

## **SUBMISSION OF THE INDEPENDENT EDUCATION UNION VICTORIA TASMANIA**

### **REVIEW OF THE TASMANIAN EDUCATION ACT DECEMBER 2014**

#### **Introduction**

The Independent Education Union Victoria Tasmania (IEU) is the union representing teachers, education support staff and other education professionals in Tasmanian Catholic and independent schools.

IEU welcomes the opportunity to contribute to the consultation process on the Minister's discussion paper on the Review of the Tasmanian Education Act. The review is a timely and very important part of examining the strengths and challenges of the Tasmanian education system and identifying directions for improving the education and training outcomes for Tasmania's children and young people. The consultation period is however very short and the IEU believes that it is important to continue a process of consultation following the analysis of the responses to the discussion paper.

The review of the Education Act is but one part of the process, and the IEU also believes it is important for the government and the community to focus on the many issues that are not captured or directed by legislation per se. This includes the broader scope of education and training policy, appropriate resourcing and future planning.

The IEU would welcome the opportunity to be part of a broader and deeper consultation process, particularly one that involves a strategic approach to developing a comprehensive, innovative and integrated model of education and training in Tasmania. The IEU is very supportive of the concept of the government setting up a policy-focused body of key stakeholders to undertake the necessary cross sectoral, bi-partisan deep thinking that is key to success in this endeavour.

#### **Foreword**

*Q1 – Are these the right themes?*

*Q2 – Additional themes?*

The IEU agrees strongly with the Minister's statement in the discussion paper's foreword that *we want more students in Tasmania to go on and complete Year 12 with strong literacy and numeracy skills and a meaningful qualification, providing them with real choices for their future employment, education and training.*

The Education Act is essentially a tool of regulation and as such, regulates education in the government, Catholic and independent education sectors, as well as home schooling. This Act however does not regulate all aspects of schooling. It sits alongside the Tasmanian Qualifications Act, and in respect to curriculum, assessment and reporting, the various policies of the Department of Education (Curriculum in Tasmanian Schools K-12, and the Assessment and Reporting policy). It also sits alongside legislation regulating the teaching profession.

Essentially this means that the current Act is limited in its scope in respect to the broader aspects of the provision of a quality education.

The IEU agrees that Tasmanian legislation needs to be responsive to current and future issues affecting school education. The discussion paper sets out a number of themes and possible options for reform. Notwithstanding the limitations in scope raised above, the eight themes of the discussion paper do provide an adequate framework to examine options in relation to current and future issues within the scope of this Act.

### **Guiding Principles for Education**

#### *Q3 - What principles should guide education in Tasmania?*

The IEU believes it is appropriate for the legislation to include a statement of purpose and underlying principles. Statements of Principle reflect the inherent values of education that the community holds and they articulate the rights of children and young people in respect to both the access to education and training opportunities, and the quality and standards of those opportunities. In addition, statements of purpose and principles provide an important underpinning of the roles and responsibilities of government and education providers.

The IEU is supportive of the examples of principles listed in the discussion paper. The IEU would however want to see a strengthening of those that merely state a right to an education. Wherever referenced, that education should be high-quality.

The IEU also believes it is essential that there is reference to the provision of adequate resourcing included in the Act. The IEU believes there should be reference to a resourcing standard which underpins the provision of quality education and training.

#### *Q4 - How can we raise the profile of the value of education and training amongst the Tasmanian community?*

Engagement of parents and the community in the education of their children and young people is key to raising the profile and promulgating the value of education. These principles are more likely to be effective if evident in day-to-day activities in schools and decision-making practices. It is difficult to legislate in relation to this but useful for the principles to be generally articulated in the Act.

### **Parent Community and Education Partnerships**

#### **A. School Associations**

*Q5 – Parent, community and education partnerships – what functions would you like to see included in these roles?*

*Q6 – Do you think school associations are a good way for parents and community members to be directly involved in their local school?*

*Q7 – Do you think the current model for school associations and community representation work well?*

The IEU acknowledges that this section of the discussion paper particularly relates to the government education sector and the requirement for every government school to have a school association.

