

16 September, 2013

The Honourable Melanie Gibbons

Member for Menai

Dear Ms Gibbons,

Re : introduction of the 2013 Information Package for Home Education

I am writing to you to express my deep disappointment in your government for allowing public servants to introduce subordinate legislation that are contrary to the stated beliefs of the Coalition as well as being contrary to the Education Act 1900.

Melanie, there are real fears in the home educating community about the way the 2013 Information Pack is being implemented. Highly experienced home educators who for years were receiving the maximum two year registration period are now receiving six months. It appears that the Board of Studies is interested in the documentation of a learning programme rather than the learning itself. This is not right and the issue needs to be addressed now.

I am requesting that

1. you contact the Minister of Education requesting the immediate withdrawal of the 2013 Information Pack and consultation with the home education community to commence.
2. you contact the Minister of Education and request that he conduct an independent review of the many issues that home educators are raising with him in regards to the 2013 Information Pack. To date, the Minister is merely forwarding the letters to the Board of Studies for reply. We believe that the Minister is being misinformed and request that he take a personal interest in this matter to verify the truth.
3. a review of the 2013 Information Pack, in consultation with the home education community, be undertaken as a matter of urgency so that the revised Information Pack reflects the stated beliefs of the Coalition.
4. the revised 2013 Information Pack be released before the end of this school year.

I am also asking that you request the Minister to address the following issues as a matter of urgency.

1. The 2013 Information Pack and the Authorised Persons Handbook repeatedly refer to the education programme being delivered in the home. This shows a lack of understanding about the nature of home education. Education occurs in both the home and outside the home. Group learning, creative arts and sporting classes and excursions, to name a few, are a valuable means of delivering a high quality education. Under the new Information Pack these are classed as "extracurricular". The 2013 Information Pack needs to be amended so that references to the education programme being delivered in the home are removed.

Whilst the Q & A statement states that group leaning is allowed, it specifies that is in addition to learning that is happening primarily in the home.

2. The 2013 Information pack repeatedly states that the minimum curriculum requirements are the Board approved syllabuses. This is a drastic change and required consultation. Furthermore, this assertion is inconsistent with the Education Act 1990. The Act clearly states that the key learning areas can be delivered either by the adoption of the Board approved syllabus OR by an education programme endorsed by the Board. As the Act gives two options for delivering the minimum curriculum, the Board of Studies has overstepped its authority by mandating that only the Board approved syllabus meets the minimum curriculum requirements. The 2013 Information Pack needs to be amended so that home educators are aware of their right to submit an alternative programme for endorsement.

The Q & A statement also states that the NSW syllabus is the minimum curriculum and no other courses of study are acceptable. This shows that the Board of Studies has not understood the relevant legislation or has chosen to override it.

3. The Board of Studies has published some Questions and Answers on their website by way of clarifying the 2013 Information pack. This document lacks authority and does not allay my concerns. Both the Information Pack and the Authorised Handbook have been written in a professional manner and come with the official Board of Studies logo and usual comments that indicate they are official documents. The Q & A lacks all of these. Furthermore, there is no direction in the Authorised Person's Handbook for the Authorised Person assessing a home education programme to consider the Q & A. Rather, they are advised to use the Information Pack and their Handbook. Whilst the answers in the Q & A have serious deficiencies, if the Board of Studies, intends to stand by them they need to be included in both the Information Pack and the Authorised Persons Handbook.

Coalition Position on Home Education

Do the following comments still reflect the Coalition's position on home education? If yes, then like The Honourable Patricia Forsythe asked, "The issue is about whether the Minister has the will to stand up for the parents of New South Wales?"

I quote from the debate on the Education Act : Disallowance of Education amendment (home schooling) Regulation (transcript provided in your briefing notes),

Hon Mr O'Doherty : "First, we believe, and have always believed in home schooling as a legitimate form of education. Second, as I have said to home schoolers and now put on the record of Parliament, when the Coalition is in government it will consult with home schoolers on guidelines... The Coalition will not introduce guidelines or regulations which impose a school based model on home schooling, which is a different form of education.

The Act enshrines that parental responsibility and that the role of the State is to support parents in their choice. Guidelines or regulations that seek to limit home schooling and impose a Big Brother model which operates from the top down ... are inconsistent with a belief that the State should support parents in their choice and not impose its will on them.”

Hon Patricia Forsythe : “This debate is about Big Government and regulation for its own sake. The Opposition believes in consultation. We believe that groups affected have a right to be consulted.”

“The regulation contradicts the guidelines of the spirit of subordinate legislation in every area. There was no consultation, no cost benefit analysis and no attempt to involve those who were affected. The consequence of the regulation will be that those who are affected by this legislation will not be able to operate. It is designed to take home schooling away from parents.”

All of the above quotes apply equally to the current situation as they did in 1998. If the Coalition stands by its comments in Parliament, then immediate action needs to be taken by the government to rectify the situation.

Melanie, please take our cause to the Minister of Education and help bring about a speedy resolution to our concerns. We want to continue to provide a high quality education to our children but the Board of Studies, through this excessive regulation, is determined to tie us down with red tape. The 2013 Information Pack goes against both the letter and the spirit of the Education Act and is contrary to the policies of the Coalition on Education. We request that these regulations be repealed and consultation with the home education community begin for more reasonable regulations.

Yours sincerely,

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