

MINISTERIAL STATEMENT

State Parliament 29 October 2002

“The Queensland Government is determined to improve the quality of life for young Queenslanders through education. Some Queensland families choose to educate their children outside the formal education system through home schooling. Parents who want to make this choice must seek dispensation from the legal requirement for their children to re-enrol in a school between the ages of six and 15. Times have changed since the legislation permitting home schooling was introduced in 1989. The number of families seeking to use home schooling as an option for their children has increased. The reasons for choosing home schooling are varied and include philosophical and religious grounds, a need for flexibility to combine school studies with other activities and providing flexibility for students with particular needs.

The Beattie Government acknowledges the right of parents to choose the form of schooling they believe is best for their child. But the Government also wants to ensure that every child has access to a high quality education that will give them the best possible chances for the future. To ensure this, I have initiated a review of home schooling policy and practice.”

*The Honourable Anna Bligh
Minister for Education*

TERMS OF REFERENCE

The Review of Home Schooling will be guided by the following context and terms of reference.

CONTEXT

The Queensland Government's current policies on home schooling were approved in 1989. At that time, policy was focused on containing the numbers of families seeking to educate their children outside the control of formal schooling systems. Over the last decade, the environment in which parents make their choices about home schooling has changed. New forms of educational delivery, including online delivery and computer-based instruction have developed; new policies with respect to the regulation of non-State schools have been implemented; the importance of educational attainment to the life chances of individuals and society has been established; new policies on child protection have been implemented; and the need for increased flexibility in educational delivery to meet the diverse needs of individual young people has been recognised.

The Queensland Government has initiated a far-reaching program of reform for education, which will deliver an increased level of educational attainment and quality of education available in schools and school systems. In this context it is timely to examine whether the State's policies on home schooling are adequate and appropriate for families choosing to educate their children at home.

Having regard to both the right of parents to make choices about their children's education and the right of all children to an appropriate, safe, quality education, the Minister wishes to examine in consultation with stakeholders, the legislative arrangements and services necessary to support the families and children of families, who choose to educate their children at home.

TERMS OF REFERENCE

The Review of Home Schooling will:

1. Undertake a comprehensive literature review on the philosophy underpinning home schooling, trends influencing parental choice in favour of home schooling, and policies and practices pertaining to home schooling or home education in other Australian states and territories and appropriate international jurisdictions.
2. Provide a detailed description and analysis of the situation currently applying in Queensland, including statistical data pertaining to children who are home schooled, legislation, policy, procedures, funding arrangements, the role of parents or guardians, the role of schools of distance education, and the roles of other government agencies.
3. Consult with stakeholders on issues and concerns related to current home schooling practice, and preferred models for the future in Queensland.
4. Formulate, in consultation with stakeholders, a comprehensive policy framework for home schooling, which is consistent with the goals for educational achievement in the twenty-first century, canvassed in the *Education and Training Reforms for the Future* initiatives.
5. Propose legislative requirements that are consistent with the policy framework.
6. Report to the Minister for Education by 30 June 2003 on the outcomes of the Review of Home Schooling, the recommended policy framework and legislative requirements.

ORDER IN COUNCIL – 3 AUGUST 1989

At the Executive Building, Brisbane, the third day of August, 1989

Present:
His Excellency the Governor in Council

HIS Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of section 58(2)(a)(i) of the *Education (General Provisions) Act 1989*, does hereby authorize the following to be guidelines in respect of instruction in a place other than a State school or a non-State school: -

1. These guidelines shall have application in respect of the provision of primary education or secondary education for a child in a place other than a State school or a non-State school in connexion with a dispensation referred to in section 58(1) of the *Education (General Provisions) Act 1989*.
2. A dispensation provided for in section 58(2)(a)(i) of the Act must be granted prior to the undertaking of instruction. Any such dispensation shall be for one school year only and therefore a dispensation must be sought for each succeeding year.
3. Instruction for a child in a place other than a State school or non-State school must be provided in the actual place of residence of both the child and a parent of that child.
4. The child shall be taught -
 - (a) by one of the child's parents and that parent must be a registered teacher under the provisions of the *Education (Teacher Registration) Act 1988*;
 - (b) By a person engaged or employed by a parent of the child and that person must be a registered teacher under the provisions of the *Education (Teacher Registration) Act 1988*;or
 - (c) By one of his parents who is not a registered teacher under the provisions of the *Education (Teacher Registration) Act 1988* 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.
5. In connexion with an application for a dispensation, the parent shall-
 - (a) provide evidence of his legal status in relation to the child;
 - (b) provide comprehensive details in respect of the curriculum which curriculum shall-
 - (i) have regard to the age, ability, aptitude and development of the student concerned;
 - (ii) take account and promote continuity of the learning experiences of the student concerned;
 - (iii) be responsive to the changing needs of the student concerned;
 - (iv) reflect and take into account current understandings related to educational and other development of students;

(c) -

(i) provide evidence that the parent or the person engaged or employed by the parent as the case may be, is a registered teacher under the provisions of the *Education (Teacher Registration) Act 1988*;

or

(ii) provide evidence that the child is enrolled to receive instruction in a school referred to in paragraph 4(c) and submit a written undertaking to pay costs in respect of enrolment, instruction and resources provided at or by a State school mentioned herein on the following fee-for-service basis to a parent of the child:-

(A) years 1 to 7 \$1,000.00;

(B) years 8 to 10 \$1,000.00;

(C) a materials cost of \$100.00 applies for each of the following subjects in years 8 to 10:-

Shorthand: Home Economics: Art

(d) provide evidence of and subsequently ensure that there are sufficient and suitable resources available to support the educational program;

(e) provide an undertaking concerning the period of time the child would receive instruction on each school day and the number of school days, planned in each year;

(f) provide evidence that the learning area set aside for the child is conducive to the educational process;

and

(g) if requested so to do by the Minister, make arrangements with a representative of the Minister to assess, review or otherwise report on any matter whatsoever in connexion with such application, including but not restricted to permitting a representative of the Minister to enter and view the relevant premises.

6. An application for a dispensation shall be -

(a) in the form determined by the Minister pursuant to section 59 of the Act;

(b) accompanied by all supporting information provided for in these guidelines;

(c) submitted in the first instance to the Regional Director;

(d) considered expeditiously by the Home Schooling – State Review Committee which Committee shall consist of –

(i) the Director, Division of Schools who shall be the chairman;

(ii) the Director, Division of Curriculum Services or his nominee;

(iii) the Director, Division of Special Services or his nominee;

and

(iv) four members appointed by the Minister, being eminent citizens who, in the opinion of the Minister, have demonstrated concern for the education and welfare of children.

7. The Minister, upon making a determination in respect of an application, shall notify the applicant and the Regional Director of that determination.

8. An applicant who feels aggrieved by the determination of the Minister in respect of such application, within 14 days from the date on which the applicant receives notification of the Minister's determination and no later, may request the Minister to review his determination by a request in writing setting forth clearly the grounds on which the applicant considers the Minister's determination should be reviewed.

And the Honourable the Minister for Education, Youth and Sport is to give the necessary directions herein accordingly.

E.J. BIGBY, Clerk of the Council

Gov. Gaz., 5th August, 1989, No. 146, page 2993

**COMPARATIVE LEGISLATION ANALYSIS
MARCH 2003**

QUEENSLAND

Education (General Provisions) Act 1989

Legislation	Comments
<p>s114 Compulsory enrolment and attendance at school <i>Every parent of a child being of the age of compulsory attendance shall cause that child—</i></p> <p style="padding-left: 20px;">(a) <i>to be enrolled at a State school; or</i> (b) <i>to be enrolled at a non-State school;</i> <i>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.</i></p> <p>s115 Dispensation from compliance with compulsory enrolment and attendance provisions (1) <i>The Minister may grant to a parent of a child of the age of compulsory attendance, in respect of that child, dispensation from compliance with any obligation set forth in section 114 during the period specified (if any) in such dispensation and may at any time revoke the dispensation so granted.</i></p> <p>(2) <i>In connection with a dispensation referred to in subsection (1), any of the following shall be deemed to be a valid reason for such dispensation—</i></p> <p style="padding-left: 20px;">(a) <i>that the child concerned is receiving, in the opinion of the Minister, instruction—</i></p> <p style="padding-left: 40px;">i. <i>in a place other than a State school or a non-State school in accordance with guidelines approved by the Governor in Council; or</i> ii. <i>in a range of subjects acceptable to the Minister, in some other manner which, in the opinion of the Minister, is efficient and regular;</i></p> <p style="padding-left: 20px;">(b) <i>that the child concerned has been prevented from attending school by—</i></p> <p style="padding-left: 40px;">i. <i>sickness; or</i> ii. <i>temporary or permanent infirmity; or</i> iii. <i>an unavoidable cause; or</i> iv. <i>fear of infection with disease;</i> <i>which, in the opinion of the Minister, is reasonable.</i></p> <p>s116 Application for dispensation from compliance with compulsory enrolment and attendance provisions <i>A parent of a child of the age of compulsory attendance seeking dispensation from compliance with compulsory enrolment and attendance provisions, pursuant to section 115 shall make application in the approved form.</i></p> <p>s117 Distance education (1) <i>Every parent of a child being of the age of compulsory attendance who does not attend a State or non-State school because of a reason prescribed in section 115(2)(d) shall cause that child to be enrolled with a non-State school that is accredited to provide distance education or a State educational institution offering distance education in a course approved by the principal of that school or that institution, as the case may be, unless such child is receiving instruction in a place or manner prescribed in section 115(2)(a) or is prevented or prohibited from attending school because of a reason prescribed in section 115(2)(b), (c) or (e).</i></p> <p>(2) <i>In this section—</i> “to be enrolled” <i>includes to return completed teaching and learning materials regularly to the educational institution.</i></p>	<p>Home schooling is administered by Central Office through an Order in Council dated 3 August 1989. It provides guidelines from which current policy and process have been developed.</p> <p>Essentially the parent or legal guardian has a choice of three options.</p> <p>Option 1: Enrolment at a State school of distance education and payment of a prescribed fee (\$1,000).</p> <p>Option 2: Enrolment at a non-State school with approval to offer distance education programs for the purposes of home schooling.</p> <p>Option 3: Provision of an approved curriculum program and supervision of the child’s education by a teacher registered in Queensland, in the child’s home.</p> <p>Dispensation must be sought each calendar year for each child on the approved form.</p>

