



Premier of New South Wales  
Minister for Western Sydney

Mr John Young  
The Director  
Select Committee on Home Schooling  
Parliament House  
Macquarie St  
SYDNEY NSW 2000



Dear Mr Young

Please find attached the NSW Government response to the inquiry of the NSW Legislative Council Select Committee on Home Schooling.

Yours sincerely

**MIKE BAIRD MP**  
Premier

*Received at 9.00am  
Monday 13 July 2015  
[Signature]*

Select Committee on Home Schooling – Home Schooling In NSW

Recommendations made by the Select Committee on Home Schooling	NSW Government response
<p><b>Recommendation 1</b></p> <p>That relevant provisions of the <i>Education Act 1990</i> be amended to ensure the practice of home schooling is referred to as non-institution based education.</p>	<p><b>Recommendation not supported.</b></p> <p>The Committee's report did not provide any evidence of the efficacy of, or support for, the term 'non-institution based education' among home schoolers or other stakeholders.</p>
<p><b>Recommendation 2</b></p> <p>That the Board of Studies, Teaching and Educational Standards commission research into 'unschooling' as an educational approach used by some members of the home schooling population, with a focus on whether this approach achieves acceptable education outcomes for the child.</p>	<p><b>Recommendation not supported.</b></p> <p>The NSW Government wants all students to achieve strong educational outcomes and is prepared to consider any research which will help to achieve that aim.</p> <p>In relation to research into 'unschooling' as an educational approach, the Home Education Association may be better placed to commission this research as this role does not fall within BOSTES' responsibilities under the Education Act.</p>
<p><b>Recommendation 3</b></p> <p>That the Minister for Education write to the Federal Minister responsible for the Australian Bureau of Statistics, recommending that the Census form be amended to capture more information relevant to identifying the extent of home schooling within Australia.</p>	<p><b>Recommendation supported.</b></p> <p>This would be useful data and would provide a reliable alternative to the anecdotal information currently available.</p>
<p><b>Recommendation 4</b></p> <p>That the Board of Studies, Teaching and Educational Standards review their registration forms and include a mandatory provision of the reason as to why an applicant has decided to home school their child, with this data being extracted and reviewed annually.</p>	<p><b>Recommendation not supported.</b></p> <p>In order to meet the compulsory schooling provisions of the Education Act, parents may choose to enrol their child in a government school or a non-government school, or, they may seek registration for home schooling. The Act does not require that parents provide a reason for the legitimate educational choices they make under this provision.</p> <p>The BOSTES form for home schooling already includes an optional section for parents to provide the reason for deciding to home school. This gives parents the opportunity to provide a reason for their schooling choice if they wish.</p>

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<p><b>Recommendation 5</b></p> <p>That the Board of Studies, Teaching and Educational Standards pursue opportunities for home schooling students to participate in NAPLAN testing, except in cases where it has been demonstrated that a student has a learning difficulty, disability or other special need.</p>	<p><b>Recommendation supported.</b></p> <p>The BOSTES already provides opportunities for home schooling students to participate in NAPLAN testing.</p>
<p><b>Recommendation 6</b></p> <p>That the Board of Studies, Teaching and Educational Standards undertake further research into the outcomes of home schooling in three years' time.</p>	<p><b>Recommendation not supported.</b></p> <p>The NSW Government wants all students to achieve strong educational outcomes and is prepared to consider any research which will help to achieve that aim.</p> <p>However, this recommendation presents practical difficulties because only approximately 10% of eligible registered home schoolers voluntarily participate in the NAPLAN. The results of this self-selected group could not be generalised across the population of home schooled children making further research into the outcomes of home schooling difficult.</p> <p>Once registered, the parent of a home schooled child is responsible for assessing the child's learning progress and outcomes. Research into the outcomes of home schooling is outside of BOSTES' responsibilities under the Education Act.</p>
<p><b>Recommendation 7</b></p> <p>That the Minister for Education review the registration requirements for home schooling so as to allow students from 4.5 years to 19 years to be registered for home schooling.</p>	<p><b>Recommendation not supported.</b></p> <p>The Education Act requires the compulsory schooling of children aged 6 to 17 years.</p> <p>Parents are free to choose to home school their children outside of this compulsory schooling period without formal registration.</p>
<p><b>Recommendation 8</b></p> <p>That the Minister for Education undertake a comprehensive review of the requirements and registration process for home schooling, in order to improve rigour, consistency and transparency and further work with stakeholders to ensure this outcome.</p> <p>The committee believes that the outcomes of the review should include a registration system that incorporates the following features:</p>	<p><b>Recommendation not supported.</b></p> <p>The NSW Government wants all students to achieve strong educational outcomes and supports ongoing consultation with the home schooling sector and other key stakeholders to continually improve the home schooling registration system.</p> <p>However, the BOSTES does not support the review contemplated by recommendation 8. The proposed changes to the registration system are</p>