## **Role of the Principal and Teacher**

*Q8 – Do you think the responsibilities of teachers need to be more clearly defined?*

While this section relates to the government sector, the IEU notes that the role of the teacher is not outlined in legislation, and that the duties and responsibilities of teachers are described through their statements of duty. The IEU would take this opportunity to highlight that the AITSL Teacher Professional Standards apply in relation to the registration of Tasmanian teachers and these are very comprehensive. The responsibilities of teachers as professionals are defined in the Teacher Registration Act 2009 and articulated through the various functions of the Teachers Registration Board. In addition, state industrial awards and agreements define the role of teachers and are more dynamic and flexible mechanisms to deal with the evolving nature of teaching. The IEU believes that it is unnecessary to amend the Act in respect to the role/responsibilities of teachers.

## **Safe Schools**

### **A. Student Behaviour Management**

### **B. Building Respectful School Communities**

*Q9 – Do you think unacceptable student and adult behaviour is dealt with appropriately and effectively across our education system currently?*

*Q10 – Do you think schools should be able to access student information prior to enrolment?*

*Q11 – Do you have any ideas about how we can make our schools safer?*

*Q12 – Are there other powers that you think can make our schools safer?*

Students and staff in schools are entitled to safe and secure learning environments. Many schools are unfortunately seeing an increase in aggressive and violent behaviour by students and parent/guardians.

The IEU believes that all schools should have comprehensive strategies, policies and behaviour management systems in place to address unacceptable behaviour in schools, as well as resources that help teachers and parent/carers to tackle this behaviour in order to create safe, respectful school environments.

The IEU notes that the current Act deals with discipline, unacceptable behaviour, punishment, exclusion and expulsion in government schools only. The policies and practices in Catholic and independent schools are essentially matters for the school and system policies.

The requirements articulated in the Act in respect to the registration of non-government schools do not specifically require discipline policies and processes to be articulated, nor codes of conduct for parents and students to be developed (as is articulated under the functions of school associations). IEU believes these policies should be included in the specified matters outlined under the **Grant of Application**.

In addition, the IEU supports the exploration of and further consultation on the two options for reform proposed in the discussion paper, those being:

- Allowing for information to be obtained about a student from a range of sources,

including other schools and public authorities, for a school to be able to assess if the enrolment of a student is likely to be a risk to the safety of others at the school, and if so how to mitigate these risks, similar to NSW; and

- Introducing penalties for adults demonstrating inappropriate and unacceptable behaviour towards school staff or students, such as those measures introduced in South Australia and the ACT.

## **Enrolment (Including Starting and Leaving Ages)**

### **A. Starting and leaving Ages**

*Q13 – Do you think our starting and leaving ages should align with the rest of Australia?*

*Q14 – Do you think any reform would affect existing enrolment and attendance in Tasmania?*

The IEU believes that there is merit in a detailed discussion of school starting and leaving ages, but would caution about the need to first identify what are the root causes of students in Tasmania leaving school before the completion of Year 12.

If Tasmania were to adjust the school starting and leaving ages to those of say Victoria, South Australia and the ACT, that is 4 years and 8 months, and maintain the leaving age which is already the same as those states, would this in itself bring Year 12 completion rates into line with those states? An earlier starting age is of itself not necessarily beneficial to longer term outcomes in schooling. A number of top performing countries have a much later starting age, although attendance in pre-school programs may be longer.

Most children in Tasmania start school in Kindergarten at their local school when they are four years of age. A child who is four years old as of 1 January in any year is entitled to go to Kindergarten. If students are able to start school (Prep) if they are 4 years and 8 months, will this mean that those children may never have attended Kindergarten, and if so, is this disadvantageous to their school readiness and longer term outcomes? This may raise the need to adjust the provision of Kindergarten learning programs to 3 year olds.