Legislation	Comments
<p>s118 Penalty for noncompliance with compulsory education provisions (1) A parent of a child being of the age of compulsory attendance who fails to comply with section 114 or 117 commits an offence against this Act.</p> <p>Maximum penalty—</p> <ul style="list-style-type: none"> (a) for a first offence in respect of any child of that parent—5 penalty units; (b) for a second or subsequent offence, whether in relation to the same child or another child of that parent—10 penalty units. (d) a certificate purporting to be signed by the Minister as to whether or not the Minister has granted to a parent specified therein of a child of the age of compulsory attendance specified therein a dispensation or a provisional dispensation in accordance with section 115 and the period (if any) of the operation of the dispensation is evidence of the things contained in the certificate. 	<p>There is record in recent years of legal action being instituted for failure to comply with s115-s118.</p>

Legislation	Comments
<p>s22 Compulsory schooling It is the duty of the parent of a child of or above the age of 6 and below the age of 15 to cause the child:</p> <ul style="list-style-type: none"> (a) <i>to be enrolled at a government school or registered non-government school and to attend the school at all times when the school is open for the child's instruction or participation in school activities, or</i> (b) <i>be registered for home schooling under Division 6 of Part 7 and to receive instruction in accordance with the conditions to which the registration is subject.</i> <p>s23 Offence to fail to send child to school (1) <i>The parent of a child of or above the age of 6 and below the age of 15 is guilty of an offence if the parent:</i></p> <ul style="list-style-type: none"> (a) <i>fails to cause the child to be enrolled at a government school or registered non-government school or to be registered for home schooling, or</i> (b) <i>fails to cause the child to attend any such school at all times when the school is open for the child's instruction or participation in school activities or to receive instruction in accordance with the conditions to which the child's registration for home schooling is subject.</i> <p><i>[Penalty: Maximum penalty: 10 penalty units.]</i></p> <p>s25 Certificate of exemption from attending school (1) <i>The Minister may grant a certificate exempting a child from the requirement of this Part that the child be enrolled at and attend a government school or registered non-government school or be registered for and receive home schooling, if the Minister is satisfied that conditions exist which make it necessary or desirable that such a certificate should be granted.</i></p> <p>(2) <i>A certificate of exemption under this section may be given subject to conditions and may be limited in its operation to a period specified in the certificate.</i></p> <p>(3) <i>A certificate of exemption under this section may be cancelled by the Minister.</i></p>	<p>Home schooling is specifically referred to in the Act.</p> <p>Division 6 – Registration for home schooling (s70-s74)</p> <p>Division 7 – Conscientious objections to registration (s75-s83)</p> <p>The Office of the Board of Studies is responsible for the administration of the home schooling registration program on behalf of the Minister, for periods from six months to a maximum of two years.</p>

Legislation	Comments
<p>s70 Definitions of “authorised person” and “home schooling” <i>In this Division:</i></p> <p><i>“authorised person” means a Board inspector, or any other person, authorised in writing by the Minister to exercise the functions of an authorised person for the purposes of the provision in this Division in which the expression occurs.</i></p> <p><i>“home schooling” means schooling in the child’s home.</i></p> <p>s71 Application for registration for home schooling <i>(1) A parent of a child may apply in writing to the Minister for registration of the child for home schooling.</i></p> <p><i>(2) As soon as practicable after such an application is made, the Minister is to obtain advice on the application from an authorised person.</i></p> <p><i>(3) The authorised person is to notify the applicant in writing of a recommendation to the Minister that the application be refused.</i></p> <p>s72 Registration for home schooling <i>(1) As soon as practicable after receiving the recommendation of an authorised person about an application for registration of a child for home schooling, the Minister:</i></p> <p style="padding-left: 20px;"><i>(a) is to register the child in a Register kept by the Minister for the purpose, or</i></p> <p style="padding-left: 20px;"><i>(b) is to refuse to register the child.</i></p> <p><i>(2) The Minister is to register the child if the Minister, having regard to:</i></p> <p style="padding-left: 20px;"><i>(a) the recommendation of the authorised person about the application, and</i></p> <p style="padding-left: 20px;"><i>(b) any decision of the Tribunal on an application for a review of the authorised person’s recommendation.</i></p> <p><i>(2) is satisfied that the conditions subject to which registration is required to be given will be complied with.</i></p> <p><i>(6) On registration of a child for home schooling, a certificate of registration is to be issued for the child to the applicant for registration.</i></p> <p>s73 Conditions and duration of registration for home schooling <i>(1) The registration of a child for home schooling is subject to the conditions specified in the certificate of registration.</i></p> <p><i>(2) The conditions so specified:</i></p> <p style="padding-left: 20px;"><i>(a) must comply with the requirements of the regulations, and</i></p> <p style="padding-left: 20px;"><i>(b) subject to any such regulations, must provide for the child to receive instruction that meets the relevant requirements of Part 3 relating to the minimum curriculum for schools.</i></p> <p><i>(3) Registration of a child for home schooling is to be limited in its operation to a period (not exceeding 2 years) specified in the certificate of registration.</i></p>	<p>An “authorised person” makes a home visit on an initial application for registration. Guidelines state: “The purpose of the visit is to provide an opportunity for you to show and discuss the plans that you have for your child’s education.</p> <p>During the visit, the Authorised Person will consider information and material that indicates the quality of your child’s education is assured and that the minimum requirements of the curriculum will be/are met”.</p> <p>When initial registration expires, home educators are offered a choice in terms of how a subsequent application will be assessed, which may or may not include a home visit by an Authorised Person.</p> <p>Part 3 of the Act defines the School Curriculum, including the minimum curriculum for primary education (s8) and the minimum curriculum for secondary education (s10).</p> <p>Home educators are expected to provide instruction in the six key learning areas of primary schooling (s8), and six of the eight key learning areas in secondary schooling (s10).</p> <p>Curriculum support materials including the Curriculum Framework may be purchased from the Office of the Board of Studies.</p>

Legislation	Comments
<p>s74 Cancellation of registration for home schooling <i>(1) The Minister may, on the recommendation of an authorised person, cancel the registration of a child for home schooling by notice in writing to a parent of the child, if the parent:</i></p> <ul style="list-style-type: none"> <i>(a) has failed to ensure that the child receives instruction in accordance with the conditions to which the registration is subject, or</i> <i>(b) has refused or failed to allow an authorised person (in accordance with those conditions) to enter, at any reasonable time, the premises where the child receives schooling or to inspect those premises or records required to be kept for the purposes of this Act, or</i> <i>(c) has breached any other condition to which the certificate of registration is subject.</i> <p>s75 Notice to the Minister for conscientious objection <i>A person who:</i></p> <ul style="list-style-type: none"> <i>(a) proposes to establish a new non-government school, or</i> <i>(b) is the proprietor of a registered non-government school, or</i> <i>(c) being a parent of a child, wishes the child to receive home schooling,</i> <p><i>may give the Minister written notice that the person conscientiously objects on religious grounds to registration under this Act.</i></p> <p>s76 Consideration by Board of notice of conscientious objection <i>(1) The Minister, on receipt of a notice of conscientious objection to registration, is to refer the matter:</i></p> <ul style="list-style-type: none"> <i>(a) if the objection is to registration of a school, to the Board, or</i> <i>(b) if the objection is to registration of a child for home schooling, to an authorised person (within the meaning of Division 6).</i> <p>s77 Acceptance or rejection of conscientious objection <i>(1) The Minister may accept an objection to registration under this Act if the Minister, having considered the report of the Board or authorised person and any decision of the Tribunal, is satisfied that:</i></p> <ul style="list-style-type: none"> <i>(a) the Minister would be required to register the school or the child for home schooling (as the case may be) under this Act if an application had been made for such registration, and</i> <i>(b) the objection to registration is conscientiously held on religious grounds.</i> <p>s78 Certificate of exemption <i>(1) If the Minister accepts an objection to registration, the Minister is to issue a certificate exempting the school or the child (as the case may be) from the requirement to be registered under this Act.</i></p> <p><i>(2) A certificate under this section may be given subject to conditions.</i></p> <p><i>(3) A certificate under this section is to be limited in its operation to a period, specified in the certificate, not exceeding:</i></p> <ul style="list-style-type: none"> <i>(a) 6 years in the case of a school, or</i> <i>(b) 2 years in the case of home schooling.</i> 	