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<ul style="list-style-type: none"> <li>• an interim registration period of between six (as the minimum) and 12 months to be imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling</li> <li>• on expiry of an interim registration period, an additional registration period for the balance of the child's primary or secondary education (whichever is relevant) to be imposed, subject to the applicant demonstrating that they meet the relevant requirements for home schooling at the end of the interim registration period</li> <li>• the requirement that applicants renew their registration for home schooling if their child is transitioning from primary to secondary education, such that the applicant has to demonstrate that they continue to meet the registration requirements</li> <li>• a requirement that applicants participate in at least annual 'home support visits' in circumstances where they have been granted a registration period for the balance of their child's primary or secondary education, with the purpose of this visit to ensure that the family is delivering an educational program that meets the syllabus requirements and child's needs</li> <li>• that applicants be provided with written reasons in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling</li> <li>• the ability for applicants to be able to apply for an external review of a decision, if dissatisfied after an initial review, in circumstances where a minimum period of registration has been imposed, or where they have been directed to formally renew their registration for home schooling.</li> </ul>	<p>beyond the scope of the provisions of the Education Act and the regulatory function of the BOSTES, particularly in relation to the proposed 'home support visits'. This recommendation would cast BOSTES as both a support body and a regulator, and if adopted could compromise BOSTES' regulatory independence.</p>
<p><b>Recommendation 9</b></p> <p>That the Board of Studies, Teaching and Educational Standards review the roles of staff involved in the regulation of home schooling, so as to create a new position of an Assessment and Support Officer, whose primary purpose is to provide guidance and support to home schooling applicants, to ensure they are providing an educational program that meets the syllabus requirements and child's needs.</p>	<p><b>Recommendation not supported.</b></p> <p>The NSW Government already provides a range of support measures for the home schooling sector and will continue to provide relevant and adaptable educational programs for home schooling families across NSW.</p> <p>However, the BOSTES does not support a review contemplated by recommendation 9. The role of an 'Assessment and Support Officer' as described in Recommendation 9 exceeds the current responsibility of the BOSTES under the Education Act and would cast BOSTES as both a support body and a regulator.</p>