### **B. Student Records and Data (including privacy)**

*Q15 – Do you support the collection and use of student data to better inform decision making and support student learning*

*Q16 – What type of data do you think is important for education sectors to share?*

*Q17 – Should files for children at government schools have the same level of protection as those at non-government schools?*

The IEU is supportive of a student's records from their previous school being available to a new school. It would be important to ensure privacy and confidentiality are maintained in the sharing arrangements in so far as the information should be used by the receiving educational institution for decision making purposes and primarily for the support of students in their education.

The IEU agrees that it is important to determine the type of data that could be shared. Data that assists schools to support the needs of a student should be considered. This raises the issue of health and/or disability information being shared.

### **C. Post- Year 10**

*Q18 – Do you think people should be able to access Year 13 in a college?*

*Q19 – Should enrolment for year 13 students be managed on a more consistent basis, with capacity to take exceptional circumstances into account?*

*Q20 – Do you think adult learners should be able to access their entitlement in a college or TasTAFE?*

*Q21 – Should entitlement to education in a school be capped?*

The IEU notes that this section pertains specifically to the government education sector. The IEU firmly supports the principle that all Tasmanians have the opportunity to engage in learning opportunities after they finish school that will enable them to gain further skills and qualifications, assisting them with future employment options.

The IEU believes that students should continue to be legally entitled to complete senior secondary education (Year 11 and 12) after they have completed Year 10, which is the equivalent of two years of full-time study.

The IEU strongly supports enhanced flexibility of provision and believes that a student who wishes to access their 2 years post Year 10 education should be able to do so through TasTAFE. The IEU does not believe that imposing a time limit on the completion of the 2 years equivalent full-time post Year 10 study is consistent with the important principles of improving the number of students who gain a year 12 or equivalent education, and the need to enhance the skills and knowledge base and employment opportunities for Tasmanians.

The IEU strongly supports the opportunity for a person regardless of their age, who has used their entitlement to two years senior secondary schooling to apply to attend a government school for a further full-time equivalent year of study (commonly known as Year 13). The IEU understands that currently the decision as to whether or not the school accepts the application rests with the principal on a case by case basis. The IEU supports a consistency of approach between schools.

### **Attendance and Participation**

#### **A. Attendance and Non-attendance**

*Q22 – Do you think the existing provisions relating to attendance are adequate?*

*Q23 – Do you think there should be alternative options in addition to prosecution to ensure parents meet their legal obligations?*

*Q24 – Do you think parents understand their legal responsibilities regarding attendance?*

*Q25 – Are there other legislative reforms that should be considered as part of any review of the Act in relation to attendance?*

The IEU believes that prosecuting parents for children not attending school should be the last resort and is concerned that currently this is the only legal option available in Tasmania. The IEU strongly supports the introduction of compulsory conferences involving the Children's Court as a preliminary step prior to any prosecution. This would also allow for the extenuating circumstances such as a child living independently of parents being considered in the process.

The IEU believes that early intervention and a range of support strategies are the key to success in engaging parents and students in addressing non-attendance. Schools need to

have access to additional support and resources, such as allocated social workers and counsellors, in more difficult cases.

## **B. School hours**

*Q26 – Do you agree that students in the same year level should have access to the same number of instructional hours?*

*Q27 – What is your view on whether children of the same age level should receive the same level of instructional hours?*

The current provisions in the Education Act in respect to attendance time for students refer to the requirement to attend a school during the whole of a school day. A parent may apply to the Secretary to permit a child to attend school part-time. There are also a number of other exemptions provided for.

The length of the school day in schools is determined by a variety of factors, including the hours provided in specific subject areas in the education program, co-curricular and extra-curricular activities that may be offered to students, additional religious education that may be offered by some schools etc.

The IEU believes that for the purposes of determining attendance time, the current provisions seem appropriate. In respect to ensuring adequate coverage of the curriculum per se, it is no doubt useful for schools to know the notional hours recommended for general coverage of the learning area or subject and this is best done in the instruments determining specific curriculum.