Legislation	Comments
<p>s81 Child to be regarded as registered for home schooling <i>A child to whom a current certificate of exemption applies under this Division is to be regarded as registered for home schooling under this Act.</i></p> <p>s82 Cancellation of exemption <i>(1) The Minister may, on the recommendation of the Board or an authorised person (as the case may be), cancel an exemption granted under this Division if the Minister is satisfied:</i></p> <ul style="list-style-type: none"> <i>(a) that the Minister would be entitled to cancel the registration of the school or child for home schooling had the school or child been registered, or</i> <i>(b) that the objection to registration is not conscientiously held on religious grounds.</i> 	

Legislation	Comments
<p>s53 Attendance at school <i>(1) The parents of every child of school age shall, unless there is a reasonable excuse for the child's non-attendance, cause such child to attend a State school on every school half-day in each week.</i></p> <p><i>(2) Attendance at the school on any school day for two hours before noon or for two hours after noon shall in each case be attendance on a school half-day.</i></p> <p><i>(3) It shall be a reasonable excuse as regards any child that the child has been excused by a general or particular order of the Minister.</i></p> <p>s54 General certificate of exemption of scholars at certain schools <i>(1) The head teacher of any school other than a State school may apply for and receive from the Minister a general certificate of exemption for children attending such school upon satisfying the Minister that efficient and regular instruction is given at such school and that the attendances of scholars are marked on an attendance register under conditions required by the Minister.</i></p> <p><i>(2) Such certificate shall be in the prescribed form and shall be in force for a period of one year and shall have no force in respect of any child who does not comply with the like conditions of attendance at such school as are prescribed under the last preceding section with regard to attendance at State schools and such certificate shall in respect of any child attending the school who complies with such provisions be a reasonable excuse within the meaning of the last preceding section.</i></p> <p><i>(3) The attendance register of such school shall when the school is open be available for inspection at all times by any person authorized by the Minister.</i></p> <p>s79 Obligations of parents <i>Wherever by this Act a duty or obligation is imposed on the parent or parents of any child-</i></p> <ul style="list-style-type: none"> <i>(a) any parent of the child may perform or be required to perform such duty or obligation;</i> <i>(b) compliance with any such duty or obligation with regard to the child by any parent shall be a sufficient compliance with the duty imposed on the parent or parents.</i> 	<p>The Victorian Education Act is silent on home schooling, but s53, s54 and s79 are often referred to as a basis for home schooling.</p> <p>The Community Services Act Division 8A – Attendance at School, is the basis on which policy and guidelines have been developed, as the Department of Education has responsibility under an Administrative Order for section 74C of this Act.</p> <p>Regional General Manager (Schools) are authorised to deal, on behalf of the Minister for Education, with all applications for approval of arrangements for home tuition.</p> <p>Policy states: "This process is based on the expectation that parents will cooperate by providing details of proposed home education programs. Parents should be encouraged to participate as a means of obtaining useful educational feedback for their programs.</p> <p>In the Department's consideration of the "efficiency" and "regularity" of home education programs, an underlying principle is that children receiving home education should be provided with educational opportunity equal to that available through government schools. The assessment of this quality acknowledges that different methods, values and experiences may apply in home education arrangements."</p>

Legislation	Comments
<p>s74C Parents to cause child to attend school <i>(1) The parents of every child of school age shall, unless there is a reasonable excuse for the child's non-attendance, cause such child to attend a State school on every school half-day in each week.</i></p> <p><i>(2) Attendance at a school on any school day for two hours before noon or for two hours after noon shall in each case be attendance on a school half-day.</i></p> <p><i>(3) It shall be a reasonable excuse as regards any child that-</i> <i>(a) the child is under efficient and regular instruction in some other manner and is complying with the like conditions of attendance as are required under this section with regard to attendance at State schools.</i></p> <p><i>(d) the child has been exempted from school attendance in accordance with the provisions of section 74G or has been excused from school attendance in accordance with the provisions of section 53 of the Education Act 1958.</i></p>	<p>A set of principles has been developed to guide regional assessments of all home education programs. Provision for at least an annual review of the program and assessment of the child's progress must be decided upon in consultation with the parents/guardians and should be part of the recommendation on the appropriateness of the home tuition.</p> <p>It is not necessary for the parents/caregivers to have any teaching or educational qualifications.</p>

Legislation	Comments
<p>s75 Compulsory enrolment of children <i>(1) A child of compulsory school age must be enrolled at a primary school or secondary school (according to the educational attainments of the child).</i></p> <p><i>(5) If a child of compulsory school age is not enrolled as required by this section, each parent of the child shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.</i></p> <p>s76 Compulsory attendance <i>(1) A child is required to attend at the school for which he is enrolled on every day, and for such parts of every day, as instruction is provided at the school for the child.</i></p> <p><i>(2) Subsection (1) does not apply-</i> <i>(a) in respect of a child enrolled in accordance with the regulations at a Correspondence School; or</i> <i>(b) in respect of a child exempted from attendance in accordance with the provisions of this Part; or</i> <i>(c) in respect of a child for whom a parent presents, within a reasonable time, a prescribed reason for the non-attendance of the child at the school.</i></p> <p><i>(3) Where a child fails to attend school as required by subsection (1), each parent of the child shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.</i></p> <p>s77 Exemption by Minister <i>(1) The Minister may exempt any child from attendance at school during any period specified in the exemption.</i></p> <p><i>(2) The Minister may, at any time, revoke an exemption granted under this section.</i></p>	<p>The Act is silent on the matter of home schooling. Home schooling is managed on the basis of exemption from compulsory enrolment and compulsory attendance.</p>

Legislation	Comments
<p>s9 When enrolment compulsory <i>(1) A child is to be enrolled in an educational programme for each year of the compulsory education period for that child.</i></p> <p><i>(2) A parent of a child must ensure that subsection (1) is complied with.</i></p> <p><i>Penalty: \$2,500</i></p> <p><i>(3) A complaint of an offence against subsection (2) is not to be made against a parent unless the chief executive officer has given a certificate to the effect that all reasonable practicable steps have been taken to secure compliance with subsection (1) by the parent.</i></p> <p>s11 Exemption by Minister <i>(1) The Minister may by instrument --</i> <i>(a) exempt a child from section 9(1) if the Minister is satisfied that it is in the best interests of the child to do so; and</i> <i>(b) at any time revoke an exemption.</i></p> <p><i>(2) Section 9(1) does not apply to a child who is exempted by the Minister under subsection (1) if the conditions of the exemption are being complied with.</i></p> <p><i>(3) An exemption may be limited in its operation to a specified period.</i></p> <p><i>(4) The Minister may --</i> <i>(a) make the exemption subject to any condition; and</i> <i>(b) impose any further condition or vary or revoke a condition at any time.</i></p> <p><i>(5) Without limiting the Minister's ability to obtain advice or information, he or she may obtain advice from an advisory panel under section 241 for the purposes of any decision required to be made under this section.</i></p> <p>s46 Definition <i>In this Division --</i> <i>"home educator" means a parent who is registered under section 48.</i></p> <p>s47 Application for registration <i>(1) A parent of a child of compulsory school age who wishes to be registered as the child's home educator is to apply to the chief executive officer and provide the following information to the extent that he or she is asked to do so --</i> <i>(a) the child's date of birth;</i> <i>(b) the names and usual place of residence of --</i> <i>i. the child; and</i> <i>ii. the child's parents;</i> <i>(c) the place at which the educational programme will primarily be delivered if different from the child's usual place of residence;</i> <i>(d) where applicable, the name of the school at which the child is enrolled or was last enrolled; and</i> <i>(e) any other information prescribed by the regulations.</i></p> <p><i>(2) The chief executive officer may require documentary evidence to be provided in support of any information supplied by the applicant.</i></p> <p><i>(3) An application may relate to more than one child.</i></p>	<p>The Act contains specific and detailed reference to home education in s46-s54.</p> <p>In accordance with Education Regulations 1960 – Section 8 Certificate of Exemption – “Where a parent of a child who has not reached leaving age informs a welfare officer or the Chief Executive Officer that the Child is under regular and efficient instruction at home or elsewhere, a Superintendent may after examining the child, grant that child a certificate exempting him from attending a school”.</p> <p>A Home Education Advisory Panel is established under s241.</p>