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<p><b>Recommendation 10</b></p> <p>That the Board of Studies, Teaching and Educational Standards develop and commit to a professional development and training policy for all staff involved in the regulation of home schooling, with regular involvement from representatives of the home schooling population.</p>	<p><b>Recommendation supported.</b></p> <p>Such training already occurs. The BOSTES supports such training continuing to occur.</p>
<p><b>Recommendation 11</b></p> <p>That the NSW Government investigate mechanisms to identify children who are not receiving compulsory education.</p>	<p><b>Recommendation supported in principle</b></p> <p>The NSW Government already has mechanisms to identify children who are not receiving compulsory education. Where the Department of Education becomes aware that a child or young person is not receiving compulsory education, the Department's Home School Liaison Program investigates and parents have a limited time to comply with their obligations. Legal action will be commenced if the child or young person is not enrolled in school or registered for home schooling within the limited timeframe provided.</p> <p>The NSW <i>Children and Young Persons (Care and Protection) Act 1998</i> provides for the exchange of information about children not receiving a compulsory education between relevant agencies. The BOSTES regularly provides information to the Department about children who have ceased being registered or appear not to be receiving a compulsory education.</p>
<p><b>Recommendation 12</b></p> <p>That the Board of Studies, Teaching and Educational Standards Board establish a consultative group to:</p> <ul style="list-style-type: none"> <li>• oversee consultation between the BOSTES and home schooling population</li> <li>• provide input to and review the design and implementation of home schooling policies and procedures</li> <li>• provide ongoing advice and assistance to the BOSTES.</li> </ul> <p>That the consultative group be chaired by the Executive Director of Regulation and Governance from the Board of Studies, Teaching and Educational Standards Board. Membership of the consultative group to include at least four home schooling representatives and at least four others nominated by BOSTES for their knowledge and expertise in primary and secondary education and the education of children with disabilities.</p>	<p><b>Recommendation supported.</b></p> <p>The BOSTES supports consultation with the home schooling community and stakeholders.</p>

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<p><b>Recommendation 13</b></p> <p>That the Board of Studies, Teaching and Educational Standards continue with consultation with the home schooling population and ensure that this happens on a regular basis.</p>	<p><b>Recommendation supported.</b></p> <p>The decision to withdraw from existing consultation processes was made by the relevant home schooling representatives. The BOSTES remains open to consultation.</p>
<p><b>Recommendation 14</b></p> <p>That the Board of Studies, Teaching and Educational Standards undertake a review of the <i>Registration for Home Schooling in NSW – Information Package</i>, in consultation with key stakeholders, with this review to be finalised by June 2016.</p>	<p><b>Recommendation supported.</b></p> <p>The BOSTES reviews the Information Package on a regular basis. Stakeholders will be invited to consult as part of the next review. Completion of the review by the end of 2016 is a more realistic timeline given the available resources including time for consultation.</p>
<p><b>Recommendation 15</b></p> <p>That the Board of Studies, Teaching and Educational Standards ensure that any registration assessment recognise that educational experiences outside of the home can be valuable and incorporated into an educational program, subject to these activities contributing to syllabus outcomes.</p>	<p><b>Recommendation supported.</b></p> <p>Such recognition already occurs.</p>
<p><b>Recommendation 16</b></p> <p>That the Board of Studies, Teaching and Educational Standards develop, in consultation with stakeholders, a strategy that promotes membership of home schooling organisations to applicants of home schooling.</p>	<p><b>Recommendation supported.</b></p> <p>The BOSTES is supportive of membership of home schooling organisations. The promotion of such membership would need to be impartial and consistent with the BOSTES regulatory function.</p>
<p><b>Recommendation 17</b></p> <p>That the Department of Family and Community Services review their policies and systems, with the objective of identifying and improving the collection and reporting of data related to child protection matters within the home schooling population.</p>	<p><b>Recommendation supported in part.</b></p> <p>There is insufficient evidence that home schooled students are at greater risk when compared to their school counterparts, and this does not currently form part of state or national child protection reporting.</p> <p>The existing safeguards requiring persons delivering home schooling to be registered and to report suspected risk of significant harm are considered appropriate. The collection of specific data on the home schooling population would place additional record-keeping demands on staff and require system changes.</p> <p>FACS will work with BOSTES to review the evidence base and need for additional child protection reporting in relation to home schooling.</p>

