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Home Schooling

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In October 2002, the Hon A Bligh MP, Minister for Education, announced a review of home schooling policy and practice in Queensland. The Minister tabled a report on the review in November 2003, which recommends major changes to the way the Queensland Government deals with home schooling.

This Research Brief discusses various aspects of home schooling, the current legal position in relation to home schooling in Queensland, the home schooling review, and the regulation of home schooling in other Australian jurisdictions and overseas.

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EXECUTIVE SUMMARY

Home schooling typically involves the education of a child at home, usually by a parent, instead of the child attending a formal school.

There are numerous reasons why parents decide to home school their children (**pages 3-6**). The number of children who are home schooled is difficult to determine, as all home schooling parents do not necessarily comply with legal requirements for approval or registration for home schooling purposes. In Queensland, there were almost 1,500 children formally approved for home schooling in 2002, although it has been estimated that there may be as many as 7,600 additional children being home schooled outside the current legal framework (**pages 6-7**).

Home schooling parents cite aspects that are both positive (**page 8**) and challenging (**pages 8-9**) with home schooling their children. There are also a number of issues associated with home schooling, including overcoming myths about home schooling which are held by the wider community (**pages 9-10**), socialisation (**pages 10-11**) and the further education of home schooled children (**page 11**).

Home schooling in Queensland is currently regulated by the *Education (General Provisions) Act 1989* (Qld) (**pages 12-15**) and an Order-in-Council dated 3 August 1989 (**pages 15-17**).

In October 2002, the Hon A Bligh MP, Minister for Education, announced a review of home schooling policy and practice in Queensland (**pages 18-22**). A report on the review was tabled by the Minister in November 2003, which recommended major changes to the way the Queensland Government deals with home schooling (**pages 23-28**).

Home schooling is regulated in a different manner in each Australian jurisdiction. Legislation in New South Wales (**pages 31-33**), Western Australia (**pages 36-39**), Tasmania (**pages 39-40**) and the Australian Capital Territory (from 1 January 2005) (**pages 41-43**) specifically recognises, and provides for, registration for home schooling as a legitimate alternative to enrolment and attendance at a formal school. In Victoria (**pages 33-34**), South Australia (**pages 35-36**) and the Northern Territory (**pages 44-45**), home schooling parents base their activities on other wording in legislation which arguable indirectly allows for home schooling, or an exemption from compulsory schooling requirements.

Home schooling is also popular, and differently regulated, in New Zealand (**pages 45-46**), Canada (**page 47**), the United States of America (**pages 47-49**), and the United Kingdom and Europe (**pages 49-51**).

1 INTRODUCTION

Although it is generally not well understood by the wider community, home schooling is increasing in popularity in many western countries, including Australia. Typically, home schooling involves the education of a child at home, usually by a parent, instead of the child attending a formal school.

Parents have numerous and varying reasons for home schooling their children. These reasons range from practical issues (such as isolation or the health or behaviour of their child) to ideological or pedagogical reasons (where parents consciously decide to home school their children).

In Queensland, almost 1,500 children were formally approved for home schooling in 2002. In practice, it has been estimated that there may be as many as 7,600 additional children being home schooled outside the current legal framework.

In October 2002, the Hon A Bligh MP, Minister for Education, announced a review of home schooling policy and practice in Queensland.¹ In November 2003, the Minister tabled a report on the review,² which recommends major changes to the way the Queensland Government deals with home schooling.³ Comments and submissions were invited from the home schooling community, and the general community, by the end of February 2004, with a view to having a policy position early in 2004.⁴

This Research Brief discusses various aspects of home schooling, the current legal position in relation to home schooling in Queensland, the home schooling review, and the regulation of home schooling in other Australian jurisdictions and overseas.

¹ Hon A Bligh MP, Minister for Education, Home Schooling, Ministerial Statement, *Queensland Parliamentary Debates*, 29 October 2002, p 4105.

² Hon A Bligh MP, Minister for Education, Home Schooling, Ministerial Statement, *Queensland Parliamentary Debates*, 11 November 2003, p 4694. For links to the Home Schooling Review, see footnote number 48.

³ The recommendations of the Review are discussed in Part 4.4 of this Research Brief.

⁴ Ministerial Statement, 11 November 2003.

2 WHAT IS HOME SCHOOLING?

Home schooling⁵ typically involves the education of a child at home, usually by a parent, instead of the child attending a formal school.

There are numerous reasons why parents decide to home school their children. These reasons may broadly be divided into two categories:

- parents who, due to isolation or issues regarding the behaviour or health of their child, have few other alternatives to home schooling; and
- parents who, for ideological or pedagogical reasons, consciously decide to home school their children.

Among the second category of parents, many hold a strong belief that parents are responsible for the education of their children. This view juxtaposes with the principle of State responsibility for the education of children,⁶ which seems to be supported by Article 28 of the United Nations Convention on the Rights of the Child. Article 28 provides that the parties to the Convention recognise:⁷

[T]he right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) make primary education compulsory and available free to all;*
- (b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;*
- (c) make higher education accessible to all on the basis of capacity by every appropriate means;*
- (d) make educational and vocational information and guidance available and accessible to all children;*
- (e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.*

Increasing numbers of children are being home schooled. A particularly large home schooling community exists in the United States of America, from which most of the studies and reports on home schooling originate. Similar to the trends

⁵ Home schooling is also commonly referred to as 'home education', 'home-based education' and 'home-centred learning'.

⁶ Terry Harding & Ann Farrell, 'Home Schooling and Legislated Education', *Australia & New Zealand Journal of Law & Education*, vol 8 (1&2), 2003, p 126.

⁷ United Nations. Convention on the Rights of the Child, <http://www.unhchr.ch/html/menu3/b/k2crc.htm>.

in the United States, home schooling is increasing in popularity in many western countries, including Australia.

2.1 REASONS FOR HOME SCHOOLING

2.1.1 Why Queensland Parents Home School

The main reasons why Queensland parents home school their children are:⁸

Reason	Proportion	Reason	Proportion
Peer pressure/influence/distraction	29.6%	Flexibility	7.9%
More personal/one-on-one	25.6%	Secure environment ⁹	6.8%
No faith in education system/teacher	21.3%	Large or over-crowded classrooms	5.9%
Religious beliefs	20.7%	Enhanced social experience/extra curricula activities	5.9%
Family values and bonding/discipline	17.3%	Travel times/isolation/lack of options	5.4%
Bullying	16.2%	Concerns with curriculum taught	4.5%
Special needs/medical reasons	15.0%	Not suited to parents timetable	2.8%

An underlying reason for home schooling which is commonly expressed by these parents, whether based in religion or their own philosophy, is the fundamental responsibility of parents for the education of their children.¹⁰

⁸ These figures indicate the number of people who responded to each of these reasons in 351 surveys which were returned as part of the Home Schooling Review. Respondents could provide more than one reason. See the Home Schooling Review, p 9 and Appendix 5, question 2. See also Malcolm Cole, 'Bullying, drugs drive home-schooling trend', *Courier Mail*, 21 July 1999, p 14.

⁹ In relation to concerns expressed by home schooling parents regarding the safety of children in schools, see Mark Alexander, 'Home learning for kids too scared for school', *Sunday Mail*, p 42.

¹⁰ Home Schooling Review, p 21.

2.1.2 Why Overseas Parents Home School

United States of America and Canada

The main reasons for parents in the United States and Canada deciding to home school their children include:¹¹

- the opportunity to impart a particular set of values and beliefs;
- gaining higher academic performance through one-on-one instruction;
- the opportunity to develop closer and stronger parent-child relationships;
- the opportunity for the child to experience high-quality interaction with peers and adults;
- lack of discipline in public schools;
- the opportunity to escape negative peer pressure (such as drugs, alcohol and premarital sex) through controlled and positive peer social interactions;
- the cost of education at private schools; and
- providing the child with a physically safer environment in which to learn.

Another survey of American parents in 1999 indicated the following reasons for home schooling:¹²

Reason	Proportion	Reason	Proportion
Better education at home	48.9%	Student behaviour problems at schools	9.0%
Religious reasons	38.4%	Child has special needs/disability	8.2%
Poor learning environment at school	25.6%	Transportation/convenience	2.7%
Family reasons	16.8%	Child not old enough to enter school	1.8%
Develop character/morality	15.1%	Cannot afford private education	1.7%
Object to what school teaches	12.1%	Parent's career	1.5%
School does not challenge child	11.6%	Could not get into desired school	1.5%
Other problems with available schools	11.5%	Other reasons*	22.2%

*Such as home schooling being the child's choice, more parental control over what the child learns, flexibility and year-round schooling.

¹¹ Patrick Basham, 'Home Schooling: From the Extreme to the Mainstream', *Fraser Institute Public Policy Sources*, Number 51, 2001, p 9.

¹² Home Schooling Review, p 8. Respondents could provide more than one reason.

New Zealand

In New Zealand, parents provide the following reasons for home schooling their children:¹³

- a desire for a lifestyle that includes educating their children within the family unit;
- wanting to be totally responsible for the education of their children;
- dissatisfaction with regular schools or the New Zealand Curriculum, including failure to make adequate progress, peer pressure, bullying and inability to provide one-on-one education;
- a wish to provide a religious-based education, or a particular style of education (for example, Montessori or Steiner);
- a desire to provide individualised learning for children with special abilities or needs;
- medical, school access and family mobility reasons; and
- involvement of the child in an activity that requires long absences from school.

2.1.3 Pedagogical Reasons for Home Schooling

Some parents consider that compulsory enrolment of a child at school does not guarantee or ensure the child's education. By home schooling, these parents believe that they will ensure a quality education for their children, which is closely aligned with their family values and morals.¹⁴

The pedagogical reasons for home schooling expressed by parents include:

- greater flexibility in planning options which are suited to the individual needs of the child;
- simplification of environmental and social factors;
- allowing identification of the child's individual strengths and weaknesses;
- tailoring teaching method to the individual needs of the child;
- providing a 'child centred' approach to learning; and
- overcoming limitations of the formal schooling system to cater for individual needs (for example, not adopting the age/grade level of teaching

¹³ New Zealand. Education Review Office, *ERO Reviews of Homeschooled Students*, March 2001, <http://www.ero.govt.nz/Publications/pubs2001/Homeschool.htm>.

¹⁴ Home Schooling Review, p 21.

and instead catering for a child who may have a certain standard of writing skills and a different standard of verbal and logic skills).

2.2 THE NUMBER OF CHILDREN WHO ARE HOME SCHOOLED

There are difficulties in determining the number of children who are home schooled, as all home schooling parents do not necessarily comply with legal requirements for approval or registration for home schooling purposes.

2.2.1 Queensland

In Queensland, the number of applications for dispensation from the compulsory schooling requirement provide, to some extent, an indication of the number of children who are home schooled.¹⁵ These figures are also indicative of the growing popularity of home schooling.