Legislation	Comments
<p>s48 Registration <i>(1) On receipt of a completed application under section 47(1) and the documentary evidence required under section 47(2) the chief executive officer is to --</i> <i>(a) register the parent as the child's home educator; and</i> <i>(b) issue the parent with a certificate of registration.</i></p> <p><i>(2) 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.</i></p> <p><i>(3) The registration of a home educator in respect of a child has effect indefinitely unless the registration is cancelled under section 53.</i></p> <p>s49 Home educator to inform chief executive officer of certain matters <i>A child's home educator is to inform the chief executive officer –</i> <i>(a) of any change to the details provided in the application under section 47(1); or</i> <i>(b) if the child is enrolled at a school,</i> <i>as soon as is practicable after the change or the enrolment.</i></p> <p>s50 Home education moderators <i>(1) The chief executive officer --</i> <i>(a) may appoint persons who have such experience, skills or qualifications as the chief executive officer considers appropriate to enable them to effectively evaluate the educational programmes of children whose education is being provided under this Division and to evaluate the educational progress of those children; and</i> <i>(b) is to provide to a person so appointed (a "home education moderator") a certificate stating that the person is appointed for the purposes of this section.</i></p> <p><i>(2) A home education moderator must produce the certificate referred to in subsection (1)(b) whenever asked to do so by a person in charge of any premises being visited by the moderator under an arrangement referred to in section 51.</i></p>	<p>District Directors on the Chief Executive Officer's delegation, are responsible for appointing home education moderators and for deciding whether the programs offered and children's educational progress are appropriate to the Curriculum Framework.</p>

Legislation	Comments
<p>s51 Evaluation of the child’s educational programme and progress</p> <p><i>(1) A child’s home educator is to arrange with the chief executive officer for an evaluation to be made of the child’s educational programme and educational progress --</i></p> <p style="padding-left: 20px;"><i>(a) within 3 months of the day of the home educator’s registration in respect of the child; and</i></p> <p style="padding-left: 20px;"><i>(b) at least once in each 12 month period following that registration.</i></p> <p><i>(2) A home educator is to give the chief executive officer at least 21 days’ notice of an evaluation that is required to be made under subsection (1)(a) or (b).</i></p> <p><i>(3) An evaluation is to be made –</i></p> <p style="padding-left: 20px;"><i>(a) at the time that is agreed between the home educator and the home education moderator; and</i></p> <p style="padding-left: 20px;"><i>(b) at the place that is the usual place for the child’s educational programme to be undertaken unless the home educator objects, in which case the evaluation is to be made at the place that is agreed between the home educator and the home education moderator.</i></p> <p><i>(4) Following an evaluation, the home education moderator is to prepare a report about the child’s educational programme and educational progress and provide a copy of the report to the home educator and to the chief executive officer.</i></p> <p>s52 Chief executive officer may give notice of concern and require evaluation</p> <p><i>(1) If the chief executive officer has a concern about a child’s educational progress, the chief executive officer may --</i></p> <p style="padding-left: 20px;"><i>(a) give the child’s home educator written notice of the concern and the reasons for the concern; and</i></p> <p style="padding-left: 20px;"><i>(b) arrange for an evaluation to be made on 7 days’ notice to the home educator for the purpose of ascertaining whether the concern has been adequately addressed.</i></p> <p><i>(3) Following an evaluation under subsection (1), the home education moderator is to prepare a report about whether the concern has been adequately addressed and provide a copy of the report to the home educator and to the chief executive officer.</i></p>	<p>Educational programme is defined under the Act as “an organised set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student’s individual needs”.</p>

Legislation	Comments
<p>s53 Cancellation of registration</p> <p><i>(1) The chief executive officer may cancel a home educator's registration under section 48 in respect of a child if --</i></p> <ul style="list-style-type: none"> <i>(a) in the opinion of the chief executive officer, the child's educational progress is not satisfactory;</i> <i>(b) the home educator has not arranged an evaluation required under section 51(1)(a) of (b) in respect of the child;</i> <i>(c) the home educator does not agree to an evaluation required under section 52(1)(b) in respect of the child from occurring in accordance with section 52(2);</i> <i>(d) a home education moderator has been hindered or obstructed in an evaluation required under section 51(1)(a) or (b) or section 52(1)(b); or</i> <i>(e) the home educator has not complied with section 49 in respect of the child.</i> <p><i>(2) Before deciding under subsection (1)(a) that a child's educational progress is not satisfactory the chief executive officer may take into account –</i></p> <ul style="list-style-type: none"> <i>(a) whether the child's educational progress is in accordance with –</i> <ul style="list-style-type: none"> <i>i. the curriculum framework under the Curriculum Council Act 1997; or</i> <i>ii. any condition to which an exemption under section 11 of that Act is subject;</i> <i>(b) the effect of the physical learning environment on the child's educational progress;</i> <i>(c) any other matter which, in the opinion of the chief executive officer, is relevant to the child's education.</i> <p><i>(3) If the chief executive officer decides to cancel a home educator's registration the chief executive officer is to give written notice to the home educator of the decision and written reasons for the decision.</i></p>	<p>Policy states: "It is intended that the framework be used flexibly in the delivery and evaluation of home education. Parents who choose home education do so for a variety of reasons, and the forms of education that they wish to provide to their children are diverse.</p> <p>In implementing the framework, home educators structure learning opportunities according to their children's particular needs. Monitoring and reporting on progress by the home education moderators will also be approached in a number of ways."</p>

Legislation	Comments
<p>s10 Implementation of curriculum framework</p> <p>(1) <i>Subject to section 11 –</i></p> <p>(a) <i>a governing body is to ensure that each school of which it is the governing body provides schooling in accordance with the most recent curriculum framework approved by the Council; and</i></p> <p>(b) <i>a person providing home education to a student is to ensure that the education is provided in accordance with the most recent curriculum framework approved by the Council.</i></p> <p>(2) <i>The Council may, after consultation with an education provider and with the approval of the Minister, give directions to the education provider as to –</i></p> <p>(a) <i>the implementation of the curriculum framework within a school system or school or in respect of a student receiving home education, as the case requires; and</i></p> <p>(b) <i>reporting requirements in relation to the implementation of the curriculum framework.</i></p> <p>(3) <i>Directions issued under this section are to be followed by the education provider to whom or which they are directed.</i></p> <p>s11 Exemption from curriculum framework</p> <p>(1) <i>The Minister may by instrument exempt an education provider from section 10(1) if the Minister is satisfied that it is appropriate in the circumstances to do so.</i></p> <p>(2) <i>Before the Minister grants an exemption under subsection (1), the Minister is to seek the advice of the Council and allow the Council a period of not less than 14 days to make a recommendation on the matter.</i></p> <p>(3) <i>The Minister is to have regard to any recommendation made by the Council under subsection (2), but is not bound to give effect to the recommendation.</i></p> <p>(4) <i>Section 10(1) does not apply to an education provider who or which is exempted by the Minister under subsection (1) if the conditions of the exemption are being complied with.</i></p> <p>(5) <i>An exemption may be limited in its operation to a specified period.</i></p> <p>(6) <i>The Minister may –</i></p> <p>(a) <i>make the exemption subject to any condition; and</i></p> <p>(b) <i>impose any further condition or vary or revoke a condition at any time.</i></p>	<p>Specific mention is made of home education requirements in the Curriculum Council Act 1997.</p>

Legislation	Comments
<p>s4 Enrolment <i>(1) A child who is at least 6 years of age as at 1 January in any year must be enrolled at a school or be provided with home education for that year and subsequent years until the child attains the age of 16 years unless exempted or excused under this Part.</i></p> <p><i>(2) A parent of a school-aged child must –</i> <i>(c) enrol the child in a school appropriate to the child's educational needs or</i> <i>(d) be registered as a home educator in respect of that child.</i></p> <p><i>Penalty: Fine not exceeding 10 penalty units.</i></p> <p>s5 Exemption from enrolment <i>(1) A parent of a school-aged child may apply to the Secretary to exempt the child from the requirement to enrol at a school.</i></p> <p><i>(2) The Secretary, at his or her own initiative or on application, may grant an exemption from the requirement to be enrolled at a school if satisfied that it is in the best interests of the child's education to be exempted.</i></p> <p><i>(3) The Secretary may –</i> <i>(a) grant the exemption subject to any condition; and</i> <i>(b) impose any further condition or vary or revoke any condition at any time.</i></p> <p>s6 Attendance <i>(1) A parent of a school-aged child must ensure that the child -</i> <i>(a) attends the school each day as required; or</i> <i>(b) receives home education.</i></p> <p><i>Penalty: Fine not exceeding 10 penalty units and a daily fine not exceeding 2 penalty units.</i></p> <p><i>(2) A school-aged child who is not provided with home education is to attend a school during the whole of a school day unless exempted or excused under this Part.</i></p> <p>s7 Exemption from attendance <i>(1) A parent of a school-aged child may apply to the Secretary to exempt the child from full-time attendance in a school and permit the child to attend part-time.</i></p> <p><i>(2) The Secretary, at his or her own initiative or on application, may grant an exemption from full-time attendance and permit part-time attendance if satisfied that it is in the best interests of the child's education to attend part-time.</i></p> <p><i>(3) The Secretary may –</i> <i>(a) grant the exemption subject to any condition; and</i> <i>(b) impose any further condition or vary or revoke any condition at any time.</i></p> <p>s11 Withdrawal from school <i>(1) A parent of a school-aged child, by notice in writing, must notify the principal of -</i> <i>(b) the withdrawal of the child from the school and</i> <i>(c) the proposed education of the child after that withdrawal.</i></p>	<p>Home schooling is addressed in Part 2 – Compulsory Education – Division 1 – Enrolment and Attendance (s4-s11), and Division 3 – Home Education (s17).</p> <p>Children between the ages of six and 16 years must be registered with the Tasmanian Home Education Advisory Council (THEAC).</p> <p>Role of THEAC</p> <ul style="list-style-type: none"> • advising on effective support for home educators • advising on policy issues for home education • recording notification of home education • providing a mechanism to uphold the integrity of home education and to prevent abuse of this option • providing an annual report to the Minister

