

Commentary on the Draft Education Regulations 2017 as it applies to Homeschool Families

Overview: This document is FAR too vague, and gives far too much undefined power to the VQRA with no guidance or protection for homeschool families who will be subject to that power. In at least one case, it intends to usurp the moral and legal rights and responsibilities of a parent to protect their child from harm. It brings up far more questions than it answers.

The Regulatory Impact Statement, which should be used to explain why the regulations were written the way they were, is instead used to hide functional regulations where they needn't be reviewed before or announced when they are changed, leaving the homeschool family on a slippery footing where they can't count on the rules from one moment to the next. This is duplicitous and unfair.

Division 1—Application for registration for home schooling

Regulation 72: Application for registration

1) a parent of a child may apply to the VRQA to register the child as a student for homeschooling	Already the law.
2) where a student is proposed to start homeschooling;	-
(a) at the beginning of a school year, an application must be made under subregulation (1) must be submitted by 30 Nov in the year before the student is proposed to start homeschooling or	What about people new to Victoria? What is the process for mid-year registration for children not already in a Victorian school?
(b) other than at the beginning of a school year and an application under sub regulation(1) has been made for a child of compulsory school age, the child must remain enrolled at and must attend, a registered school until the VRQA notifies the applicant of the VRQA's decision to approve the application in accordance with regulation 74.	No. This is entirely inappropriate and in some cases legally and morally indefensible. A custodial parent has the legal and moral obligation to protect and remove a child from a dangerous or abusive situation. To fail to do so opens the parent to legal loss of custody; the VQRA cannot mandate otherwise. There are circumstances in which for physical or emotional health, a child must be removed from the school immediately. This regulation makes no accommodation for that circumstance.

	<p>Parents do not withdraw a student from school in the mid-term on a whim, and the parent's judgement must be respected.</p> <p>At minimum, allow for a doctor's note, in cases where the withdrawal is urgent.</p>
(3) An application to register a child as a student for homeschooling must-	-
(a) be in the form approved by the VRQA	Already the law.
(b) be signed by the parent who will be responsible for homeschooling of the student; and	Already the law.
(c) include or be accompanied by-	-
(i) evidence of the child's full legal name and date of birth; and	Already the law.
(ii) a proposed educational program comprising a learning plan that specifies when and where instruction will take place and the subject matter that will be covered by the instruction during the first year of registration and	<p>No. This is completely inappropriate.</p> <p>a proposed educational program comprising a learning plan ... the subject matter that will be covered by the instruction during the first year of registration</p> <p>a) No one is an expert on homeschooling when they start out.</p> <p>People who never intended to use the public schools may well be able to meet this requirement, but people pulling their children out of an untenable school situation are already under incredible stress because of their child's distress and they will be further stressed by this impossible requirement.</p> <p>Tasmania requires that a plan be provided after an interim</p>

	<p>approval. This makes far more sense. I would recommend a six month interim period after which the parents can be expected to have a plan.</p> <p>specifies when and where instruction will take place ...</p> <p>b) When and where instruction will take place is a meaningless requirement.</p> <p>Life is education and learning is a lifestyle for a homeschool family.</p> <p>An impromptu visit to a music festival, museum, or other cultural institution are just as educational as is time spent with a book, seated in a “school room” or at the library. Often, because it is more engaging, it proves more educational.</p> <p>Sometimes a change of scenery is needed to help a child refocus – studying the usual materials in a new location (Nan’s house, the park, the library) can be just the ticket to renewed focus for a bored child. Where we learn is irrelevant.</p>
<p>(iii) details of the educational materials and resources proposed to be used in the instruction, including how the students learning outcomes will be recorded.</p>	<p>No, this is completely inappropriate.</p> <p>details of the educational materials and resources</p> <p>a) No one is an expert on homeschooling going in. People who never intended to use the public schools may well be able to meet this requirement, but people pulling their children out of an untenable situation will be</p>

	<p>further stressed by this impossible requirement.</p> <p>how the students learning outcomes will be recorded.</p> <p>b) Homeschool parents are not experts on the government school's way of doing things. We explore and we learn, rather than ticking "learning outcomes" boxes. Not everything learned from an experience can be neatly fitted into a tick box nor can it all be pre-defined for a bureaucratic check-list months in advance. It would be far more reasonable to ask in a review how the required topics have been covered by the family over the previous year. We can explain a great deal in retrospect that we could not have predicted.</p>
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Regulation 73: Requirement to provide further information to VRQA