Year	Total
1996	907
1997	943
1998	755
1999	889
2000	1,189
2001	1,303
2002	1,474
1/1/ to 30/6/03	1,254

The number of Queensland families who have applied for dispensation has also steadily increased, from approximately 600 in 1996 to over 900 in 2000.¹⁶

Slightly more male children (50-53%) than female children (47-50%) are home schooled in Queensland.¹⁷ The number of dispensations that are granted steadily

¹⁵ Home Schooling Review, pp 11, 15. The dispensation process is discussed in Part 3 of this Research Brief.

¹⁶ Home Schooling Review, p 14.

¹⁷ Home Schooling Review, p 13.

increase through the primary school years, and peak for those children equivalent to Year 9.¹⁸

The level of compliance with the dispensation requirement is not known. The figures mentioned above are thought to provide a “significant understatement of the possible count of home schooling students”.¹⁹ They fail to identify those children whose parents choose not to apply for dispensation but who are nevertheless home schooled.²⁰ The Home Schooling Review states:²¹

During the consultation phase of the review and the analysis of submissions, it became apparent that there are more children being home schooled outside of the current “dispensation process” than within it. ... In the absence of any state-wide research, government agency information or census data, this is difficult to quantify.

The review predicted that there could be an additional 1,100 to 7,600 children being home schooled in Queensland.²²

2.2.2 Overseas

United States of America

In the United States, it was estimated that 1.7 million (or 3.4%) of the school age population was home schooled in 2000.²³ It is estimated that this number may be increasing by 15 to 20% per year.²⁴

¹⁸ Home Schooling Review, p 14.

¹⁹ Home Schooling Review, p 17.

²⁰ Home Schooling Review, p 15.

²¹ Home Schooling Review, p 15.

²² Home Schooling Review, pp 17-18.

²³ Home Schooling Review, p 8.

²⁴ Kurt Bauman, Population Division, US Census Bureau, ‘Home Schooling in the United States: Trends and Characteristics’, *Education Policy Analysis Archives*, vol 10(26), May 2002, <http://epaa.asu.edu/epaa/v10n26.html>. Compare also with the findings in United States of America, Department of Education, ‘Homeschooling in the United States: 1999’, *National Household Education Surveys Program*, July 2001, <http://nces.ed.gov/pubs2001/2001033.pdf>.

New Zealand

Annual statistics on home schooling are published in New Zealand by the Ministry of Education. Home schooled students have consistently represented 0.7-0.8% of the total school population since 1998. In July 2003, there were 6,437 children being home schooled in New Zealand. The majority of these students (65%) were in the primary school age group.

2.3 POSITIVE ASPECTS OF HOME SCHOOLING

Queensland parents who home school their children cite the following as the most enjoyable aspects of the experience:²⁵

Aspect	Proportion	Aspect	Proportion
Knowledge gained: capabilities/difficulties/progression	36.2%	Being taught a quality education	5.1%
Time spent with children	32.8%	Religious instruction	3.7%
Sharing in learning/experiences/ achievements	30.5%	Time for external activities	2.8%
Flexibility/work at own pace	28.2%	Able to travel and still complete school	2.0%
Family bonding/values	24.5%	Able to cater to special needs	1.4%
No pressure on child/safer environment/ more confident	16.0%	Health issues	0.6%
Monitor child's behaviour/associations/ work	10.3%		

The availability of new technology, particularly the internet, also seems to have contributed to an increasing interest in home schooling.²⁶

2.4 CHALLENGING ASPECTS OF HOME SCHOOLING

The most challenging aspects of home schooling for Queensland parents are:²⁷

²⁵ These figures indicate the number of people who responded to each of these reasons in 351 surveys which were returned as part of the Home Schooling Review. Respondents could provide more than one reason. See the Home Schooling Review, Appendix 5, question 3.

²⁶ Patrick Basham, p 9.

²⁷ These figures indicate the number of people who responded to each of these reasons out of the 351 surveys returned as part of the Home Schooling Review. Respondents could provide more than one reason. See the Home Schooling Review, Appendix 5, question 7.

Aspect	Proportion	Aspect	Proportion
Being disciplined with time/routine	15.7%	Transition between parent/teacher	3.4%
Keeping children/parents motivated	13.7%	Bureaucratic red tape	2.8%
Socially isolated	10.5%	Social development	2.6%
Juggling housework, job and/or other children	10.3%	Limited resources	2.3%
Financial cost	10.0%	Handling needs for gifted children	1.7%
Meeting school tasks deadlines	8.0%	Ensuring child does all the work	1.7%
Justification to others	7.7%	Being able to switch between grades	1.7%
Difficulty in supporting children in school work	6.3%	Keeping up with work when travelling/sick/death	1.7%
No time for self/outings/work	6.3%	Lack of guidance/feedback from teachers	0.9%
Discipline/behaviour management	5.7%	Young child learning older child's lessons – no maturity	0.6%
Burden of ensuring child properly schooled	4.8%	Not enough space to store materials/work from	0.6%
Parent patience/student frustration	4.8%	No travel concessions for children	0.3%
Ensuring quality education is provided	3.4%	No voice contact	0.3%

2.5 ISSUES ASSOCIATED WITH HOME SCHOOLING

2.5.1 Overcoming Myths held by the General Community

Home schooling is generally not well understood by the wider community. The review states the following 'myths' associated with home schooling:²⁸

- children who do not attend regular schooling are not socially developed and do not mature into confident, well-balanced individuals;
- home schooled children perform in ways that are educationally inferior to their schooled peers; and

²⁸ Home Schooling Review, pp 19-20. Note that the Queensland Teachers' Union was particularly critical of the findings in this part of the Review. For a discussion of these criticisms, see Part 4.5 of this Research Brief.

- home schooled children, due to their perceived “social isolation”, are more at risk than their schooled peers of various forms of child abuse.

2.5.2 Socialisation

A key concern with home schooling is the issue of ‘socialisation’. Socialisation is “the process whereby an individual acquires knowledge, values, facility with language, social skills and social sensitivity”.²⁹

Different meanings may be ascribed to the socialisation of children, including:³⁰

- social activity (children having the opportunity to play with friends and participate in traditional extracurricular activities such as sports and school plays);
- social influence (teaching children about cultural norms, manners and acceptable behaviour in different social contexts); and
- social exposure (introducing children to the culture and values of different groups of people).

Concerns

It has been argued that children need to be successful in three overlapping spheres; at home, at school and with peers. Home schooling is said to compress this into one setting, which may be difficult for children.³¹

Although family bonds may be strengthened by the home schooling experience, some children may also experience difficulties with the two roles that are required of the parent (as a parent and also as a teacher). This may be further emphasised in children in the middle-school years, when biologically and psychosocially they want to push away from their families.³²

²⁹ Arthur S. Reber, *Dictionary of Psychology*, London, Penguin, 1995, p 732.

³⁰ Richard G. Medlin, ‘Home Schooling and the Question of Socialization’, *Peabody Journal of Education*, vol 75 (1&2), 2000, pp 107-123, at p 107.

³¹ Pat Wingert and Barbara Kantrowitz, ‘Learning At Home: Does It Pass The Test?’, *Newsweek*, vol 132 (40), 5 October 1998, p 64(1).

³² Wingert and Kantrowitz.

Advantages

Research in the United States indicates that, despite a widespread belief that home schooling is socially isolating, home schooled children are often engaged in the social routines of their communities. Flexible time scheduling may also allow for greater participation in extracurricular activities.³³

Home schooling families point out that the formal school environment promotes an unnatural age segregation which is based on children of similar ages being in the same year level. In contrast, home schooled children interact with a variety of people because they are not peer grouped.³⁴

2.5.3 Further Education of Home Schooled Children

Standard entry to tertiary study in Queensland is based on Year 12 certification by the Queensland Studies Authority (or equivalent authorities elsewhere in Australia or overseas) through the Queensland Tertiary Admissions Centre ('QTAC'). An 'alternative entry' pathway is available for those not holding Year 12 or formal academic qualifications.

In terms of home schooled students, alternative entry is available through special tertiary admissions test ('STAT') results and personal competency statements. However, not all institutions accept alternative entry qualifications for all courses, and some age restrictions apply.³⁵

QTAC recommends that students applying through alternative entry sit the STAT. The STAT is a two hour aptitude test that assists applicants to demonstrate their potential for tertiary study and helps institutions make selection decisions.³⁶

The Personal Competencies Assessment exists mainly for people without formal educational qualifications. It provides an opportunity for the applicant to write a statement, addressing six questions, that demonstrates that they have developed the capacity through life experience to successfully complete a tertiary course.³⁷

³³ Richard G. Medlin, p 113.

³⁴ Richard G. Medlin, p 119.

³⁵ http://text.qtac.edu.au/Publications/Information_Sheets/Alternative_Entry.htm.

³⁶ http://www.qtac.edu.au/Publications/Information_Sheets/STAT.htm.

³⁷ http://www.qtac.edu.au/Publications/Information_Sheets/Personal_Competencies_Assessment.htm

3 CURRENT POSITION IN RELATION TO HOME SCHOOLING IN QUEENSLAND

Home schooling in Queensland is regulated by:

- the *Education (General Provisions) Act 1989* (Qld); and
- an Order-in-Council dated 3 August 1989.

Essentially, to home school a child in Queensland a parent must apply for dispensation from the requirement for the child to be enrolled at, and attend, a school.

3.1 EDUCATION (GENERAL PROVISIONS) ACT 1989 (QLD)

The provisions of the *Education (General Provisions) Act 1989* (Qld) relevant to home schooling are discussed below.³⁸ These provisions are contained within Part 7, which is concerned with the compulsory education of children.

3.1.1 Section 114 – Compulsory Schooling

Every parent of a child of ‘compulsory school age’³⁹ must ensure the child:

- is enrolled with a ‘State educational institution’⁴⁰ or a non-State school; and
- attends the instruction or school, on every school day, for the educational program in which the child is enrolled (s 114(1)).

³⁸ Note that the discussion of the relevant provisions of the *Education (General Provisions) Act 1989* (Qld) in this Research Brief takes account of the amendments that were made by the *Education (General Provisions) Amendment Act 2003* (Qld) and *Youth Participation in Education and Training Act 2003* (Qld). In this respect, the discussion of the *Education (General Provisions) Act 1989* (Qld) differs from that in the Home Schooling Review.

³⁹ ‘Compulsory school age’ means at least six years and less than 15 years (s 2). On 1 January 2006, this definition will change to mean a child who is at least 6 years of age and less than 16 years of age, other than a child who has completed year 10 (*Youth Participation in Education and Training Act 2003* (Qld), s 86).

⁴⁰ A ‘State educational institution’ is a State school (s 16); environmental education centre, outdoor education centre or centre for continuing secondary education established by the Minister (s 17); or a centre for the support and development of teachers and other officers of the Department of Education, student hostel or student residential college or other State educational institution established by the Minister (s 18) (s 2).

A child attends an institution or school only if he or she complies with the institution or school's requirements about physically attending, at particular times, its premises or another place (s 114(2)). Despite this requirement:

- a child enrolled in a program of distance education attends the school of distance education by completing and returning the assigned work for the program; and
- a child enrolled in another program that does not require physical attendance at the institution or school's premises or another place attends the institution or school by complying with its requirements about communicating with or contacting the institution or school for the purpose of participating in the program (s 114(3)).