Legislation	Comments
<p>s17 Registration of home educators</p> <p><i>(1) A parent of a school-aged child may apply to the Minister for registration as a home educator in respect of that child.</i></p> <p><i>(2) An application –</i></p> <p style="padding-left: 20px;"><i>(a) is to be in a form approved by the Minister; and</i></p> <p style="padding-left: 20px;"><i>(e) is to contain any information the Minister may determine.</i></p> <p><i>(3) The Minister may –</i></p> <p style="padding-left: 20px;"><i>(a) refuse an application for registration as a home educator; or</i></p> <p style="padding-left: 20px;"><i>(b) grant the application, subject to any conditions the Minister determines.</i></p> <p><i>(4) The registration of a parent as a home educator authorizes that parent to provide home education in the home of that parent to the school-aged child in respect of whom the registration was sought.</i></p> <p><i>(5) The Minister may revoke the registration of a parent as a home educator in respect of a child if –</i></p> <p style="padding-left: 20px;"><i>(a) the person has failed to comply with, or contravened, any condition; or</i></p> <p style="padding-left: 20px;"><i>(b) the Minister is satisfied that it is in the best interests of the child to do so.</i></p>	<p>Upon application for registration, the Executive Officer of THEAC arranges appraisal of the home education program. Guidelines state: "Once you have been given approval to home educate, monitoring of your program will continue at intervals."</p>

Legislation	Comments
<p>s8 Compulsory enrolment <i>(1) The parent or guardian of any child who is not less than six years of age nor more than the school leaving age and who is residing in the Territory, shall, within seven days of the child's attaining the age of six years or of the commencement of the child's residence in the Territory, whichever is the later, cause the child to be enrolled as a scholar at a school maintained by or on behalf of the Territory or a school registered or provisionally registered under this Act.</i></p> <p><i>Penalty: 5 penalty units.</i></p> <p>s9 Compulsory attendance <i>Every parent or guardian of a child who is not less than six years of age nor more than the school leaving age and who is residing in the Territory shall cause the child to attend, as a scholar, the school at which the child is enrolled as a scholar in pursuance of section eight of this Act on every half-day on which the school is open.</i></p> <p><i>Penalty: 5 penalty units.</i></p> <p>s10 Defence in prosecution under sections 8 and 9 <i>(1) Subject to subsection (2), it shall be a good defence in any prosecution under section eight or nine of this Act that at the date alleged in the information -</i></p> <ul style="list-style-type: none"> <i>(b) the child was receiving regular and efficient instruction on at least eight-five days in each half-year in his home or at a school outside the Territory, the onus of proof of which shall lie upon the parent or guardian;</i> <i>(c) a certificate under section 16 was in force in respect of the child.</i> <p>s16 Exemption certificates <i>(1) The Chief Executive or an authorized person may grant a certificate exempting a child from the attendance at school required by this Act where he is satisfied -</i></p> <ul style="list-style-type: none"> <i>(a) that the child receives efficient instruction at home or elsewhere.</i> 	<p>Home schooling is administered through policy "Registration of Home Schooling in the ACT."</p> <p>A Director (Schools) has the authority to approve registration (maximum of one year) which includes conditions of approval and an expiry date.</p> <p>This registration process involves a home visit to "assess the suitability of proposed arrangements for home tuition".</p> <p>The Director (Schools) visits the home "at least once per year to review the child's progress".</p>

Legislation	Comments
<p>s21 Compulsory Education <i>(1) Subject to subsection (3), a parent who has the actual custody of a child of compulsory school age -</i> <i>(a) shall enrol the child in –</i> <i>i. a Government school; or</i> <i>ii. a non-Government school which is a registered educational institution within the meaning of Part VII; or</i> <i>(b) may provide education for the child which is efficient and suitable.</i></p> <p><i>Penalty: \$200</i></p> <p><i>(2) For the purposes of subsection (1)(b) –</i> <i>(a) the parent shall obtain the consent in writing of the Secretary before providing such education for the child; and</i> <i>(b) whether such education is efficient and suitable or not shall be a matter for the decision of the Secretary who may, if he thinks fit, obtain a report on the education by a person authorized by him in writing to do so.</i></p> <p><i>(3) Subsection (1) does not apply to or in relation to a child for whom special arrangements under Part V have been made for the education of the child and the child is complying with those arrangements.</i></p> <p>s22 Compulsory Attendance <i>(1) Where a child is enrolled at a school, the child shall attend that school on each day, and for such parts of each day, as instruction is provided at the school for the child.</i></p> <p><i>(2) Subsection (1) does not apply to a child –</i> <i>(a) enrolled at a school of the air or a correspondence school;</i> <i>(b) exempted from attendance in accordance with the provisions of this Part;</i> <i>(c) in respect of whose absence from the school a parent provides either orally or in writing a reason acceptable to the head teacher of the school for the absence of the child; or</i> <i>(d) whose absence is on a day, or part of a day, of significance to the ethnic group of the child and a parent of the child provides either orally or in writing to the head teacher of the school the reason for the absence of the child.</i></p> <p><i>(3) Subject to this section, where a child fails to attend school in accordance with subsection (1), each parent of the child is guilty of an offence and liable to a penalty not exceeding \$200.</i></p> <p><i>(4) Where both parents of a child are found guilty of an offence under this section, the penalty imposed shall not exceed \$200 in the aggregate.</i></p> <p><i>(5) It is a defence to a charge under this section that the failure of the child to attend school did not result from any failure of the parent to exercise proper care and control of the child.</i></p> <p>s24 Exemption by Minister <i>(1) The Minister may exempt a child from attendance at school for a specified period.</i> <i>(2) The Minister may, at any time, revoke an exemption granted under this section.</i></p>	<p>Home schooling is managed by s21, whereby a parent may provide education for the child which is efficient and suitable.</p> <p>The Secretary of the Department of Education is empowered to define what is efficient and suitable.</p> <p>If required, an authorised person may request information from a parent in order to report to the Secretary on the education of a child.</p>

A BRIEF INTERNATIONAL PERSPECTIVE

Home schooling is not unique to Australia. It is an international movement and the approach by governments varies considerably. The following brief synopsis of a number of selected countries or “states” demonstrates the diversity of approach and legislative arrangements.

NEW ZEALAND

Home schooling is available for parents who wish to educate their children at home provided they can satisfy the Secretary of Education that their child will be taught “as regularly, and as well as in a registered school”. The word “teach” and phrase “as regularly and as well” have not been defined in legislation or policy. Parents need to obtain approval from the Ministry of Education to home school their children during the years of compulsory schooling (6 to 16 years) and are given a small annual grant by the Ministry to help with the cost of learning materials.

Twice each year, the Ministry sends a statutory declaration requesting parents to confirm that the parent is still home schooling all of the children for whom an exemption has been granted. Since December 1997, officers from a specialist home schooling unit have conducted reviews of education programs with an emphasis on exemptions from compulsory schooling issued in the previous six months. These are largely held in homes but there is provision for “other arrangements”.

At 1 July 2001 there were 5,976 home schoolers recorded on the Ministry of Education’s database, which represented less than 1% of total school enrolments. These students belonged to 3,370 families. The number of home schoolers in NZ has increased substantially over the period from 1993 (2,738 students) to 2001 (5,976 students). This represents an 118% increase over the period. Of those commencing home schooling in the 12 months ending 30 June 2001 (1,304 students), 34% were aged six years and 83% were aged within the primary school age range (6 to 12 years).

ENGLAND AND WALES

Parents have a legal duty to ensure that their children receive a suitable full-time education either by regular attendance at school or otherwise. Section 9 of the *Education Act 1996* establishes a principle for the right of parents to home school.

