alternative schools are already overloaded in Qld and struggling with the complex mix of students whose needs aren't being met in mainstream.
- More families hiding from the system as unregistered homeschoolers. This situation might also have child safety consequences.

Conclusion

We ask that the Committee consider the wider impact of these proposed homeschooling amendments, and reject these changes.

We suggest that further engagement needs to be undertaken with the homeschooling community to better understand why families are moving to homeschooling and what supports and alternatives are needed to "make available to each Queensland child or young person a high-quality education" that will "help maximise his or her educational potential" and "enable him or her to become an effective and informed member of the community". (Education (General Provisions) Act 2006, s.5)

References

English, R., Krogh, C. & Liberto, G. (2024). Democracy without curriculum: how unschooling contributes to a home education rooted in democracy and agency for young people. *Curric Perspect*.

Home Education Unit, Department of Education, Qld (2022). Parent with child/ren registered for home education research insight report. Prepared by Enhance Research.

Jackson, Glenda (2014). Australian Research on Home Education: And how it can inform legislation and regulation. Invited submission to the NSW homeschooling inquiry.

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023). Final report, Volume 7: Inclusive education, employment and housing, Part A.

School Can't Australia (2023). Submission to the Senate inquiry into school refusal.

Senate Standing Committee on Education and Employment (2016). Access to real learning: the impact of policy, funding and culture on students with disability.

Senate Standing Committee on Education and Employment (2023). The national trend of school refusal and related matters.

Slater, E., Burton, K., & McKillop, D. (2022). Reasons for home educating in Australia: who and why?, *Educational Review*, 74(2) 263-280.