These requirements apply subject to the provisions of Part 7 (s 114(4)).

3.1.2 Section 115 – Dispensation from Compliance with Compulsory Enrolment and Attendance Provisions

The chief executive may grant a parent of a child of compulsory school age dispensation from compliance with the compulsory schooling obligation in section 114. The dispensation may be for a period of time, and may be revoked at any time (s 115(1)).

The following are valid reasons for granting such a dispensation:

- the child is receiving, in the opinion of the chief executive, instruction:
 - in a place other than a State school or a non-State school in accordance with guidelines approved by the Governor in Council;⁴¹ or
 - in a range of subjects acceptable to the chief executive, in some other manner which, in the opinion of the chief executive, is efficient and regular (s 115(2)(a));
- that the child has been prevented from attending school by sickness, temporary or permanent infirmity, an unavoidable cause, or fear of infection of disease, which, in the opinion of the chief executive, is reasonable(s 115(2)(b)).

Provisional dispensation, for a specified period, from compliance with the compulsory schooling obligation may also be granted, and may at any time be revoked (s 115(3)). Provisional dispensation may only be granted in respect of that period of time, in whole or in part, during which an application for dispensation under section 116 is being determined (s 115(4)).

⁴¹ The guidelines approved under this provision may provide for notification to the applicant of the decision and, if the application is not granted, internal review of the decision (s 115(2A)).

3.1.3 Section 116 – Application for Dispensation from Compliance with Compulsory Enrolment and Attendance Provisions

A parent of a child of compulsory school age seeking dispensation from compliance with compulsory enrolment and attendance under section 115 must make an application in the approved form (s 116).

3.1.4 Section 117 – Information Notice and Meeting

An ‘authorised officer’⁴² who reasonably suspects a child of compulsory school age is not:

- enrolled with a State educational institution or a non-State school; or
- attending the institution or school with which the child is enrolled, on every school day, for the educational program in which the child is enrolled,

may give a parent of the child a notice about the compulsory schooling obligation and the offence under section 118 of noncompliance with this requirement (ss 117(1) and (2)).

The officer may also meet with the parent to discuss the compulsory schooling obligation and the offence (s 117(3)). The purpose of this meeting is to work with the parent to develop practical strategies to remedy the contravention.⁴³

If, despite the officer taking reasonable steps to meet with the parent, no meeting is held, the officer may give the parent a warning notice (s 117(4)). This is considered the final step in the official process that is undertaken by the officer prior to commencing a proceeding for the offence. In practice, however, several notices may be issued to a parent, and a number of meetings held, over a period of time to ensure compliance with the obligations.⁴⁴

The officer may seek help from a police officer in issuing notices and holding meetings with parents (s 117(6)).

⁴² An ‘authorised officer’ is the chief executive or an officer of the Department of Education who is authorised for this purpose by the chief executive (s 117(6)).

⁴³ Youth Participation in Education and Training Bill 2003 (Qld), *Explanatory Notes*, p 50.

⁴⁴ Youth Participation in Education and Training Bill 2003 (Qld), *Explanatory Notes*, p 51.

3.1.5 Section 118 – Penalty for Noncompliance with Compulsory Education Provisions

A parent who contravenes the compulsory schooling obligation without a reasonable excuse commits an offence (s 118(1)).

The maximum penalty is 5 penalty units (\$375) for a first offence and 10 penalty units (\$750) for a second or subsequent offence (whether or not relating to the same child of the parent) (s 118(2)).

Circumstances which may constitute a reasonable excuse include that:

- the child lives with another parent and the first parent believes, on reasonable grounds, that the other parent is ensuring the enrolment and attendance;
- in all the circumstances, the parent is not reasonably able to control the child's behaviour to the extent necessary to comply with the obligation; or
- the child has been excluded from the State educational institution or non-State school with which the child was enrolled and the non-compliance is, or was, only for the time reasonably required for the parent to arrange the child's enrolment with another institution or school (s 118(2)).

For proceedings for an offence to be brought against a parent:

- the proceedings must be brought by the chief executive, or with the chief executive's consent; and
- only if the time when the parent is alleged to have committed the offence is after the parent has been issued with a notice under section 117(2) and at least one meeting has been held with the parent under section 117(3), or the parent has been given a warning notice under section 177(4) (s 118(2A)).

3.2 ORDER-IN-COUNCIL

The compulsory schooling provisions in the *Education (General Provisions) Act 1989* (Qld) are supported by an Order-in-Council dated 3 August 1989. The Order in Council applies to the provision of either primary or secondary education for a child in a place other than a State school or a non-State school.

3.2.1 Home Schooling Options

Queensland parents have the following options in relation to dispensation with the compulsory schooling requirement:

- if the child is taught by one of his or her parents, *and* that parent is a registered teacher;⁴⁵
- if the child is taught by a person engaged or employed by his or her parent, *and* that person is a registered teacher;⁴⁶ or
- if the child is taught by one of his or her parents, who is not a registered teacher, *and* that child is enrolled, with the prior approval of the Minister, in a State or non-State school offering a course by distance education.⁴⁷

The instruction must be provided in the actual place of residence of both the child and a parent of the child.

Dispensation is for one school year only, and must be sought for each child in each subsequent year.

Recent statistics on the various forms of dispensation for home schooling are listed below.⁴⁸

Year	State School of Distance Education		Non-State School of Distance Education		'Own program' taught by Registered Teacher*	
	No.	%	No.	%	No.	%
1996	371	40.9	417	46.0	119	13.1
1997	446	47.3	379	40.2	118	12.5
1998	399	52.8	301	39.9	55	7.3
1999	507	57.0	339	38.1	43	4.8
2000	698	58.7	426	35.8	65	5.5
2001	772	59.2	453	34.8	78	6.0

⁴⁵ Teachers are registered under the *Education (Teacher Registration) Act 1988* (Qld).

⁴⁶ It was noted by the Commission for Children and Young People, in its submission on the Review, that the registered teacher does not need to be present for the lessons. The teacher's role is to supervise the program, provide advice and support to the parent, and assist the parent in ensuring the child is achieving the outcomes of the program (http://www.childcomm.qld.gov.au/pdf/submissions/Home_schooling_review_%20submission.pdf, p 2).

⁴⁷ The State schools of distance education are those for Brisbane, Cairns, Capricornia (Emerald), Charleville, Charters Towers, Longreach and Mount Isa. The approved non-State Schools of distance education are the Australian Christian Academy of Distance Education (Pine Rivers), Hinchinbrook Christian School (Ingham), Jubilee Christian College (Atherton) and Riverside Christian College (Maryborough) (Home Schooling Review, p 12).

⁴⁸ Home Schooling Review, p 11.

2002	839	56.9	539	36.6	96	6.5
1/1/ to 30/6/03	625	49.8	525	41.9	104	8.3

*Either a parent or a person engaged or employed by a parent. Note that this is commonly referred to as the 'own program' option.

3.2.2 Matters to be Addressed by All Applications for Dispensation

In relation to an application for dispensation, the parent must provide:

- evidence of, and subsequently ensure that there are, sufficient and suitable resources available to support the educational program;
- an undertaking regarding the period of time the child would receive instruction on each school day, and the number of school days for each year;
- evidence that the learning area set aside for the child is conducive to the educational process; and
- if requested to do so by the Minister, arrange with a representative of the Minister to assess, review or otherwise report on any matter whatsoever in connection with the application, including permitting a representative to enter and view the relevant premises.

3.2.3 Additional Requirements for the 'Own Program' Approach

Where a home schooled child will be taught by a registered teacher (either a parent or a person engaged or employed by a parent), rather than by distance education, the application for dispensation must include comprehensive details in respect of the curriculum, which must:

- have regard to the age, ability, aptitude and development of the child;
- take account and promote continuity of the learning experiences of the child;
- be responsive to the changing needs of the child; and
- reflect and take into account current understandings related to educational and other development of students.

4 QUEENSLAND HOME SCHOOLING REVIEW

In November 2003, the Hon A Bligh MP, Minister for Education, tabled a report on a review of home schooling in Queensland, which recommends major changes to the way the Queensland Government deals with home schooling.⁴⁹

4.1 REVIEW PROCEDURE

A public consultation phases was conducted between February and March 2003. Approximately 600 people attended public meetings held in 13 locations, and 134 written submissions were lodged. Further consultation with other interest groups also occurred.⁵⁰

4.1.1 Responses to Various Questions at Meetings

The following questions were put to each of the meetings. A brief summary of the dominant trends surrounding the answers is also noted.

What do you enjoy most about home schooling?

- The family (for example, its importance in society, transmission of family values, natural work of the family, an aspect of family development).
- The child (knowledge about each child; the importance of self-confidence, self-esteem, happiness and freedom to child development).
- The learning (low stress environment, time used effectively, flexibility to address needs of individual child, maximizing learning potential).

What are the major reasons why you have chosen to home school your child?

- Parental right and responsibility (often grounded in deeply held religious and/or philosophical beliefs of the parents).
- Special needs of children (whether the child is gifted or has specific learning disabilities, often linked to the previous response of a school to those needs and programming and resourcing issues at a school).

⁴⁹ Hon A Bligh MP, Minister for Education, Home Schooling, Ministerial Statement, *Queensland Parliamentary Debates*, 11 November 2003, p 4694. See <http://education.qld.gov.au/publication/production/reports/homeschooling.pdf> (Review Report), <http://education.qld.gov.au/publication/production/reports/background.pdf> (Background - contains Appendices to the Report) and <http://education.qld.gov.au/publication/production/reports/surveyresults.pdf> (Survey Results).

⁵⁰ Home Schooling Review, Appendices 6 and 7.

- The school system (a view of schools as artificial institutions not conducive to learning, age-grade grouping of children, age progression, class sizes, peer influence, resourcing issues, bullying, procedures and systems, overcrowding of curriculum).
- The curriculum (right and responsibility of parents to educate their children through a curriculum chosen or devised by themselves).

What do you find most challenging about home schooling your child?

- Information, resources and getting started (absence of quality information about home schooling, networks of home schoolers, access to quality assured learning resources and programs).
- Maintaining programs (considerable personal and financial commitments involved in home schooling, cost of resources, time to plan and educate, maintaining motivation and focus).
- Community acceptance (perceptions of illegality, child neglect, parental irresponsibility, social stigma and general non-acceptance in the community).

What are your thoughts on the requirement to seek a dispensation each year from compulsory schooling in order to home school your child?

- Parental right and responsibility (education as a fundamental parental right and responsibility, and applying for dispensation from compulsory schooling is unnecessary).
- Access to distance education (dispensation is applied for simply as a means to access distance education, and for access to the curriculum programs and support services of school institutions whilst retaining the right and responsibility to educate their children).
- Contradiction in terms (dispensation gives parents three options to home school, two of which require enrolment in a school of distance education).

What are your thoughts on the options for home schooling that are available under the current legislation and guidelines?

- Approved curriculum required if the child is not enrolled in distance education (unrealistic and inflexible to have to submit a curriculum program one year in advance, not an expectation of teachers in the school system and contrary to effective teaching practice).
- Distance education (enrolment in distance education just another form of schooling, a means to access materials and services that support home schooling).