Section 9: Education in accordance with parental wishes:

In exercising or performing all their respective power and duties under the Education Acts, the Secretary of State, local education authorities and the funding authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as this is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

Home schooling is managed by the relevant Local Education Authority through a set of guidelines which state:

1. *Parents must ensure that their child receives an efficient full time education, suitable to his or her age, ability and aptitude and to any special educational needs the child may have, either by regular attendance at school or otherwise.*

2. *Although parents are not legally required to inform their Local Education Authority (LEA) when they decide to educate their children at home, it is helpful if they do this. But it is important that parents formally notify the school where their child is registered that they intend to educate their child at home. It is also advisable that parents inform their LEA of any significant changes in their circumstance relevant to the effective education of their child, eg. a change of address.*
3. *The LEA will need to satisfy itself that a child is receiving suitable education at home and will probably ask to visit the family home to talk to the parent and child, and to look at examples of work. The LEA will need to be satisfied that the parent is willing and able to provide a suitable education. At the initial meeting the nature and frequency of future contact should be agreed.*
4. *LEAs have no automatic right of access to parents' home. Parents may wish to offer an alternative way of demonstrating that they are providing suitable education, for example through showing examples of work and agreeing to a meeting at another venue.*
5. *Where it appears to an LEA that a child of compulsory school age is not receiving efficient or suitable full-time education, either by regular attendance at school or otherwise, the LEA are under a duty to serve notice on the parent requiring them to satisfy the authority that their child is receiving suitable education "otherwise than at school". If the parents' reply is unsatisfactory, or if they fail to reply, the LEA may issue a School Attendance Order.*

Home schooling continues to be a growing movement in the United Kingdom.

CANADA - ALBERTA

Parents are recognised legislatively as having a right and a responsibility to make decisions regarding the education of their children. Parents may choose to exercise this responsibility through a home education program with assistance from and under the supervision of a school board (the board of the district or division of which a student 6 to 16 years is a resident), or an accredited private school in order to ensure that their child will have the opportunity to meet standards of education acceptable to the Minister. Section 23 of the *School Act* recognises and reaffirms the parents' right to provide a home education program for their child within the parameters of provincial policy, regulation and procedures.

The policy states:

"In order to provide choice in type of school, Alberta Learning recognises that, under the supervision of a board or an accredited private school, parents have the right to choose home education for their children. The province has a compelling interest in the education of all children and has a responsibility to evaluate the student's program to ensure the student has achieved acceptable provincial standards."

Home Education is managed through the *School Act Alberta Regulation 126/99* (amended 4/2000). Some of its features include:

Notification

- 2(1) A parent who intends to provide a home education program for a student during a school year must notify, in the prescribed form,*
- (a) the supervising board, or*
 - (b) the supervising private school.*

(2) If a parent is providing a home education program for a student during a school year and wishes to continue doing so during the next school year, the parent must notify, in the prescribed form, the supervising board or supervising private school that will continue to supervise the program.

Home education program

3(1) A home education program offered by a parent must

- (a) be prescribed, authorized or approved by the Minister under section 39(1)(a), (b) or (d) of the Act, or*
- (b) comply with the program certified by the parent and accepted by the supervising board or supervising private school in the form prescribed as being consistent with the student learning outcomes prescribed in the Schedule.*

(2) A parent who offers a program referred to in subsection (1)(b) must provide the supervising board or supervising private school with a written description of the student's program for the year, including the subject areas to be taught, the instructional methods, resources and means of evaluation to be used and the student learning outcomes prescribed in the Schedule to be achieved.

(3) If requested by the parent, a supervising board or supervising private school must advise and provide professional assistance to the parent who is preparing a written description of the program referred to in subsection (2).

Student progress evaluation

4(1) A parent who provides a home education program to a student must

- (a) develop, administer and manage the home education program,*
- (b) evaluate the progress of the student at regular intervals, by*
 - (i) maintaining a portfolio of student work and a general record of student activities, and*
 - (ii) maintaining a record of the method and times of evaluation of the progress of the student and the levels of achievement attained by the student.*

The province also requires students to sit state administered "education standards" tests.

UNITED STATES - WASHINGTON

State law requires all parents of any child eight years of age and under eighteen years of age to cause such children to attend the public school of the district in which the child resides for the full-time when the school is in session, unless (among other reason):

- The child is attending an approved private school;
- The child is receiving home-based instruction; or
- The child is attending an education center.

RCW 28A.225.010(4) defines instruction as home-based if it consists of *planned and supervised instructional and related educational activities, including curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music provided for a number of hours per grade level established for approved private schools and if such activities are provided by a qualified parent.*

The statute further states that the Legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

RCW 28A.200.020 states that parents who are causing their children to receive home-based instruction shall be subject only to those minimum state laws and regulations that are necessary to ensure that a sufficient basic educational opportunity is provided to the children receiving such instruction. Therefore, all decisions relating to philosophy or doctrine; selection of books, teaching materials and curriculum; and methods, timing, and place in the provision or evaluation of home-based instruction shall be the responsibility of the parent except for matters specifically referred to in chapter 28A.225 RCW.

The notion of a qualified parent is covered by RCW 28A.225.010(4). This requires that the instructional and educational activities be:

- a. *Provided by a parent who is instructing his or her child only and is supervised by a person certificated under chapter 28A.410 RCW. The supervision consists of and includes planning of objectives by the certificated person and the parent, a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person, and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed 30.*
- b. *Provided by a parent who in instructing his or her child only and who has either earned 45 college-level credit hours or the equivalent in semester hours or has completed a course in home-based instruction at postsecondary institution or a vocational-technical institute.*
- c. *Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.*

The duties of parents are detailed in Chapter 28A.200 RCW which states that each parent who is providing home-based instruction must:

- a. *File annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based instruction.*
- b. *Ensure that test scores or annual academic progress assessment and immunization records, together with any other records that are kept relating to the instructional and educational activities provided, are forwarded to any other public or private school to which the child transfers.*
- c. *Ensure that a standardized achievement test approved by the State Board of Education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education. The results of the standardized test or the annual academic progress assessment shall be made a part of the child's permanent records. If, as a result of the annual test or assessment, it is determined that the child is not making reasonable progress consistent with his or her age or stage of development, the parent shall make a good faith effort to remedy any deficiency.*

It is the parents' responsibility to provide all curriculum materials for home-based instruction but a school district may establish regulations relating to the sale of materials at cost, or the loan or rental of such materials.

Regulations also specify that the board of directors of any school district may authorize and permit the enrolment of and provide ancillary services for part-time students. Students receiving home-based instruction may enrol part-time in public and private schools for specific programs or purposes.

UNITED STATES - CALIFORNIA

In California, families can legally home school their children by establishing a private school in their home and by complying with the private school requirements of the California Education Code. The Education Code requires the keeping of records (Section 48222), hours of instruction and the curriculum areas to be included in a course of study (Section 51210 and 51220). Home schooling programs “shall offer instruction in the several branches of study required to be taught in the public schools of the state”. The Code also includes a declaration (Section 51220.5) that “the family is our most fundamental social institution and the means by which we care for, prepare, and train our children to be productive members of society”.

Parents who have established a home-based private school cannot be prosecuted for truancy. Schooling is compulsory between six and eighteen years of age.

FRANCE

On 18 December 1998, an Act was passed in France limiting the role of home education. Prior to this, home educators had been able to provide an education suitable to each individual child which was monitored by the regional administration when the child was eight, ten and twelve years old. Any disputes between families and the education authorities eg., over the definition of suitable education were decided by a visit of a representative from the Ministry of Education in Paris. The Loi no. 98-1865 now enforces both compulsory registration at the local town hall, and also visits to the home by an employee (usually an Inspector) of the Academie de l'Education and in some instances, by social workers and psychologists. If parents refuse to comply with these regulations, they can be fined FF50000 or have a six month prison sentence.

The areas which the home educated child must study are specified. The child must acquire knowledge of:

- *the French language, both written (in grammar and expression) and spoken, and a knowledge of French culture, based on literature;*
 - *principles of mathematics (specified in detail);*
 - *at least one foreign language;*
 - *the history and geography of France, Europe and the world;*
 - *science and technology;*
 - *art and culture;*
- and participate in sport.*

In addition, the child must be able to:

- *ask questions;*
- *propose reasoned answers from observations and written evidence;*
- *prove reasoning ability;*
- *devise a plan of work, conduct research and produce finished work;*
- *master information technology and use it to communicate with others;*
- *approach things in a mature way, using available resources and evaluating risks.*

Depending on ability, the child must be at a level in all subjects similar to a child who is attending school. This is “assessed” by the Inspector. Parents must comply with the decisions of the Inspector or risk incurring a fine.

SOUTH AFRICA

On 23 November 1999 changes were made to the *National Education Policy Act 1996* with the attachment of a schedule titled “*Policy for the Registration of Learners for Home Education*”.

This policy applies uniformly to all provincial departments of education as national norms and standards pertaining to home education.