## **Government School Operations**

### **A. Curriculum**

*Q28 – Do you think that it is important to reinforce the apolitical nature of public education?*

*Q29 – Should we make any changes around how religious education in government schools is implemented?*

The IEU notes that this section of the discussion paper pertains specifically to the government education sector.

Given the existing requirements for teachers under the State Service Principles to perform in an impartial, ethical and professional manner, the IEU believes that amending the Act to specify that the curriculum and teaching in government schools does not promote any particular political party is unnecessary, and undermining of the professional status of teachers.

### **B. Early years and Kindergarten**

*Q30 – Do you think that Kindergarten and early learning programs, including the collection of data should be appropriately recognised in the Act?*

The importance of Kindergarten and early learning programs to longer term successful educational outcomes for children and young persons cannot be underestimated. Improving the capacity for the sharing of educational information between the various sectors, providers and stages of education is an important part of catering effectively for the needs of students. However, the IEU would be concerned that there is a comprehensive consultation on how data would be collected, for what specific purposes, and how it would be proposed that the Act is amended to require this.

## **Non-Government Schools**

*Q31 – What do you think of the proposed model systems for schools?*

*Q32 – What do you consider to be reasonable levels of accountability? For example reporting to the Minister?*

The IEU believes that the current model of registering schools through the School Registered Board (SRB) is the most appropriate and effective mechanism for the registration of schools in Tasmania and this should be retained. The registration process needs however to be more adequately resourced to undertake the processes of review.

In respect to the proposal that there be inclusion of more explicit requirements that non-government schools must meet, the IEU believes that schools, persons or other bodies should be required to meet prescribed minimum standards for registration as a school, including general requirements in respect to:

- Student learning outcomes and welfare services
- Student enrolment records and certification
- Teaching, learning and assessment
- Governance, probity and compliance with statutory requirements
- Quality assurance, review and evaluation processes.

The IEU would highlight that the standards articulated in the Schools Registration Handbook do list the broad range of requirements for registration, including assessment and reporting.

The IEU is not clear about what is actually being proposed in the discussion paper in respect to assessment and reporting requirements, and reporting to the Minister on student performance. The IEU is keen to discuss any proposal in respect to changed requirements in greater detail.

The IEU is also interested to discuss further any proposal for the development a legislative framework that would provide for the registration of non-government systems as well as individual non-government schools. In both NSW and Victoria there are provisions for systems to undertake some of the monitoring and reporting in respect to the requirements of registration.

However, the IEU believes that any model would need to satisfy clear and transparent accountability and quality assurance measures. The ability for schools to form systems to undertake aspects of the registration process would have to be dependent on a raft of criteria including size of system and number of schools, adequate governance and infrastructure support, accountability safeguards etc.

## **Home Schooling**

*Q33 – How do you think the Act could reflect responsibilities of parents as educators, as well as define the role of the Home Education Advisory Council?*

The IEU is concerned that any exemption from attendance at school and in particular application for home schooling should only be for exceptional circumstances where a child is unable to attend a regular school.

The IEU is concerned that the provision of home schooling is not regulated sufficiently to

ensure that the schooling received is the equivalent standard and scope of the teaching and learning provided for by schools. Schools in Tasmania are subject to rigorous quality assurance processes and teachers are required to meet the professional standards of teacher registration in order to teach.

The IEU is concerned that there needs to be clear educational and monitoring requirements articulated in respect to the home schooling programs. The union believes that these should include specifying the learning areas in which the child must receive regular instruction, the qualifications and experience of the person delivering the home schooling and explicit articulation of how the curriculum learning outcomes are to be achieved.

The IEU believes that the approval and monitoring of home schooling programs should be undertaken by staff with an education background, and undertaken under the auspices of the School Registration Board or the Department of Education. Enhancing the quality assurance process will as a consequence require adequate resourcing.

### **Conclusion/Other issues**

*Question 34 – other areas of reform of options?*

The IEU is very pleased to contribute to this important discussion paper and looks forward to further consultation on any proposals emerging from this stage of the review process.

**Authorised by Debra James**

**General Secretary Independent Education Union Victoria Tasmania**

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