- The \$1,000 fee for dispensation⁵¹ (a discriminatory and additional financial burden).

What would be the features of your preferred model of home schooling?

- Flexibility (greater flexibility than currently provided by the legislation and guidelines).
- Access to services and resources (such as child dental health, career counselling, tertiary entrance information, school resource centres, specialist facilities on school grounds, quality information and resource materials).
- Interface with government (rights and responsibilities of parents and the notion of choice in the provision of education).

What would be the best possible outcome of this review of home schooling?

- Recognition and acceptance (by government and the wider community).
- Partnership with government (need for the home schooling community to work with government in achieving their objectives).

4.1.2 Survey of Home Schooling Parents

A voluntary survey was conducted of all parents who had successfully applied for dispensation in 2002. A total of 351 surveys were returned.⁵²

4.2 SUBMISSION BY COMMISSION FOR CHILDREN AND YOUNG PEOPLE

The Commission for Children and Young People, in its submission,⁵³ noted that the current home schooling system in Queensland reflects the Government's approach

⁵¹ At the time of the Review, a \$1,000 fee per child was payable each year under the Order-in-Council for a dispensation for the home schooling of children by State schools of distance education. The Review recommended that the fee be abolished. Acting on this recommendation, the fee was abolished by the Queensland Government in November 2003. See Part 4.4.3 of this Research Brief for a discussion of the abolition of the fee.

⁵² For the results of the survey, see Home Schooling Review, Appendix 5.

⁵³ Submission by Commission for Children and Young People on the Review of Home-Schooling, http://www.childcomm.qld.gov.au/pdf/submissions/Home_schooling_review_%20submission.pdf.

that it is in the best interest of children for the State to regulate home schooling to ensure that all children:⁵⁴

- receive an equal education, in accordance with national curriculum standards;
- are taught by trained educators;
- are exposed to a variety of world views and values;
- are provided the opportunity to progress to further education and training;
- have the opportunity for peer socialisation; and
- ‘at risk’ of abuse and neglect are able to be identified, instead of being ‘sheltered’ at home.

The Commission considers that home schooling, in its various forms, is a “viable option” and that a “flexible education system should be inclusive and accepting of the desire of some parents to home school their children using an ‘own program’ approach”.

Despite this, the Commission expressed some reservations about home schooling parents following an ‘own program’ approach, independent of any contact with the education system or the Government, including:⁵⁵

- the potential for some parents to use ‘home schooling’ as a pretext for covering up abuse and neglect;
- children who are home schooled not having an opportunity to form independent views and express their views about home schooling;
- an absence of means of ensuring that home schooled children are meeting minimum literacy and numeracy standards;
- inequality in access to education and training options after Year 10; and
- inequality of access to government services and resources for home schooled children in comparison to their peers who are enrolled in State schools (for example, school dental services and therapy services for students with disabilities, eligibility for the Youth Allowance).

The Commission stated that a change was required in the relationship between the Government and home schooling families, so that a ‘partnership’ could be formed

⁵⁴ Submission by Commission for Children and Young People on the Review of Home-Schooling, p 2.

⁵⁵ Submission by Commission for Children and Young People on the Review of Home-Schooling, p 6.

between these families and Education Queensland. The elements of this partnership should include:⁵⁶

- two options for families who wish to home school their children, one using distance education and the other for those using an ‘own program’ approach;
- registration of families conducting their ‘own program’ with a local State school to facilitate access to government resources (if desired), provide information regarding education and training options after Year 10, allow for the possibility of partial attendance at a school while concurrently being home schooled and provide access to Education Queensland’s curriculum resources on-line;
- providing ‘home school liaison officers’, to build relationships with home schooling families;
- a ‘home school board’, comprised of representatives from Education Queensland, local schools and the home schooling sector, to consider any concerns of the home school liaison officers; and
- establishing home schooling networks, which meet for the purpose of providing socialisation for both children and parents, activities beyond the scope of normal household resources and to share teaching ideas and materials.

In terms of the ‘own program’ approach, the Commission stated that while prior approval of the program by Education Queensland should not be required, parents should be prepared to demonstrate that a program which meets minimum education standards in key subject areas exists and is being followed. Students should also be required to sit literacy and numeracy tests in Years 3, 5 and 7.⁵⁷

4.3 FINDINGS OF THE REVIEW

The review states that the Queensland framework is “clearly designed to constrain the number of parents who chose to home school” and has resulted in “an unintended consequence; the ever-growing (yet unknown) number of parents who home school outside of the current ... framework”.⁵⁸

⁵⁶ Submission by Commission for Children and Young People on the Review of Home-Schooling, pp 6-9.

⁵⁷ Submission by Commission for Children and Young People on the Review of Home-Schooling, p 7.

⁵⁸ Home Schooling Review, p 21.

The review also says that the relationship between the State and home schooling families is often characterised by hostility, poor communication, suspicion, alienation and an absence of trust.⁵⁹ It states that:⁶⁰

The current processes and practices surrounding home schooling approval are not aligned with the existing Order-in-Council, and parents, in the absence of a supportive environment, are choosing in increasing numbers to operate outside of the law. This they do with great reluctance as for all intents and purposes, they are otherwise law-abiding citizens.

...

In order to move forward ... it is imperative that home schooling be more formally recognized as the third option for education, in addition to the widely recognized State schooling and non-State schooling options.

4.4 RECOMMENDATIONS

The recommendations of the review are as follows.⁶¹

4.4.1 Recommendation 1 – Recognition of Home Schooling as an Education Option

The review recommends that section 114 of the *Education (General Provisions) Act 1989 (Qld)*⁶² be omitted and replaced as follows:

Education of children

- (1) *Each parent of a child of compulsory school age shall cause the child to be educated and must-*

⁵⁹ Home Schooling Review, p 21.

⁶⁰ Home Schooling Review, p 21.

⁶¹ Home Schooling Review, pp 3-5.

⁶² At the time of the review, section 114 was differently worded to the current provision, and read as follows:

Compulsory enrolment and attendance at school

Every parent of a child being of the age of compulsory attendance shall cause that child-

(a) *to be enrolled at a State school; or*

(b) *be enrolled at a non-State school;*

and to attend the State school or non-State school, on every school day, for the program of instruction for which the child is enrolled, unless there is in existence at the material time, in respect of that child, a dispensation or provisional dispensation granted in accordance with section 115.

- (a) *ensure the child is enrolled with a State educational institution or a non-State school; and*
 - (b) *ensure the child attends the institution or school, on every school day, for the educational program in which the child is enrolled; or*
 - (c) *be educated in some other manner as prescribed in regulation.*
- (2) *A child attends an institution or school only if he or she complies with the institution or school's requirements about physically attending, at particular times, its premises or another place.*
- (3) *However, despite subsection (2)-*
- (a) *a child enrolled in a program of distance education attends the school of distance education by completing and returning the assigned work of the program; and*
 - (b) *a child enrolled in another program that does not require physical attendance at the institution or school's premises or another place attends the institution or school by complying with its requirements about communicating with or contacting the institution or school for the purpose of participating in the program.*
- (4) *Subsection (1) applies subject to this part.*

It would be under the recommended new section 114(1)(c) that the proposed provision would differ from the current position and recognise a parent's right to home school their child.

4.4.2 Recommendation 2 – Replace Current Requirement for Dispensation with a Requirement for Registration

The review recommends that the current dispensation requirement for a parent who wishes to home school their child be replaced by an annual registration requirement, to be defined in regulation.

Only 35% of the more than 900 families who successfully applied for dispensation for the purposes of home schooling their children in 2002 agreed with the requirement for dispensation, with many seeing it as simply providing the opportunity for them to be able to home school.⁶³

The review states that “the current dispensation requirement is not working. It is ignored more than observed by home schooling parents in Queensland ... [and] is seen as a requirement that is at odds with the recognition of a parent's

⁶³ Home Schooling Review, p 23.

responsibility to educate a child". The review, however, does acknowledge the State's responsibility to ensure that all children receive an education.⁶⁴

Accordingly, a balance could be struck by replacing the current requirement for dispensation with a requirement for registration.

4.4.3 Recommendation 3 – Abolition of \$1,000 Fee for Dispensation

The review recommended that payment of a prescribed fee (\$1,000 per annum per child) for services and resources from State schools of distance education by home schooling parents of children of compulsory school age be abolished.

Further, as a consequence of this abolition, it was recommended that the resourcing models of State schools of distance education, which previously received this fee, be re-examined and adjusted where necessary.

The review stated that:⁶⁵

Members of the home schooling community have a largely negative view of this fee and legal opinion of its veracity is mixed. This has been the source of conflict and disquiet, and is often seen as a "penalty" for home schooling. There is no equivalent regime anywhere else in Australia.

Recommendation acted upon

In November 2003, the Minister moved an amendment in committee to the Education (General Provisions) Bill 2003 (Qld) for the abolition of the fee. The Minister stated:⁶⁶

As part of this amendment, the guidelines for home schooling dispensations will also be retrospectively validated. This is necessary because of recently received advice by the Solicitor-General that the guidelines lack sufficient legislative authority. The guidelines were approved by the Governor in Council in August 1989 ... and successive governments have relied in good faith on these guidelines to charge home schoolers the \$1,000 fee. The amendment I am proposing will validate the actions of these governments over 14 years, including the charging of the fee, and will make it clear that any outstanding fees will not be collected.

⁶⁴ Home Schooling Review, p 23.

⁶⁵ Home Schooling Review, p 24.

⁶⁶ Hon A Bligh MP, 'Home Schooling', Ministerial Statement, *Queensland Parliamentary Debates*, 11 November 2003, p 4694.

The amendments:⁶⁷

- retrospectively validated the guidelines approved by the Order-in-Council in respect of dispensations for home schooling; and
- prospectively validated legitimate and necessary aspects of the guidelines to allow for future approval of home schooling dispensations until the outcome of the review can be implemented.

The Commission for Children and Young People supported removal of this fee.⁶⁸

The Queensland Teachers' Union commented that:⁶⁹

The existing fee is a deterrent for parents to withdraw their children from schooling. So that this withdrawal is not done lightly, the process of registration should ensure that parents have a genuine intention to either enrol their children at a school of distance education, or submit curriculum programs for approval.

4.4.4 Recommendation 4 – Access to Services and Resources of State and Non-State Schools of Distance Education

The review recommends that home schooling parents continue to be permitted to access the services and resources of State and non-State schools of distance education. Enrolment of a child in an approved school of distance education by a home schooling parent should be deemed to meet the requirements of registration, as outlined in recommendation 2.

Home schooling parents have expressed satisfaction with the distance education arrangements, and wish for the option to continue to be available to them.

4.4.5 Recommendation 5 – Home Schooling Parents Continue to be Permitted to Adopt an 'Own Program' Approach

The review recommends that home schooling parents continue to be permitted to adopt an 'own program' approach to the education of their children, and that such a decision be recorded as part of a registration requirement as defined in regulation.

⁶⁷ Education (General Provisions) Amendment Bill 2003 (Qld), *Explanatory Notes for Amendments moved in Committee by the Hon A Bligh MP*, p 1.