Home education is defined in the schedule as:

- (a) *a programme of education that a parent of a learner may provide to his/her own child at their home. In addition the parent may, if necessary, enlist the specific services of a tutor for specific areas of the curriculum; or*
- (b) *a legally independent form of education, alternative to attendance at a public or an independent school.*

Parents are required to register on the prescribed application form, each learner of compulsory school-going age with the Head of Department, to receive education at home.

Certain conditions of registration are required. These are prescribed as follows:

8(a) The Head of Department, before setting conditions and considering registration in terms of section 51(2) of the Act, must obtain at least the following information from the parent pertaining to:

(i) supporting arguments to substantiate that education at home will be in the interest of the learner and that the learner will benefit from it, will be able to exercise his or her fundamental right to education, and will be taught at least as regularly and as well as in a public school. To determine what would be in the best interest of the learner, the parent must declare the highest education standard achieved by him or her, the hours of the day and the minimum days per year during which the parent plans to teach the learner, information about the programme that will be followed and the learning resources that will be available; and

(ii) the proposed curriculum to be used for home education for approval.

(b) The learner programme must suit the age and ability of the learner. It will comply with the minimum requirements of the curriculum in public schools of the province and will not be inferior to the standard of education provided at public schools. The curriculum must comply with the language policy and the outcomes (standards) specified for each of the phases.

(c) The learner will receive at least 3 hours contact teaching time per school day.

(d) The education provided at home must be consistent with the values contained in the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and the Act. Parents who choose home education for reasons related to curriculum, ideology and pedagogy must not instil unfair discrimination, racism or religious intolerance in learners. The education must be consistent with the values contained in the Constitution that all role-players must adhere to.

The duties of the parent for the monitoring of home education are also prescribed:

(a) A record of attendance must be kept.

(b) A portfolio of the work of a learner must be kept. Up-to-date records of progression of a learner must be maintained. A portfolio of the work of the learner with evidence of intervention and other education support given to the learner must be kept. Such records must be made available for inspection by a duly authorised official of the provincial department of education.

(c) The parent must keep suitable evidence of continuous assessment of the learner's work, which reflects the learner's progress towards achieving the outcomes of the learning programme. Evidence must also be kept of summative assessment at the end of the first year of home education and at the end of grades 3, 6 and 9 stating whether or not the outcomes for these grades have been achieved.

(d) The parent must keep all relevant assessment results for a period of three years for monitoring by the Head of Department.

(e) At the end of every phase, the parent should appoint an independent, suitably qualified person(s) approved by the Head of Department at the parent's own expense for the assessment of the learner's progress at the end of the phase that the learner is completing. A parent may approach a public school or a registered independent school for assistance in obtaining such services. The person(s) must submit a statement to the Head of Department confirming that the learner so assessed has indeed reached the required level.

(f) Should a learner be admitted to a public school or registered independent school, the parent must request the Head of Department in writing to terminate the learner's registration for home education.

While these are but a few examples of the approach by government to home schooling, they all demonstrate governments' acceptance of the right of parents to home educate but within varying degrees of regulation and legislation.

PUBLIC CONSULTATIONS FEBRUARY-MARCH 2003

BACKGROUND

As part of the Home Schooling Review a public consultation phase was conducted between Tuesday 4 February and Friday 14 March 2003. During this period 13 public meetings were held in locations recommended by the Home Schooling representatives on the Review Reference Group.

Day	Date	Location
Tuesday	4 February 2003	Surfers Paradise
Wednesday	5 February 2003	Maryborough
Thursday	6 February 2003	Nambour
Tuesday	11 February 2003	Cairns
Wednesday	12 February 2003	Townsville
Thursday	13 February 2003	Bardon (Brisbane)
Thursday	20 February 2003	Toowoomba
Monday	24 February 2003	Rockhampton
Tuesday	25 February 2003	Mackay
Wednesday	26 February 2003	Ipswich
Thursday	27 February 2003	Coorparoo (Brisbane)
Thursday	6 March 2003	Gladstone
Friday	14 March 2003	Kingaroy

Each of these meetings was of approximately two hours duration (7.30pm - 9.30pm) and held in community facilities. They followed a common approach which centred on responses to a series of discussion questions. Over 590 adults attended these meetings, often accompanied by their children. The meetings were characterised by open, honest and often forthright views being expressed by persons who may have had a relatively short (less than one year) or long (over 20 year) association with home schooling in this state or other jurisdictions.

In addition, further consultation was held during this period with the Principals of Jubilee Christian College (Atherton), Riverside Christian School (Maryborough), the Brisbane School of Distance Education, the Australian Christian Academy, the Parents and Citizens Association of the Brisbane and Cairns Schools of Distance Education by teleconference, and home schooling families in the Borellan Point (Ipswich) and Joyner (Strathpine) areas.

THE PUBLIC CONSULTATION PROCESS

Each meeting followed a common process. Following an introduction, the Reviewer explained the Terms of Reference of the review and invited questions or comment. Following this step, seven questions were progressively put to the public and responses invited. They served to focus the discussion and elicit responses to particular aspects of the review.

The questions put in sequence were:

- *What do you enjoy most about home schooling?*
- *What are the major reasons why you have chosen to home school your child?*
- *What do you find most challenging about home schooling your child?*
- *What are your thoughts on the requirement to seek a dispensation each year from compulsory schooling in order to home school your child?*
- *Current legislation and guidelines require parents to choose one of three options to home school their child:*
 1. *An approved curriculum program*
 2. *Enrolment at a State School of Distance Education*
 3. *Enrolment at a Non-State School with approval to offer distance education programs.*

What are your thoughts on these options?

- *What would be the features of your preferred model of home schooling?*
- *What would be the best possible outcome of this review of home schooling?*

Written records of responses were kept for all meetings.

TRENDS IN RESPONSES

The following synthesis of responses to the questions has been developed in order to identify the major trends in community response. While each meeting was different, with varying opinion and emphases on some matters, a number of clearly identifiable and consistent trends were apparent.

Question 1: *What do you enjoy most about home schooling?*

The dominant trends centred around three themes.

- * The family
- * The child
- * The learning

The family

There were many responses that emphasised the importance of the family in society, transmission of family values, and the role of the family in character building. Home schooling was seen to be the natural work of a family and an aspect of family development.

“As parents, we grow with our children as a family”.

The child

A detailed knowledge of the uniqueness of each child, the importance of self-confidence, self-esteem, happiness and freedom were all seen as paramount to child development. Home schooling was seen to be supportive of this and sufficiently flexible to be responsive to the needs of each child.

“Home schooling is child-centred”.

The learning

Learning in a low stress environment, where time can be used effectively, often in multi-age groupings, addressing the individual needs of children through flexible programming, maximising the opportunity to develop the learning potential were all strong messages. Additionally the joy of learning, grounding learning in experience, the inherent flexibility to pursue a child’s strengths and weaknesses, and ensuring standards of learning, were all emphasised.

“Learning through home schooling is diverse: from the unstructured to the structured: from discovery at play to reading books; and, from self to others”.

Question 2: What are the major reasons why you have chosen to home school your child?

The dominant trends centred around four themes.

- * Parental right and responsibility
- * Special needs of children
- * The school system
- * The curriculum

Parental right and responsibility

There was a very strong view that parents have the right and the responsibility to educate their children. This view was often grounded in deeply held religious and/or philosophical beliefs held by the parents. In essence the parents were simply exercising choice to continue to educate their child at home, rather than assigning that right and responsibility to others in the schooling system.

“It is the responsibility of parents to educate their children”.

Special needs of children

Home schooling was seen as a powerful vehicle to address the special needs of children be they gifted or with specific learning disabilities. This reason was often linked to personal experience with the previous response of a school to these learning needs, or programming and resourcing issues at a school.

“The schooling system could not meet the individual needs of my child. It is designed to meet the needs of groups of children”.

The school system

Some parents saw schools as essentially artificial institutions that do not reflect the wider society and life in general and thus are not conducive to learning. The age-grade groupings, age progression, social isolation by year level, large class sizes, publicised resourcing issues, influence of peers, bullying, schooling procedures and systems, and the overcrowding of the curriculum were all cited.

“Compulsory attendance at school guarantees nothing to parents”.

The curriculum

While recognising the State’s right and responsibility to establish a curriculum program for children who enrol in a school, parents believed that as home schooling families it was their right and responsibility to educate their children through a curriculum chosen or devised by themselves. This was closely allied to notions of quality, standards and the learning needs of individuals rather than groups of children.

“No one knows our children like we do”.

Question 3: What do you find most challenging about home schooling your child?

The dominant trends centred around three themes.

- * Information, resources and getting started
- * Maintaining programs
- * Community acceptance

Information, resources and getting started

Central to this theme was the relative absence of quality information about home schooling as an option for educating children, the existence of networks of home schoolers, access to quality assured learning resources and programs, and contact with other experienced home schooling families in order to commence home schooling.

“What is needed is a place where you can get all types of information from. Information about support groups, resources, TAFE programs, tertiary entrance, good programs and how to get started”.