<p>(1) The parent who will be responsible for the home schooling of a student must, if requested by or on behalf of the VRQA, provide further information, within the period and in the manner and form specified in the request, to allow the VRQA to assess whether it is appropriate for a child to be registered for home schooling.</p>	<p>How will the need for information be determined? Who will evaluate the provided information, and on what grounds? What will be the training and educational background of this evaluator?</p> <p>Who will decided what is "appropriate" for the child and on what basis will they determine that?</p> <p>On what grounds are parents, the people who care most and know the child best, not assumed to be the best guarantors of an appropriate education for their child?</p> <p>What is the minimum time a parent will have to respond to these demands?</p>
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<p>(2) The VRQA may refuse to register a student for home schooling if, in the VRQA's opinion, insufficient information has been provided by the parent in response to a request made under subregulation (1).</p>	<p>Who decides what information it is appropriate to demand? On what basis is that determination made? Who decides what form it is appropriate to provide the information in? What about in a case where that form is difficult or impossible for that family to comply with?</p>
	<p>What about a method for challenging this determination? What happens while the challenge is in progress?</p> <p>Who decides what it "insufficient information? How is that regulated?</p>

74 Notice of decision regarding registration for home schooling

<p>(1) The VRQA must notify an applicant for registration of a student for home schooling of the VRQA's decision in relation to the application.</p>	<p>Already the law.</p>
<p>(2) The notice must—</p>	<p>-</p>
<p>(a) be in writing; and</p>	<p>A wonderful improvement. By mail please, since we are asked to prove registration at various points.</p>
<p>(b) if applicable, set out the date of registration of the student for home schooling; and</p>	<p>-</p>
<p>(c) if applicable, set out the terms and conditions of any exemption granted by the VRQA under regulation 76(3);</p>	<p>-</p>
<p>(d) be given within 28 days after the VRQA receives an application in accordance with regulation 72.</p>	<p>Fabulous! It will be good not to be left hanging for half a year anymore.</p>
<p>Note: No fee is payable for the registration of a student for home schooling.</p>	<p>Already the law.</p>

75 State Register

<p>The VRQA must ensure that the following details</p>	<p>-</p>
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regarding a student registered for home schooling are contained in the State Register—	
(a) the full legal name, address and date of birth of the student; and	Already the law.
(b) the name and address of the parent responsible for the home schooling of the student; and	Already the law.
(c) the date of registration of the student.	Already the law.
Note: Section 4.9.1(2) of the Act prohibits the details of students registered for home schooling from being made public.	Excellent, but already the law.

Division 2—Requirements of registration for home schooling

76 Requirements of instruction in home schooling

(1) It is a requirement of registration of a student for home schooling that the student must receive regular and efficient instruction that—	Already the law.
(a) taken as a whole, substantially addresses the learning areas set out in Schedule 1 to the Act, unless the VRQA grants an exemption under subregulation (3); and	Already the law.
(b) is consistent with the principles underlying the Act, being the principles and practice of Australian democracy, including the principles under section 1.2.1(a) of the Act.	Already the law.
(2) A parent responsible for the home schooling of a student may make an application to the VRQA for an exemption under subregulation (3).	Already the law.

<p>(3) The VRQA may, subject to subregulation exempt a student from receiving instruction in one or more of the learning areas set out in Schedule 1 to the Act.</p>	<p>Already the law.</p>
<p>(4) The VRQA must not grant an exemption under subregulation (3) unless the VRQA is satisfied that it would be unreasonable to require the student to receive instruction addressing the learning area or areas.</p>	<p>Already the law.</p>

77 Requirement to notify VRQA of changes to details

<p>It is a requirement of registration of a student for home schooling that the parent responsible for the home schooling of the student must notify the VRQA in writing as soon as possible of any changes to the information provided to the VRQA in, or accompanying, the application for registration of a student for home schooling under regulation 72.</p>	<p>No. This is unreasonable.</p> <p>This requirement adds a huge amount of paperwork, both for the homeschooling family (especially a new one, still trying to find the best materials and approach for their scholar) and to the VRQA.</p> <p>It is very common to choose a book or curriculum based on reputation, only to find that it doesn't work for one's own scholar – which one can't know until one gives it a go. This requirement adds to the burden of making a change for the scholar's benefit.</p> <p>It also adds a layer of potential judgement to the already disappointed parent's decision to give up on a resource on which they have likely already spent money and time.</p>
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78 Requirement to notify VRQA annually of continuation of home schooling

<p>It is a requirement of registration of a student for home schooling that the parent responsible for the home schooling of the student must notify the VRQA in writing before 30 November each year as to whether the child is to be home schooled in the following year.</p>	<p>Acceptable.</p>
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79 Requirement to provide information to VRQA