⁶⁸ Submission by Commission for Children and Young People on the Review of Home-Schooling, p 7.

⁶⁹ Lesley McFarlane, 'QTU voices concerns with Home Schooling Review', *Queensland Teachers' Journal*, 18 March 2004, p 10.

In addition, the review recommends that the current requirement for a parent to be a registered teacher, or to engage or employ a registered teacher, in order to teach an ‘own program’ be abolished.

Annual reporting of educational outcomes should be defined in regulation. Further, failure to report on educational outcomes should result in cancellation of registration and consequent sanctions that are defined in regulation.

The requirement for a home schooled child who is not enrolled in distance education to be taught by a registered teacher (either a parent of the child or a person who is engaged or employed by a parent) is not a requirement in any other Australian jurisdiction.

The review found that the other provisions required by the Order-in-Council are:⁷⁰

[V]ague, paper-based and not aligned with current educational thinking and practice. They also include approval processes that have not been observed in more than a decade. They are essentially an input approach that once “approved” are not monitored in any way.

The review states that by “requiring parents to report on the education of a child through an ‘own program’ approach, the focus of accountability moves from inputs (the present approach) to educational outcomes (a preferred approach)”.⁷¹

4.4.6 Recommendation 6 – Establishing a Central Entity to provide Services and Resources to Home Schooling Parents

The review recommends that a central entity, resourced by the Department of Education, be established to provide a range of services and resources to home schooling parents, including the facilitation of learning pathways and information. Access to that entity should be conditional upon registration of a child for home schooling.

This recommendation results from many parents, as taxpayers, raising the issue of access to services and resources (such as quality curriculum materials, child dental health services, career counselling and tertiary entrance information).⁷² Establishing such an entity would also address, to some extent, the difficulties faced by parents in first commencing home schooling.

⁷⁰ Home Schooling Review, p 26.

⁷¹ Home Schooling Review, p 27.

⁷² Home Schooling Review, p 27.

4.4.7 Recommendation 7 – Establishing a Home Schooling Advisory Committee

The review recommends that a ‘Home Schooling Advisory Committee’, together with its role and responsibility, be established by regulation, and that it report annually to the Minister for Education.

The membership of such committee should reflect the diversity of the home schooling community and include parents who have registered their children to be home schooled. The committee should work with the Department of Education to develop a set of protocols to manage the interface between registered home schooling families and government agencies.

4.4.8 Recommendation 8 – Home Schooling and Compulsory Participation in Education or Training Phase

The review recommends that parents of youth in the compulsory participation phase as defined by the *Youth Participation in Education and Training Act 2003* (Qld) be required to meet the registration requirement as prescribed in regulation. The review also recommends that the following amendment to section 25 of the Act be considered as a basis for dispensation from the requirement that a young person participate in the eligible options provided by State or non-State schools.⁷³

Section 25 Home schooling

The chief executive may deem a dispensation to be granted if the young person–

- (a) meets the registration requirement as prescribed in regulation; and*
- (b) will be receiving education complying with the requirements prescribed under a regulation.*

4.4.9 Recommendation 9 – Review of the Recommendations

The review recommends that these recommendations, if endorsed, be independently evaluated within three years of their enactment. Such an evaluation should be informed by the proposed Home Schooling Advisory Committee.

⁷³ Section 25 of the *Youth Participation in Education and Training Act 2003* (Qld) currently provides as follows:

Home schooling

The chief executive may grant a dispensation if the chief executive is satisfied that, through the period to which the dispensation applies, the young person will be receiving education–

- (a) provided by a registered teacher; and*
- (b) complying with the requirements prescribed under a regulation.*

4.5 RESPONSE BY THE QUEENSLAND TEACHERS' UNION

The Queensland Teachers' Union ('QTU') had been lobbying for a review of home schooling for some time, due to concerns regarding "the lack of accountability and tracking of students in existing home schooling processes".⁷⁴

The QTU raised the following concerns in relation to home schooling:⁷⁵

- there is currently no process to check that parents who inform a school that they are removing their children for home schooling purposes then seek a dispensation for home schooling;
- home schooled children do not have to be enrolled in the Department of Education's distance education program;
- there is no process in place in Education Queensland's SMS transfer system which acknowledges a child's transfer to home schooling; and
- at any given time, Education Queensland and the Government have no idea of the total number of children who are being home schooled, with the only data that is available being provided by parents who have sought dispensation.

The QTU agrees that the arrangements for home schooling in Queensland must change. However, it criticises the part of the review entitled 'Home Schooling Myths' as being "unscholarly and biased".⁷⁶

The QTU has advocated a number of changes to some of the recommendations which flowed from the review. These changes are summarised as follows:⁷⁷

- Recommendation 1 - The QTU believes that the recommended wording for section 114(3)(b) should be amended to require that a child who is enrolled in a program actually participate in the program;
- Recommendation 2 - The QTU agrees with replacing the dispensation process with an annual registration process, however it is critical of an apparent lack of any process in the recommendations to track students upon leaving their school to their transfer to home schooling. The QTU also points out that there is an apparent lack of process for ensuring that

⁷⁴ Lesley McFarlane, 'QTU voices concerns with Home Schooling Review', *Queensland Teachers' Journal*, 18 March 2004, p 10.

⁷⁵ Lesley McFarlane, 'Home schooling review starts', *Queensland Teachers' Journal*, 6 February 2003.

⁷⁶ Home Schooling Review, p 19.

⁷⁷ Lesley McFarlane, 'QTU voices concerns with Home Schooling Review', *Queensland Teachers' Journal*, 18 March 2004, p 10.

students, when they reach the age of compulsory education, are enrolled in any form of schooling.

- Recommendation 5 - The QTU expressed that it is “most concerned” that this recommendation did not guarantee access to a quality education program for students who are home schooled. Its criticism includes that:
 - no provision is made for the approval of an ‘own program’ of study; and
 - an ‘own program’ approach would not be overseen by a registered teacher.

The QTU states that it “strongly recommends” that it be mandatory that home schooled students are either enrolled in a school of distance education or that ‘own programs’ be supervised by a registered teacher. It further recommends that a formal approval process be put in place for ‘own programs’, and that such programs include a description of the student’s program for the year (including the subjects to be taught, the instructional methods, the resources to be used, means of assessment and outcomes to be achieved). The programs must also guarantee access for the child to an approved curriculum which is inclusive of the key curriculum areas.

The QTU recommends that it should be mandatory for home schooled children to participate in the Year 2 Net and QSA testing programs.

- Recommendation 7 - The QTU recommends that the proposed Home Schooling Advisory Committee be reflective of all stakeholders, not just parents, and include members of the teaching profession. The QTU would seek representation on the committee.

5 HOME SCHOOLING IN OTHER JURISDICTIONS

5.1 AUSTRALIAN STATES AND TERRITORIES

Legislation in New South Wales, Western Australia, Tasmania and the Australian Capital Territory (from 1 January 2005) specifically recognises, and provides for, registration for home schooling as a legitimate alternative to enrolment and attendance at a formal school.

In Victoria, South Australia and the Northern Territory, home schooling parents base their activities on other wording in legislation which arguable indirectly allows for home schooling, or an exemption from compulsory schooling requirements.

No other Australian jurisdiction requires a home schooling parent to be a registered teacher, or to employ or engage a registered teacher.

5.1.1 New South Wales

The *Education Act 1990* (NSW) governs home schooling in New South Wales.

Specific recognition of home schooling

The principles on which the Act is based specifically recognise the responsibility of parents for the education of their child. These principles are that:

- every child has the right to receive an education;
- the education of a child is primarily the responsibility of the child's parents;
- it is the duty of the State to ensure that every child receives an education of the highest quality; and
- the principal responsibility of the State in the education of children is the provision of public education (s 4).

A principal object of the Act includes allowing children to be educated at home (s 5(d)). Further, it is the intention that every person who is concerned with the administration of the Act, or with the education for children of school-age in New South Wales, have regard to a number of objects, including the provision of opportunities for parents to participate in the education of their children (s 6(m)).

All children between six and 15 years of age must:

- be enrolled at and attend a government or registered non-government school; or
- be registered for home schooling and receive instruction in accordance with the conditions to which the registration is subject (s 22).

It is an offence for a parent to fail to comply with this requirement (s 23).

Registration for home schooling

A specific part of the Act is dedicated to registration for home schooling (Part 7 Division 6). 'Home schooling' is defined to mean schooling in the child's home (s 70).

A parent of a child may apply to the Minister for registration of the child for home schooling (s 71). The parent will then be visited by an officer from the Office of the Board of Studies, in their home, to discuss the application.⁷⁸

⁷⁸ New South Wales. Office of the Board of Studies, *Home Education in NSW - Information Package*, January 2004, http://www.boardofstudies.nsw.edu.au/manuals/pdf_doc/home_ed_info_package.pdf, pp 9-10.

If the application is granted, the child will be registered for home schooling (s 72(1)). More than one child of any one parent may be registered for home schooling (s 72(3)).

A certificate of registration will be issued for the child, setting out the conditions that the registration is subject to. These conditions must comply with the requirements of the regulations and provide for the child to receive instruction that meets relevant requirements in the Act relating to the minimum curriculum for schools. Registration of a child for home schooling is limited to a period, not exceeding two years, specified in the certificate of registration (s 73).

Registration may be cancelled by the Minister, by written notice to a parent, if the parent:

- has failed to ensure that the child receives instruction in accordance with the conditions to which the registration is subject;
- has refused or failed to allow an authorised person to enter the premises where the child receives schooling, or to inspect those premises or the records required to be kept for the purposes of the Act; or
- has breached any other condition to which the certificate of registration is subject (s 74(1)).

Home schoolers must provide instruction in six key learning areas in primary education (s 8) and eight key learning areas in secondary education (s 10). Curriculum support material may be purchased from the Office of the Board of Studies.⁷⁹

Alternative for home schooling parents who conscientiously object to registration

A parent who wishes to home school their child may instead give the Minister written notice that the person conscientiously objects, on religious grounds, to registration under the Act (s 75). A conscientious objection may be either accepted or rejected by the Minister (s 77). If accepted, the Minister may issue a certificate exempting the child from registration for a specified period (not exceeding two years) (s 78).

A child to whom a certificate of exemption applies is regarded as registered for home schooling under the Act (s 81). An exemption may also be cancelled by the Minister in circumstances in which registration for home schooling could be cancelled, or if the Minister is satisfied that the objection to registration is not conscientiously held on religious grounds (s 82).

⁷⁹ Home Schooling Review, Appendix 3, p 3.

Responsibility of the Office of the Board of Studies

The Office of the Board of Studies is responsible for the regulation of home schooling in New South Wales. It has released an information package on home schooling⁸⁰ which assists parents in preparing to home school their children and outlines the steps involved in applying for registration. The package also contains answers to frequently asked questions, sample approaches to record keeping, home education contacts and networks in New South Wales, and information on resources.