Maintaining programs

Home schooling was seen as a considerable personal and financial commitment by a family in contemporary society. A single family income, the increasing cost of resources, the time to plan and educate, the need to maintain motivation and focus of both the child and the parent, keeping the work “*up to children*” as well as “*knowing where they are at*” were common responses.

“I have little time to myself”.

Community acceptance

While recognising that there has been considerable change to community perception of home schooling families over the past decade, many parents expressed the need for equal acceptance with parents who educate through the schooling system. Perceptions of illegality, child neglect, parental irresponsibility, social stigma and general non-acceptance in the community were all cited as personal experience.

“I keep my children indoors until 3.00pm as our decision to home educate is not accepted in my community”.

Question 4: What are your thoughts on the requirement to seek a dispensation each year from compulsory schooling in order to home school your child?

The dominant trends centred around three themes.

- * Parental right and responsibility
- * Access to distance education
- * Contradiction in terms

Parental right and responsibility

While recognising the State's right to legislate that "all children be educated" many parents did not believe that the State had a right to legislate the form or location of education. To this end, parents questioned the requirement in contemporary society to compel attendance at an institution called a school for the purposes of education. Education was seen as a fundamental parental right and responsibility. Parents expressed the view that education commenced at birth and until a parent delegated that right and responsibility to educate to a school or some other person or entity, the right to educate remained with the parent. Applying for dispensation from compulsory schooling was, they considered, unnecessary (some described it as insulting) as the right to educate (unless delegated or assigned to another) remained always with the parent.

"Why should I apply for dispensation from schooling, when schooling does not guarantee education".

Access to distance education

Some parents admitted that they disagreed with the principle of dispensation for the previous reasons, but applied for it simply as a means to access a distance education provision be it State or non-State. These parents were seeking access to the curriculum programs and support services of school institutions, but still wished to retain their right and responsibility to educate their children. Distance education provision was seen as supporting parents who wished to educate their children at home and/or provide time out of a school institution for a variety of reasons.

"Distance education should be more widely available".

Contradiction in terms

Many parents pointed out that following application for dispensation from compulsory schooling, parents were then given three options to home school, two of which required enrolment in a school of distance education.

"If you enrol a child in a school of distance education, why are you required annually to apply for dispensation from compulsory schooling?"

Question 5: Current legislation and guidelines require parents to choose one of three options to home school their child:

- 1. An approved curriculum program**
- 2. Enrolment at a State School of Distance Education**
- 3. Enrolment at a Non-State School with approval to offer distance education programs.**

What are your thoughts on these options?

The dominant trends centred around three themes.

- * An approved curriculum
- * Distance education
- * The \$1,000

An approved curriculum

There was a widely held view that the requirement to submit one year in advance a curriculum program for a child was unrealistic and inflexible. This did not afford child-centred education as planning so far in advance was not responsive to the needs of a child, and in the absence of approved exemplars and explicit criteria for program approval, an impossible task. Many parents who were registered teachers expressed the view that this requirement was not an expectation of teachers in the school system and was contrary to effective teaching practice. Additionally, the request to be supported by a registered teacher (if either parent was not a registered teacher) was seen as ignoring the role of parent as teacher and educator, and for some, was a further financial burden.

*“As a University Professor I am not a registered teacher,
but I know something about the education of our children”.*

Distance Education

There was a diversity of views on distance education and curriculum materials. Some parents saw enrolment in distance education as just another form of schooling, not home schooling. Others saw it as a means to access materials and services that supported home schooling. Some parents spoke of the security of working within a State approved or school approved curriculum while others saw it as inflexible and characterised by *“mountains of paper-based work to be completed and submitted”*.

“Our children have really enjoyed distance education”.

The \$1,000

Many parents saw the requirement to pay \$1,000 to enrol in a State school of distance education for the purposes of home schooling as both discriminatory and an additional financial burden. Parents raised the issue of a fee for State schooling, the inconsistency in that it was not required to be paid once a child had turned 15 years, and their contribution as tax payers to the State.

“I thought education through a State school was free”.

Question 6: *What would be the features of your preferred model of home schooling?*

The dominant trends centred on three themes.

- * Flexibility
- * Access to services and resources
- * Interface with government

Flexibility

Parents recognised that the home schooling community was a broad and diverse community. What they had in common was a passion and commitment to home schooling though their reasons for so doing may differ. Equally their home schooling approach and programs are as unique as the children that they educate. Thus while recognising the right of parents to “home school their children through distance education”, most parents wanted greater flexibility than the requirements of the existing legislation and guidelines. Some parents extended this notion of flexibility to include part-time “enrolment” in schools for particular programs or participation in sport and music activities.

“One model of education does not fit all”.

Access to services and resources

Many parents (as tax payers) raised the issue of access to services and resources. These services ranged from child dental health to career counselling and tertiary entrance information. This was sometimes extended to school resource centres and access to specialist facilities on school grounds. Access to quality information and resource materials were frequently commented upon.

“There is no agency that supports us here in Queensland”.

Interface with government

There was recognition of the right of government to require an education for all children and the need to address such issues as child protection and the application of sanctions. But central to this discussion was the rights and responsibilities of parents and the notion of choice in the provision of this education. What is taught, how it is taught, when it is taught and by whom it is taught were central components of these views.

“If we cannot work with government, we will just go underground”.

Question 7: *What would be the best possible outcome of this review of home schooling?*

The dominant trends centred on two themes.

- * Recognition and acceptance
- * Partnership with government

Recognition and acceptance

There was a universal message that parents expressed most strongly – the desire for recognition and acceptance by government and the wider community. Parents spoke from personal experience on perceptions of government agencies and in some cases family and neighbours. These ranged from prejudice and hostility to expressions of suspicion, social stigma and inferences of neglect, failure and abuse. This was sometimes balanced by admiration, acceptance and support. But there was an over-arching message that home schooling or more accurately expressed home education was “*here to stay*” and should be recognised and celebrated with “*other forms of education such as schooling*”.

*“When people ask me where I send the children to school,
I would like to be able to say confidently that I home educate
and the reply would be: ‘Great, I wish I had the time and energy’.”*

Partnership with government

While some parents had very mixed views of the role of government in society, often based on personal experiences with employees of government, there was a very strong message of the need for the home schooling community to work with government in achieving their objectives. Central to this was the need for legislative recognition of the rights and responsibilities of parents to educate their children and the need for policy and guidelines that enabled rather than restrained the home schooling community.

“If you do nothing else, recognise our right as parents to educate our children”.

WRITTEN SUBMISSIONS

A total of 134 submissions were received from the following:

Anonymous (62)
Adamson, S & R
Akui, D
Archer, E
Ashkar, E
Australian Christian Academy
Barrett, N & V
Barrett, N & V (Additional information to earlier submission)
Brisbane School of Distance Education, P&C Association
Bruce, S
Buckley, S J
Cairns Radio Branch, Isolated Children's Parents Association
Cairns School of Distance Education
Carrall, A
Coalition of Homeschool Leaders of Queensland
Commission for Children and Young People
Cunningham, S
Darling, C
Donnison, S
Doran, C M
Douglas, G & L
Drew, F G
Dunne, A
Festival of Light
Galea, J
Hardy, J
Hodgson, W & J
Howard, J
Howard, M
Howard, M (Additional information to earlier submission)
Howarth, J
Iland, J L
Iland, J L (Additional information to earlier submission)
Jackson, B & N
Kilpatrick, D
Klemens, L
Lewis, D & L
Light Educational Ministries
Lowe, M
McNeice, B
McNeice, K
Mergard, R & A
Miller, M & A
Mudge, J
Norman, J & C
Office of Non-State Education, Education Queensland
Olsen, G & I
Otto, J
Otto, J (Additional information to earlier submission)

Parker, M & C
Patch, CG & JH
Patson, N
Pinnow, S
Price, C
Prinslio, E
Prinzen-Wood, R
Queensland Parents for People with a Disability
Queensland Teachers' Union
Rettke, B
Riverside Christian College
Rodd, A
Rodd, J A
Schindler, P & J
Sparks, E
Sparks, J
Sparks, K
Sparks, R C
Squires, V
Symons, L
Tatlock, D
Terrens, C
Weinholz, K
Wensley, A
Williams, E

MEMBERS OF THE REVIEW REFERENCE GROUP

Organisation	Name
Education Queensland	Mrs L Tabrett (Chair)
Home Schooling Association	Mr B Osmak
Association of Natural Learners	Ms E Sparks
Brisbane School of Distance Education	Mr B Rasmussen
Jubilee Christian College	Mr M Baker
Education Queensland (School Operations)	Mr P Mulcahy
Queensland Catholic Education Commission	Ms J Gardiner
Association of Independent Schools of Queensland	Ms D Thiann
Department of Families	Ms A Miller
Commission for Children and Young People	Mr B Salmon
Department of the Premier and Cabinet	Mr G Nix
Treasury Department	Ms A Rayner
Education Queensland (Office of Non-State Education)	Mr P King
Reviewer	Mr B McHugh