<p>It is a requirement of registration of a student for home schooling that the parent responsible for the home schooling of the student must, if required by the VRQA, provide information to the VRQA to allow to VRQA to assess whether it is appropriate for a child to continue to be registered for home schooling.</p>	<p>It is, according to the United Nations Universal Declaration of Human Rights Article 26, and according Australia law (Family Law Act of 1975) in keeping with United Nations, the right of the parent to determine how their child is to be educated. This requirement to provide (unlimited and unspecified) information to the VRQA representative on pain of “revocation” of that right, usurps the parent’s natural right.</p>
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80 Requirement to notify VRQA if child ceases to be home schooled

<p>(1) It is a requirement of registration of a student for home schooling that the parent responsible for the home schooling of the student notify the VRQA in writing of the cessation of home schooling in accordance with this regulation.</p>	<p>Already the law.</p>
<p>(2) A notice under subregulation (1) must specify the date on which the home schooling of the student ceased.</p>	<p>Already the law.</p>
<p>(3) A parent must give notice to the VRQA under subregulation (1) within 14 days after the student ceases to be home schooled.</p>	<p>Already the law.</p>
<p>(4) Despite subregulation (3), a parent may give notice to the VRQA at any time before the time period specified in subregulation (3) that the home schooling of the student is to cease.</p>	<p>Already the law.</p>

Division 3—Review of registration for home schooling

81 VRQA may review registration for home schooling

<p>The VRQA may review the registration of a</p>	<p>Grudgingly accepted</p>
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student for home schooling in accordance with this Division.	
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82 Requirement to notify responsible parent and specify information to be provided

(1) If the VRQA decides to review the registration of a student for home schooling the VRQA must give notice of the review to the parent responsible for the home schooling of the student.	How is the decision to be made who will be reviewed and when?
(2) The notice must—	-
(a) be in writing; and	A good idea. By mail please.
(b) outline the scope of the review, the timelines for the review and the process the VRQA will use to conduct the review.	What is the minimum time we can be given to prepare? What can (and can't) be included in the scope? How often must we be prepared for a review? How long (minimum and maximum) are reviews intended to take us away from our primary duty to educate our children?
(3) At any time during the conduct of the review, the VRQA or an authorised officer of the VRQA may by written notice require the parent responsible for the home schooling of the student to provide specified information within the period and in the manner and form specified in the notice.	In fairness, the types of information and the level of detail that may be required and the forms they must take must, be defined ahead of time.

83 Notice of outcome of review of registration for home schooling

(1) As soon as practicable after the completion of the review, the VRQA must notify the parent responsible for the home schooling of the student of the outcome of the review.	No. This is unacceptable. Parents are given a strict deadline by which to meet demands for “information”, not specified anywhere, so that we can be “allowed” to remain legally registered to retain our fundamental human rights, but reviews, which can be scheduled at the VRQA’s convenience, can be assumed to be mainly routine, and will have no affect
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	regardless of outcome on VQRA regardless of outcome, are given free reign to take as long as “necessary”. How is that fair?
(2) The notice must—	
(a) be in writing; and	Good.
(b) state whether the VRQA is satisfied that the requirements of registration have been met; and	Good.
(c) state what action (if any) the VRQA proposes to take as an outcome of the review.	Good, BUT what about the ability to contest unfair findings?
Note The VRQA may cancel a registration for home schooling under section 4.3.9(1)(b)(ii) of the Act if a parent fails to comply with a requirement of these Regulations relating to home schooling.	Unacceptable. It is, according to the United Nations Universal Declaration of Human Rights Article 26, and according Australia law (Family Law Act of 1975) in keeping with United Nations, the right of the parent to determine how their child is to be educated. This requirement to provide (unlimited and unspecified) information to the VRQA representative on pain of “revocation” of that right, usurps the parent’s natural right.

Division 4—Cancellation of registration for home schooling

84 Cancellation of registration initiated by the parents

If the parent responsible for the home schooling of a student notifies the VRQA under regulation 80, the VRQA must cancel the registration of the student for home schooling—	Already the law.
(a) if the student has ceased to be home schooled, on the date of receipt of the notice; or	Already the law.
(b) in any other case, on the date specified in the notice given under regulation 80.	Already the law.

85 Notification of cancellation of registration by the VRQA

The VRQA must notify the parent responsible for the home schooling of a student in writing of the cancellation of the registration of the student for home schooling under section 4.3.9 of the Act.

It is, according to the United Nations Universal Declaration of Human Rights Article 26, and according Australia law (Family Law Act of 1975) in keeping with United Nations, the right of the parent to determine how their child is to be educated. This requirement to provide (unlimited and unspecified) information to the VRQA representative on pain of “revocation” of that right, usurps the parent’s natural right. The VRQA is, by implication, usurping that right with this regulation.

No provision is provided to contest this decision, nor any guidance provided for ensuring that one will succeed in the review.