Whilst home schooling parents do not need formal teacher training or experience, they are expected to demonstrate to the Office that they have the capacity to plan and provide for the educational needs of their child. Parents must also meet minimum curriculum requirements set out in the Act.⁸¹

Home schooled students in New South Wales are not eligible for the School Certificate or Higher School Certificate, but may be eligible for a Higher School Certificate Results notice for use in the calculation of the University Admissions Index if they have studied Higher School Certificate courses.

Students registered in home schooling are not eligible for enrolment in distance education.⁸²

5.1.2 Victoria

Compulsory attendance at school

The *Education Act 1958* (Vic) requires the parents of every child aged not less than six and not more than 15 years to ensure that the child attends school. A reasonable excuse for a child's non-attendance is if the child has been excused by an order of the Minister (s 53).

⁸⁰ New South Wales. Office of the Board of Studies, *Home Education in NSW - Information Package*, January 2004, http://www.boardofstudies.nsw.edu.au/manuals/pdf_doc/home_ed_info_package.pdf.

⁸¹ See also Information Package, pp 19-25.

⁸² Information Package, p 15.

“Efficient and regular instruction”

Division 8A of the *Community Services Act 1970* (Vic) relates to attendance at school. The compulsory attendance requirement mentioned above is reiterated (s 74C).

It is a reasonable excuse for failure to comply with this requirement if a child “is under efficient and regular instruction in some other manner and is complying with the like conditions of attendance as are required ... with regard to attendance at State schools” (s 74C(3)(a)).

This is the key provision that home schooling parents in Victoria rely on as the basis for their activities. Further, it is a reasonable excuse for non-compliance if a child has been exempted from attendance under section 74G (presumably if it is “in the best interest of the child to be exempted”) or excused from attendance by an order of the Minister under section 53 of the *Education Act 1958* (Vic) (s 74C(3)(d)).

Practical issues

Victorian home schooling parents do not require teaching qualifications. The Home Schooling Network Victoria⁸³ advises parents taking their children out of school to inform the school principal in writing of their decision to home school, and that no other action is required. Whether or not they inform the Department of Education of their decision to do so is said to be their choice.⁸⁴

If a parent does inform the Department, they will be requested to provide a curriculum, following their own research into the actual skills required in each year level through the Curriculum Standard Frameworks.⁸⁵

Applications are dealt with on a regional basis, and each office “handles home education applications in a slightly different manner although the overall requirements are the same”.⁸⁶

⁸³ This is a voluntary, non-profit organisation that provides information and support to home schooling parents. See <http://www.home-ed.vic.edu.au/index.htm>.

⁸⁴ Home Education Network, Victoria, <http://www.home-ed.vic.edu.au/About/viclaw.htm>.

⁸⁵ Home Education Network website.

⁸⁶ Home Education Network website.

5.1.3 South Australia

Compulsory schooling

The *Education Act 1972* (SA) deals with compulsory attendance at schools (Part 6).

Each parent of a child of or above the age of six years but under the age of 16 years commits an offence if the child is not enrolled at a school (s 75).

A child must attend the school for which he or she is enrolled on every day, and for such part of every day, as instruction is provided at the school for the child (s 76(1)). This requirement does not apply in respect of a child:

- enrolled in accordance with the regulations at a correspondence school;
- exempted from attendance; or
- for whom a parent presents, within a reasonable time, a prescribed reason for the non-attendance (s 76(2)).

The Minister may exempt a child from compulsory attendance, conditionally or unconditionally, if the Minister considers it appropriate to do so (s 81A).

Managing home schooling through an exemption process

Although the Act is silent in relation to home schooling, home schooling is managed through the exemption process. Information that must accompany an application includes a proposed program and outline of a typical day's work, a description of workspace, how achievement will be assessed and monitored, and the name of the person responsible for provision of the program.⁸⁷

Private Member's Bill to provide for a home schooling alternative

A Private Member's Bill⁸⁸ was introduced in February 2004 seeking amendments to the *Education Act 1972* (SA) which are relevant, among other things, to home schooling. Specifically, the Bill seeks to provide parents with an alternative to allow their child to participate in a home education program approved by the Minister for the child (in circumstances where a parent of the child has been approved by the Minister to provide home education for the child).

⁸⁷ http://www.australia.edu/steppingstones/sa_leg.htm.

⁸⁸ Education (Compulsory Education) Amendment Bill 2004 (SA).

In introducing the Bill, the following comments were made in relation to home schooling:⁸⁹

This bill proposes to shift the emphasis from compulsory school attendance to compulsory education thereby highlighting the importance of participation in education as distinct from mere attendance at school. ... [P]arents can and may fulfil their obligation to ensure a child is participating in education through enrolment in a government school, a registered non-government school, complying with the attendance requirements of a school or by home educating their child.

5.1.4 Western Australia

The *School Education Act 1999* (WA) governs home schooling in Western Australia (Part 2, Division 6).

Specific recognition of home schooling

The objects of the Act are:

- to recognise the right of every child in the State to receive a school education;
- to allow that education to be given in a government school, non-government school or at home;
- to provide for government schools that meet the educational needs of all children; and
- to acknowledge the importance of the involvement of participation of a child's parents in the child's education (s 3(1)).

The compulsory education period for a child is from the beginning of the year in which the child reaches the age of six years and six months until the end of the year in which the child reaches the age of 15 (s 6(b)).

A child must be enrolled in an "educational programme" for each year of the compulsory education period for that child (s 9).

"Educational programme" means an organised set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the individual student's needs (s 4).

The requirement for enrolment in an educational programme is satisfied by:

- enrolment of the child at a school; or

⁸⁹ Education (Compulsory Education) Amendment Bill 2004 (SA), Second Reading Speech, *South Australian Parliamentary Debates*, House of Assembly, 25 February 2004.

- registration of a parent of the child as the child's home educator (s 10).

Registration for home schooling

A parent of a child of compulsory school age who wishes to be registered as the child's home educator must apply to the chief executive. The place at which the educational programme will be delivered need not necessarily be the child's usual place of residence. An application for registration must be made by the end of February in the first year for which the parent wishes to be registered as the child's home educator, unless the child is enrolled in a school, in which case the application must be made within 14 days after the child last attended the school (s 47).

The registration process appears to be automatic upon receipt of an application. A child's home educator is responsible for the child's educational programme from the day set out in the certificate as the day of registration in respect of the child. The registration of a home educator in respect of a child has effect indefinitely, unless cancelled by the chief executive officer (s 48).

'Home education moderators'

The Act provides for the appointment by the chief executive officer of 'home education moderators' who have such experience, skills or qualifications to enable them to effectively evaluate the educational programmes of children who are home schooled, and to evaluate the educational progress of those children (s 50).

A child's home educator must arrange with the chief executive officer for an evaluation to be made of the child's educational programme and educational progress:

- within three months of the home educator's registration in respect of the child; and
- at least once in each 12 month period thereafter (s 51(1)).

The evaluation generally occurs at the place that is the usual place for the child's educational programme to be undertaken (s 51(3)(b)).

Following an evaluation, the home education moderator prepares a report about the child's educational programme and educational progress. A copy is provided to the chief executive officer and the home educator (s 51(4)).

The chief executive may provide a home educator with written notice of any concern about a child's educational progress and the reasons for the concern. Arrangements may also be made for an evaluation by a home education moderator, on seven days' notice, to determine whether the concern has been adequately addressed. Following such evaluation, the home education moderator must prepare

a report about whether the concern has been adequately addressed, a copy of which must be provided to the chief executive officer and the home educator (s 52). The report generally includes an evaluation of the educational program, links to the Curriculum Framework, an indication of the child's achievement, areas needing attention, suggestions for strategies and/or resources to move the child forward and answers to any questions raised at the meeting.⁹⁰

A home educator's registration may be cancelled by the chief executive officer if:

- in the chief executive's opinion, the child's educational progress is not satisfactory;
- the home educator fails to arrange for an evaluation, as required;
- the home educator does not agree to an evaluation required after receiving notice of a concern regarding the child's educational progress;
- a home education moderator has been hindered or obstructed in an evaluation; or
- the home educator fails to inform the chief executive about a change to the details provided in an application form or the child's enrolment at a school (s 53).

A cancellation period is at least until 1 January in the year following the year in which the cancellation takes effect, and which is not longer than 12 months following the day on which the cancellation takes effect (s 53(4)).

The decision to cancel a home educator's registration may be reviewed, by a Home Education Advisory Panel (s 54).

Practical issues

All educators in Western Australia, including home educators, must implement the curriculum framework under the terms of the *Curriculum Council Act 1997* (WA). The progress of a child in accordance with the curriculum framework is one of the criteria to be considered in the decision to cancel a home educator's registration.

The *Curriculum Council Act 1997* (WA) provides as follows:

- a home educator must ensure that the education that is provided is in accordance with the most recent curriculum framework approved by the Council (s 10(1));
- the Council may give directions to a home educator as to the implementation of the curriculum framework and the reporting

⁹⁰ Western Australia. Department of Education and Training, Home Education website, <http://www.eddept.wa.edu.au/homeeducation/registration.htm>.

requirements in relation to the implementation of the curriculum framework (s 10(2)); and

- the Minister may exempt a home educator from the requirement to implement the curriculum framework if the Minister is satisfied that it is appropriate in the circumstances to do so (s 11).

A home schooled child in Western Australia will not receive a Year 10 certificate from the Education Office. Home schooled students need to contact TAFE colleges and universities separately if they wish to further their studies.

Children who are home schooled are entitled to access the textbook subsidy scheme, swimming lessons, school medical and dental services and concession travel on public transport services.⁹¹

5.1.5 Tasmania

Specific recognition of home schooling

Under the *Education Act 1994* (Tas), a child who is at least six years of age on 1 January in any year must be enrolled at a school, or be provided with home education, for that year and each subsequent year until the child attains the age of sixteen years. A parent of a school aged child must enrol the child in a school appropriate to the child's educational needs, or be registered as a home educator in respect of that child (s 4).

A parent of a school-aged child may apply to exempt the child from the requirement to enrol at a school. Such exemption may be granted if it is in the best interests of the child to do so, and may be granted subject to any condition, which may be varied or revoked at any time (s 5).

A child may also be exempted from the requirement for full-time attendance in a school, and be permitted to attend part-time, if it is in the best interests of the child to do so (s 7). An exemption in this circumstance may be granted subject to any condition, which may be varied or revoked at any time (s 7).

A school-aged child may be withdrawn from a school by written notice from a parent to the principal. The notice must also state the proposed education of the child after that withdrawal (s 11).

⁹¹ Western Australia. Department of Education and Training, Home Education website, <http://www.eddept.wa.edu.au/homeeducation/resources.htm>.

Registration for home schooling

A parent of a school-aged child may apply to the Minister for registration as a home educator in respect of that child (s 17(1)). Such application may be refused if the parent fails to comply with any applicable provision of the Act, or may be granted subject to any conditions the Minister determines (s 17(3)).

Registration allows the parent to provide home education to the school-aged child in respect of whom the registration relates until the child turns 16 years of age (s 17(4)). Home education of a child who has turned 16 years of age requires approval by the Minister of an application to extend the registration for a period not exceeding the equivalent of two years full-time study in order for the child to complete the final year of their secondary education (s 17(4A)).