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<p><b>Recommendation 18</b></p> <p>That the Minister for Education investigate and report on the barriers to home schooling students participating in and being awarded a Higher School Certificate.</p>	<p><b>Recommendation not supported.</b></p> <p>Home schooled children can sit for HSC examinations now as self-tuition students. Self-tuition students receive a results notice but not a Higher School Certificate. A results notice may be used in the calculation of an ATAR which may be used for university entrance.</p> <p>The barrier to home schooling students participating in, and being awarded, a HSC is that home schooling students lack the 50% school based assessment component which is an essential element of the HSC. Any decision to make home schooled students eligible for a HSC without a school based assessment component risks adverse impacts on the rigour and credibility of the HSC.</p>
<p><b>Recommendation 19</b></p> <p>That the Department of Education and Communities review their policies to ensure that home school students can access and participate in Hospital School Programs.</p>	<p><b>Recommendation supported</b></p> <p>The Department provides school aged students who are enrolled in a school (both government and non-government), and are in-patients, with access to hospital school programs.</p> <p>The Department's Disability, Learning and Support area, in conjunction with other relevant areas of the Department, will lead a review to reaffirm procedures in department hospital schools to ensure that all compulsory school aged in-patient students have access to hospital school programs.</p>
<p><b>Recommendation 20</b></p> <p>That the Department of Education and Communities investigate and report on the impacts of home schooling students accessing schools, either on a part time basis, or for particular components, on schools educational delivery and child protection and safety.</p>	<p><b>Recommendation supported.</b></p> <p>Home schooling students accessing public schools, either on a part-time basis or for particular components may have implications in areas such as staffing, duty of care, legal responsibilities, child protection, work health and safety and funding.</p> <p>The potential impacts would need to be balanced against any potential benefits for students registered for home schooling accessing public schools on a part time or sessional basis.</p> <p>The Department will form a working group with broad representation to investigate and report on impacts of home schooling students accessing schools, either on a part-time or sessional basis.</p>

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<p><b>Recommendation 21</b></p> <p>That the Board of Studies, Teaching and Educational Standards provide information to home schooling applicants about options that exist for financial assistance.</p>	<p><b>Recommendation supported.</b></p> <p>The BOSTES would use its best endeavours to provide the source of such information without being responsible for dealing with any inquiries.</p>
<p><b>Recommendation 22</b></p> <p>That the Board of Studies, Teaching and Educational Standards and the Minister for Education take whatever action is necessary to ensure students registered for home schooling receive a student card for the purpose of obtaining student concessions.</p>	<p><b>Recommendation supported in principle.</b></p> <p>The BOSTES already provides advice to the agencies that are responsible for these programs confirming if a child is registered for home schooling, if requested by the child's parent.</p> <p>Parents of registered children receive a certificate of registration for each registered child. Certificates of home schooling registration provide parents with evidence of the registration of their children that can be used by other agencies to verify registration.</p> <p>All NSW children aged 4-15 years are entitled to half-fare concessions on trains, buses, Sydney Ferries and light rail services. If young people under 16 look more mature, they can obtain a NSW Proof of Age Card (Transport) to verify to transport staff that they are under 16. In addition, students aged 16, 17 or 18 who hold a NSW Senior Secondary Student Concession Card are entitled to a half-fare concession on certain transport services. All full-time home-schooled students who are registered with BOSTES are eligible for the NSW Senior Secondary Student Concession Card.</p>



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<p><b>Recommendation 23</b></p> <p>That the Board of Studies, Teaching and Educational Standards identify and develop, in consultation with parents and students, additional resources that may provide assistance to home schoolers in providing quality educational programs.</p>	<p><b>Recommendation not supported.</b></p> <p>The BOSTES already provides an extensive range of freely available curriculum support materials to assist teachers and parents prepare teaching programs. These materials are relevant and adaptable for the range of educational approaches implemented by schools and home schooling families across NSW.</p> <p>Home schooling parents are required to provide a curriculum based on and taught in accordance with the BOSTES' syllabuses. This is the same curriculum that schools deliver.</p> <p>The BOSTES has a regulatory role for registering children for home schooling but does not have the statutory responsibility or the resources to develop additional resources to assist home schoolers as a separate group of users of the BOSTES syllabuses.</p> <p>The NSW Government would welcome efforts by home schooling organisations to develop additional curriculum support material for their stakeholders.</p>
<p><b>Recommendation 24</b></p> <p>That home schooling organisations be encouraged to develop and implement strategies that promote increased support for home schooling parents and students.</p>	<p><b>Recommendation supported in principle.</b></p> <p>The recommended actions are the responsibility of individual home schooling organisations.</p>