Registration as a home educator in respect of a child may be revoked by the Minister if the parent has failed to comply with, or contravened, any condition of the registration, or if it is in the best interests of the child to do so (s 17(5)).

Home Education Advisory Council

Home educators are registered with the Tasmanian Home Education Advisory Council, which was established by the Tasmanian Government. The Advisory Council monitors education programs and the progress of home schooled children. It also provides workshops for parents who are considering home schooling, and provides home educators with help and advice on home education matters. The Advisory Council offers information on the availability of home education resources, curricula and local support groups. It also responds to community concerns.⁹²

Distance Education Tasmania⁹³ offers families registered with the Advisory Council access to a variety of resources in connection with their home schooling programs.

⁹² Tasmania. Department of Education, Tasmanian Home Education Advisory Council website, <http://www.education.tas.gov.au/about/boards/nonstat/theac.htm>.

⁹³ Tasmania. Department of Education, Distance Education Tasmania website, <http://www.distance.tased.edu.au/homeeducation/pages/aboutus/ourservice.htm>.

5.1.6 Australian Capital Territory

Current Position – “regular and efficient instruction” or by exemption

The *Education Act 1937* (ACT) requires children from six to fifteen years of age to attend a school (s 8) and their parents to cause their child to attend that school (s 9).

It is a defence to any prosecution for an offence of contravention of these requirements that the child was receiving “regular and efficient instruction” on at least 85 days in each half-year in his or her home, or a certificate of exemption was in force in respect of the child (s 10(1)).

A child may be exempted from the requirement to attend a school if the chief executive or an authorised person is satisfied that the child receives efficient instruction at home or elsewhere (s 16(1)(a)).

It is clear from the policy that home schooling is to take place at the child’s home by a parent, guardian or caregiver, and be conducted under an exemption. Where home schooling extends to children outside a family, or a fee is charged for the service, the arrangement is instead considered to be a school requiring registration under the *Education Act 1937* (ACT).⁹⁴

Students with approved home schooling programs are eligible:⁹⁵

- to access representative sporting times and musical performance groups;
- for support from the Department for disabilities; and
- to access to resource materials and the services of the Schools and Community Centre at the University of Canberra.

The maximum period of exemption is one year.

Position from 1 January 2005 – specific recognition of home schooling

The *Education Act 2004* (ACT) repeals the *Education Act 1937* (ACT) from 1 January 2005. It will provide express recognition of the existence and role of home schooling in the education of children, and a framework under which it may occur.

⁹⁴ Australian Capital Territory. Department of Education and Training, ‘Registration of Home Schooling in the ACT’, *Policy*, January 2000, <http://www.decs.act.gov.au/policies/pdf/home%20schooling.pdf>.

⁹⁵ Australian Capital Territory. Department of Education and Training, ‘Registration of Home Schooling in the ACT’, *Policy*, January 2000.

The general principle of the Act is that every child has a right to receive a high quality education (s 7(1)). The principles underlying this relate to both school education and home education (s 7(2)).

The main objects on which the Act is based include:

- to state the responsibilities of parents and the government in relation to school education and the principles and values on which government and non-government school education and home education are based; and
- to provide for the registration of home schooling (s 8).

A child who is at least six years of age, but under 15 years old, is of ‘compulsory school age’ (s 9).

Not later than 14 school term days after the day the child turns six years old the parents must enrol the child at a school or register the child for home education (s 10(2)). An exemption from this requirement may still be obtained (s 14).

A new chapter will deal exclusively with home education (ch 5).

The principles on which the chapter is based are as follows:

- parents have the right to choose a suitable educational environment for their children;
- there is a diversity of religious and educational philosophies held by parents providing home education for their children;
- the diversity of educational philosophies reflects the diversity of preferences of parents for particular forms of education for their children;
- home education is committed to:
 - offering a broad range of opportunities that foster in each child the development of the child’s unique spiritual, emotional, physical, social and intellectual being;
 - valuing the individual needs, interests and aptitudes of each child; and
 - preparing each child to become an independent and effective local and global citizen (s 128).

‘Home education’ means education conducted by one or both of a child’s parents from a home base (s 129).

Parents may apply to be provisionally registered (for six months) for the home education of their child (s 130).

If:

- a child is provisionally registered for home education and, not earlier than three months after the child was provisionally registered, the parents apply for registration for home education; or

- the parents apply for registration for home education and immediately before the application, the child was registered or approved under the law of another Australian jurisdiction for home education,

the chief executive may register the child for home education for a period of not longer than two years, if satisfied the conditions for registration will be complied with. To decide whether the conditions for registration will be complied with, an authorised person may inspect any education programs, materials or other records proposed to be used for the home education (s 131).

Upon registration, the parents will be given a certificate of registration for the child (s 133), which states the names of the child and parents, the address of the home base from which the home education will be carried out, the period of registration (not more than two years), the conditions of registration and any other particulars required under the regulations (s 136).

Registration of a child for home education requires parents of the child to:

- provide high-quality education for the child;
- document the educational opportunities they offer to the child and the strategies they use to encourage the child to learn; and
- make available for inspection on request by the chief executive any education programs, materials or other records used for the home education (s 132).

The chief executive may cancel the registration of a child for home education if satisfied upon reasonable grounds that a parent has contravened one of these requirements. Before such a cancellation, the parents will have an opportunity to respond to matters in the notice from the chief executive which states the grounds on which the cancellation is proposed. The chief executive must consider the parent's response and not cancel the registration if satisfied that they have demonstrated the contravention has been rectified and that they will comply with the requirements, or if it is not otherwise in the public interest that the registration be cancelled (s 135).

Registration for home education may be renewed for a period of not longer than two years (s 137).

The parents of a child registered for home education must provide the chief executive with a report about the educational progress of the child once every year (s 138).

5.1.7 Northern Territory

The *Education Act 1979* (NT) provides that a parent of a child of or above the age of six years, but not yet 15 years of age, must:

- enrol the child in a Government or registered non-Government school; or
- provide the child with education which is efficient and suitable (s 21(1)).

“Efficient and suitable”

It is under the second option that parents in the Northern Territory home school their children.

If parents decide to home school their children, they must first obtain the consent of the chief executive officer of the Department of Employment, Education and Training. Whether such education is “efficient and suitable”, or not, is a matter for the chief executive officer to decide who may, if he or she thinks fit, obtain a report on the education (s 21(2)).

The Minister may also exempt a child from attendance at a school for a specified period (s 24).

Practical issues

An information booklet has been released for parents on applying for home education.⁹⁶ Approval for home education is granted on an annual basis, and a separate application must be made for each child.

The information that must accompany an application includes:

- the reason why permission is sought to educate a child at home (that is, the home educator’s aims and the purpose for the home education);
- the manner in which it is proposed to provide for the child’s education (that is, the use of tutors and specialists);
- the curriculum in accordance with which instruction will be provided for the child and its relation to the Board of Studies approved courses of study, in particular for learning literacy and numeracy skills;
- the qualifications, experience and suitability of the person who will educate the child;
- the place where the child is to be educated and the facilities and resources (including the availability of text books, reference books, audio visual equipment and a personal computer) available for the child’s education;

⁹⁶ Northern Territory. Department of Employment, Education and Training, *Information for Parents on Applying for Home Education*, January 2004, http://www.education.nt.gov.au/pdf/home_education_kit.pdf.

- the number of hours per day, specifying the starting and finishing times, days per week and weeks per year the child will be instructed, and the time which will be allocated to each subject;
- whether the child will be educated on his or her own or in conjunction with other students; and
- if the child is to be educated on his or her own, the opportunities for social interaction with children of similar age.

Approval to home educate for a 12 month period is provided on the following conditions:

- the home education choice is exercised with full knowledge of the parent's responsibilities in relation to the provision of an efficient and suitable curriculum, resources and facilities to support home education; and
- the Department is under no obligation to provide support or resources.

Prior to approval, an interview with the parent, proposed teacher and child is arranged and an inspection of the facilities and resources for the child's education is made. Further monitoring visits may be made during the period of approval.

There are approximately 25 families who are approved for home schooling in the Northern Territory. It is thought that a greater number (possibly five times this number) choose not to seek approval.⁹⁷

5.2 OVERSEAS

5.2.1 New Zealand

The *Education Act 1989* (NZ) provides that every child must be enrolled at a registered school at all times beginning on the child's sixth birthday and ending on their sixteenth birthday (s 20).

By a certificate of exemption, a child may be exempt from this requirement. A parent of the child must apply for the exemption, and the exemption will be granted only if the child will be taught "at least as regularly and well as in a registered school" (s 21(1)).

A certificate of exemption continues until it is revoked or expires (s 21(2)). Expiry occurs if the child is enrolled in a school or turns 16, whichever occurs earlier.

⁹⁷ Home Education Association Inc.,
http://www.hea.asn.au/hea/resources/disp_res.asp?type=4&id=30.

Twice every year, the Ministry of Education requires a statutory education that exempted children are still being home schooled. Parents also receive an annual 'supervising allowance' (paid in two six monthly instalments) of \$743 for the first child, \$632 for the second child, \$521 for the third child and \$372 for each subsequent child.

The Education Review Office ('ERO'), a government department, reports on the education of students in the school and early childhood sectors, as well as the education of exempted children. Home schooled children are reviewed annually. These reviews examine whether the children are being taught "at least as regularly and well as in a registered school". Both the parent and the child are involved in the review process.⁹⁸

For the 1999/2000 financial year, the ERO reviewed 619 students, belonging to 316 families throughout New Zealand. The review found that 90% of the home schooled students were being taught "at least as regularly and well as in a registered school".⁹⁹

The Ministry of Education compiles statistics on home schooling. Between 1993 and 2003, the number of home schooled children in New Zealand substantially increased from 3,141 children in 1993 to 6,437 in 2003. The figures for 2003 comprise less than 1% of total school enrolments, and these children came from 3,627 families. Of the students who commenced home schooling in 2003, 37% were six years old and 87% were of primary school age. For the 12 months ending 30 June 2003, 1,171 students finished home schooling. Of these, 16% finished within a year of starting, 66% finished within four years and 34% had been home schooled for five or more years. Of all home schooled children in July 2003, 65% were in the primary school age range.¹⁰⁰

⁹⁸ New Zealand. Education Review Office, 'A guide to ERO reviews of the education of students exempted from school', <http://www.ero.govt.nz/Publications/Leaflets/homeschool.htm>. Also see Education Review Office, 'ERO Reviews of Homeschooled Students', March 2001, <http://www.ero.govt.nz/Publications/pubs2001/Homeschool.htm> and Education Review Office, 'The Quality of Homeschooling', June 1998, <http://www.ero.govt.nz/Publications/Homeschool/homesch-2.htm>.

⁹⁹ 'ERO Reviews of Homeschooled Students', March 2001.

¹⁰⁰ New Zealand. Ministry of Education, 'Home Schooling in 2003', <http://www.minedu.govt.nz/index.cfm?layout=document&documentid=6893&data=1>.

5.2.2 Canada

Home schooling is legal, but regulated under a range of legislation, in the ten Canadian provinces. No teaching qualifications are required of a person who home schools a child.

In some instances, the legislation refers specifically to home schooling. In other cases, exemption from formal schooling (which then allows for home schooling) applies.¹⁰¹

5.2.3 United States of America

The home schooling movement in the United States experienced a renaissance in the mid-1970s, at which time the compulsory attendance laws of various states were challenged in court. Initially, the movement was led by advocates of progressive pedagogy, but it rapidly became dominated by evangelical Christians. Despite its increasing diversity through the 1990s, home schooling in the United States remains closely identified with conservative Christianity.¹⁰²

From the 1970s to the early 1990s, there were numerous clashes with school officials and state authorities. These battles were fought by state courts and legislatures over parents' assertions, on the one hand, of free exercise of religion and rights to teach their children with minimal state regulations and the government's claim, on the other hand, of a compelling interest in assuring an adequate education for children.¹⁰³ It is considered that attitudes towards home schooling changed dramatically between 1992 and 1998. By 1998, home schooling had become more acceptable to the mainstream population due to the dismay about public education, which seemed "mired in insoluble problems".¹⁰⁴

¹⁰¹ An analysis of the laws in the different provinces is available from the Home School Legal Defence Association of Canada website, <http://www.hsldacanada.org/legal/hslaws.asp>.

¹⁰² James C. Carper, 'Pluralism to Establishment to Dissent: The Religious and Educational Context of Home Schooling', *Peabody Journal of Education*, vol 75 (1&2), 2000, pp 8-19, at p 9.

¹⁰³ Zan Peters Tyler and James C. Carper, 'From Confrontation to Accommodation: Home Schooling in South Carolina', *Peabody Journal of Education*, vol 75 (1&2), 2000, pp 32-48, at p 32.

¹⁰⁴ David Guterson, 'No Longer a Fringe Movement', *Newsweek*, 5 October 1998, vol 132(40), p71(1).

Home schooling has been legal in all 50 states since 1993.¹⁰⁵ The major difference between states is the level of regulation over home schooling.

About three quarters of American universities accept applications from home schooled students, including Harvard and Yale. These students submit standardised test scores, letters of recommendation and a portfolio of their written work. Home schooled students also have the ability to sit the General Educational Development (GED) or American College Testing Program (ACT) tests, which are high school equivalency tests. Some colleges also require students to sit a college entrance exam.¹⁰⁶ GED and ACT tests are used by colleges in the selection of students.

The home schooling movement in the United States has its own highly organised lobby group in the Home School Legal Defense Association ('HSLDA'). HSLDA is a "non-profit advocacy organization established to defend and advance the constitutional right of parents to direct the education of their children and to protect family freedoms". Although it is a Christian organisation, membership is open to all homeschooling families. HSLDA represents families in legal proceedings relating to the home schooling of their children, provides families with legal consultation and negotiates on behalf of families. It also tracks federal legislation relevant to home schooling and lobbies at both federal and state levels and in the media. HSLDA helped launch the Patrick Henry College in 2000. The majority of students at the college have been educated at home for all or part of their schooling, and most of the faculty and administrators home school their own children.¹⁰⁷

On the other hand, the National School Boards Association ('NSBA'), which represents 15,000 public school boards across the United States, argues that the current laws provide parent with too much freedom in relation to home schooling. For example, only a small proportion of states require parents who home school to have a high school diploma or General Equivalency Diploma. A former executive director of the NSBA argued that:¹⁰⁸

¹⁰⁵ James C Carper, p 17. Patrick Basham, p 4. Information regarding the legal status of home schooling in the United State, and information on the laws applying in each of the States, may be obtained from Home School Legal Defense Association, <http://www.hsllda.org/laws/default.asp>.

¹⁰⁶ Patrick Basham, p 13.

¹⁰⁷ Home School Legal Defense Association website, <http://www.hsllda.org/>. Also see <http://www.phc.edu/admissions/homeschool.asp>.

¹⁰⁸ Nancy Gibbs, 'Home sweet school: seeking excellence, isolation or just extra "family time", more and more parents are doing the teaching themselves', *Time*, 31 October 1994, vol 144 (18), p 62(2).

It's a giant step backward. People tend to think, as one old basketball coach said, that everybody can boil water and coach basketball, and they kind of feel the same way about teaching. They just don't know what they're talking about. If these parents spent their time supplementing their children's educations rather than substituting for it, he adds, their children would be remarkably well off.

The former executive director also argued that there are lessons that cannot be measured on exams. A home-schooled child is not exposed to the diversity of beliefs and backgrounds they would otherwise encounter in many public schools and is deprived of an opportunity for socialisation:

When you send them out to soccer and scouting, you're usually sending them out to a very select group of people who share, to a considerable extent, your own values. That's a controlled group. The problem is, when they finally do get to working, they won't be in that controlled group.¹⁰⁹

A study of 20,760 home schooled children, across a range of ages, from 11,930 families in 1998 found that the achievement scores of these children were exceptionally high; 25% of the children were undertaking study at a level one or more grades above their age-level public and private school peers; and the parents of these home schooled children had more formal education than parents in the general population, a significantly higher median income and almost all were in a married couple relationship with the husband as the sole breadwinner.¹¹⁰ This was not, however, a controlled experiment and had some notable limitations.¹¹¹

5.2.4 United Kingdom and Europe

There are differing laws and demands placed on home educating parents throughout Europe. A study of legislation concerning home education in western European countries found that:¹¹²

- Belgium, Denmark, Ireland, France, Italy, Luxembourg, Norway, Portugal, most of Switzerland and the United Kingdom accommodate home educators, and have always done so;
- Austria now permits home education, but has not done so in the past; and

¹⁰⁹ Nancy Gibbs.

¹¹⁰ Lawrence M. Rudner, 'Scholastic Achievement and Demographic Characteristics of Home Schooling Students in 1998', *Education Policy Analysis Archives*, vol 7(8), March 1999, <http://epaa.asu.edu/epaa/v7n8/>.

¹¹¹ Kariane and Kevin Welner, 'Contextualizing Homeschooling Data: A Response to Rudner', *Education Policy Analysis Archives*, vol 7(13), April 1999, <http://epaa.asu.edu/epaa/v7n13.html>.

¹¹² Lesley Anne Taylor and Amanda J Petrie, 'Home Education Regulations in Europe and Recent U.K. Research', *Peabody Journal of Education*, vol 75(1&2), 2000, pp 49-70, at p 50.

- Spain, Greece, two Swiss cantons, the Netherlands and Germany no longer permit home education “in the word of the law” but seem to allow it in individual instances.

Germany is the only country where permission to home educate is extremely rare, even for gypsy and river craft children. This seems to be based on political reasons. Spain and France have enacted very stringent laws because some children were involved in small schools of extreme religious sects.¹¹³

United Kingdom

Section 7 of the *Education Act 1996* (England and Wales) provides that “the parent of every child of compulsory school age shall cause him to receive efficient full-time education ... either by regular attendance at school or otherwise”.¹¹⁴

‘Local Education Authorities’ (‘LEAs’) manage home schooling in the United Kingdom. Although there is no legal requirement for homeschooling parents to register their child with a LEA, they are encouraged to do so.

A LEA may visit the family home, talk to the parents and child and look at examples of the student’s work. LEAs have no right of access to parents’ homes. Parents may offer alternative ways of demonstrating that they are providing suitable education, for example by showing samples of the student’s work or agreeing to meet at an alternate venue. A LEA may intervene if it has reason to believe that parents are not providing an efficient fulltime education for their child, suitable to their age, ability, aptitude, and any special educational needs they may have. A notice may be served on the parents requiring them to satisfy the LEA that their child is receiving suitable education “otherwise than at school”. Failure to provide a satisfactory response may result in the LEA issuing a ‘school attendance order’.¹¹⁵

¹¹³ Lesley Anne Taylor and Amanda J Petrie, ‘Home Education Regulations in Europe and Recent U.K. Research’, *Peabody Journal of Education*, 75(1 & 2), 2000, pp 49-70 at p 51.

¹¹⁴ For a summary of the law relating to home education in England and Wales, see <http://www.education-otherwise.org/Legal/SummLawEngWales.pdf>. A summary for Scotland may be accessed at <http://www.education-otherwise.org/Legal/ScottishHE/SummLawScot.pdf> and guidance on the circumstances in which Scottish parents may choose to educate their children at home <http://www.education-otherwise.org/Legal/ScottishHE/SummLawScot.pdf> (for the revised draft guidance issued for consultation in July 2003 see <http://www.scotland.gov.uk/consultations/education/rheg.pdf>).

¹¹⁵ <http://www.parentcentre.gov.uk/publishContent.cfm?contentId=97&topicAreaId=61&do=list#97>

APPENDIX A – MINISTERIAL MEDIA STATEMENT

Hon. Anna Bligh MP, Minister for Education

11 November 2003

Home Schooling Shake-Up

Home schooling in Queensland is set to be given a shake-up following the release of a review which recommends significant changes including the abolition of a \$1000 fee, Education Minister Anna Bligh announced today in State Parliament.

The abolition of the fee is one of nine recommendations contained in a Report of the Home Schooling Review.

Ms Bligh late last year announced the comprehensive review of home schooling, which was undertaken by leading Queensland education administrator Mr Bob McHugh.

"The review process received overwhelming support, attracting almost 600 people to 13 public meetings, from which 134 submissions were lodged," she said.

"The Government recognises home schooling is a legitimate and essential educational choice for many Queensland families that deserves to be brought into the 21st Century. With this legitimacy comes accountability.

"The Review dispels a number of myths about home schooling and explores research which establishes the validity of this schooling choice. For instance, students who are home schooled are no more or less disadvantaged than any other student and gain equally good educational results, sometimes better."

The Home Schooling Review's nine recommendations outline proposals to:

- Amend existing laws surrounding enrolment at schools of distance education
- Remove the dispensation requirement and replace it with a system of registration - validating educational legitimacy
- Abolish the \$1000 enrolment fee
- Maintain home schooling parents' access to distance education resources and services
- Continue to allow parents to devise their own home schooling program, subject to approval and annual reporting requirement of student outcomes
- Establish a central home schooling body that would oversee the provision of services and resources
- Establish a separate Home Schooling Advisory Committee that would report annually to the Minister

- Ensure that all home schoolers of compulsory schooling age are officially registered
- Independently evaluate the success of all implemented recommendations within three years.

"I intend to take immediate action on one of the nine recommendations by moving an amendment in committee to the Education (General Provisions) Amendment Bill 2003 to change the Guidelines and abolish the \$1 000 fee for enrolment at state schools of distance education for home schoolers," she said.

"This decision will have immediate benefit for more than 800 home schooling students enrolled through schools of distance education."

"The eight remaining recommendations within the Report propose major changes in the way Government deals with home schooling.

"As these are significant changes, I believe it is important for the home schooling community and the wider community in general, to have its say on the recommendations in the Report. The closing date for submissions is 27 February.

Ms Bligh said the Report of the Home Schooling Review is accessible on the Education Queensland website
<http://education.qld.gov.au/publication/production/reports/homeschooling.pdf>

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