REVIEW OF THE TASMANIAN EDUCATION ACT

Discussion Paper for Consultation

Minister for Education and Training
The Tasmanian Government is working hard to develop a modern economy, encourage investment and create jobs in order to build a brighter future for Tasmania.

To improve Tasmania’s economy we need to create a job ready generation of Tasmanians to enable a highly skilled and educated workforce, helping our businesses to compete in a global economy.

Education is the cornerstone of this plan, and for this reason participation, retention and engagement of our students are a strong focus for this Government. We are already investing significantly by extending rural and regional public high schools to Year 12 and employing 25 literacy and numeracy specialists to work with students in Years 7 to 9 in government schools.

We want more students in the Tasmanian education system 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 or training. This is a whole-of-community issue and it is just as important that families understand the importance of completing Year 12, and that we build a culture where our communities value education.

The Education Act (the Act) regulates education in the Government, Catholic and Independent education sectors, as well as home education. It has provided the foundation for education in Tasmania since 1994, and while it has served its purpose until this time, it is important that as a community we review the Act to ensure that it provides the best framework for Tasmania’s education system today and into the future.

I want a legislative framework that is contemporary and cohesive, and supports our education system to provide the best possible outcome for all learners.

This Discussion Paper sets out a number of themes and possible options for reform. These have been chosen because they align with areas where it is becoming increasingly important to ensure modern and innovative delivery models and strategies are implemented, to reflect contemporary society and educational practice. Tasmanian legislation needs to be responsive to current and future issues affecting school education.

In undertaking this review, I want to ensure that all school communities, industry stakeholders, interested individuals and other groups are consulted through this Discussion Paper, and have the opportunity to provide feedback and advice.

This paper does not seek to present a complete list of possible reform options under these themes, nor does it seek to present preferred options. It is designed to simply encourage discussion and generate ideas to help in the development of a new Act.

Jeremy Rockliff, Minister for Education and Training
Themes explored in this paper include:

- Guiding Principles for Education
- Parent, Community and Education Partnerships
- Safe Schools
- Enrolment (including starting and leaving ages)
- Attendance and Participation
- Government School Operations
- Non-Government Schools
- Home Education

It is also an opportunity to reflect on the value of education in our community, with an aim to strengthen the governance and regulation of Tasmania’s education system to better meet the needs of current and future generations of Tasmanians.

Through this Discussion Paper, I am asking you for your feedback and thoughts so that we can ensure that the outcomes of the review are in the best interests of improving Tasmania’s education system to benefit our young people.

Within each section of this paper is an overview of what current practice is and any issues, as well as possible options for reform.

Following this, we ask ‘What do you think?’ and ask that you respond to the questions, as well as provide any further ideas you may wish to raise that are not included in the paper:

Please email your responses directly to:
comments@education.tas.gov.au

or you can post responses to

Education Act Review,
Level 1, 73 Murray Street,
Hobart TAS 7000.

A copy of the Act can be found at:

www.thelaw.tas.gov.au/tocview/index.w3p;cond
=;doc_id=86%2B%2B1994%2BAT%40EN%2B20140812110000;histon=;prompt=;rec=;term=

Your feedback and knowledge is not only important to me as Minister for Education and Training, but to Tasmania’s education system as a whole. I encourage you all to share your thoughts and ideas for reform, as we work together to provide the best possible outcomes for all learners in the Tasmanian community.

Opportunities to submit your feedback and comments close on 31 December 2014, and all submissions will be made publicly available on the Department of Education’s website.

Jeremy Rockliff
Minister for Education and Training
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GUIDING PRINCIPLES FOR EDUCATION

WHO DOES THIS AFFECT?
Government, non-government and home education sectors

CURRENT SITUATION IN TASMANIA
Modern legislation includes statements of purpose and underlying principles which guide the intent of the Act. This review presents an opportunity to help shape the vision for the future of education in Tasmania.

Good education systems and practices are guided by a shared community understanding. This is an opportunity for us to think about the role and value of education both for children and for Tasmania, and to think about the roles and responsibilities of parents/carers, schools and the community more generally.

We know, for example, that the involvement of parents and carers is a vital part of a child’s education. Parental engagement has a positive effect on student achievement including better student performance, lower drop-out rates, more regular school attendance and better social skills.

WHAT HAPPENS ELSEWHERE?
Other states’ legislation generally includes Objects (purpose) and sometimes also guiding principles, which describe the issues that are considered important as the foundation for educating children.

Examples of these principles include:
• Education provides the foundation for the State’s social and economic advancement;
• Every child has the right to receive an education;
• Assisting each child to achieve his or her educational potential;
• The education of a child is primarily the responsibility of the child’s parents;
• Parents take an active part in their children’s education and training;
• All providers of education and training, both government and non-government, must ensure their programs and teaching are delivered in a manner that promotes the principles and practice of Australian democracy (e.g. elected government, the rule of law, equal rights for all before the law, values of openness and tolerance);
• Children and young people have access to a high-quality education that develops their potential and maximises their educational achievement;
• Young people should participate in full-time education, training or employment options after they complete Year 10; and
• Students and school-based staff are safe.

SECTION 1: WHAT DO YOU THINK?

Q3 What principles do you think should guide education in Tasmania?

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

Please email your responses directly to comments@education.tas.gov.au or you can post responses to: Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000.
PARENT, COMMUNITY AND EDUCATION PARTNERSHIPS

WHO DOES THIS AFFECT?

Government education sector

A. School Associations

CURRENT SITUATION IN TASMANIA

Under the Education Act, every Government school in Tasmania is required to have a school association. School associations are made up of parents, students, staff, and members of the broader school community. They are able to assist in developing policies and a code of conduct for their school, and foster cooperation among teachers, students, members of the school association, parents and the community.

School communities contribute in a number of ways to life at their school. Improving local relationships between communities, parents and schools impacts positively and significantly on our students’ learning outcomes. These partnerships are important to our education system, as they play a key role in raising the profile of the value of education amongst our community, and engaging communities in the benefits of education.

It is important that communities are able to continue to work constructively with schools, as the opportunity to be part of the decision-making process in schools is an important tool to engage parents and carers in their child’s learning. It also assists in driving school improvement based on local student needs and priorities.

WHAT IS HAPPENING ELSEWHERE?

Other jurisdictions in Australia provide for school associations or councils in their legislation. Their role is generally strategic rather than operational. For example, in Queensland school councils monitor the school’s strategic direction and approve plans and policies for the school of a strategic nature and monitor their implementation. Similarly, responsibilities of school councils in Victoria include establishing the broad direction and vision of the school within the school’s community.

In South Australia, governing councils exist, which are described as having joint responsibility with a school’s principal for the governance of the school. This includes aspects such as strategic planning, budgeting, and school policy.

Different governance models have different levels of independence and authority, but with these can come legal responsibilities, including liability in the event of a dispute.

OPTIONS FOR REFORM

The review of the Act provides an opportunity to think about the role of community relationships with schools in Tasmania, in particular school associations. It is evident that there are a number of models and formats for parents and communities to be involved in schools, and schools and communities need models that align with local needs. Options include:

- Continue with the current practice and responsibilities that school associations operate within now; or
- Expand the role of school associations and community involvement in schools to include promoting the importance of education (and public education) amongst the broader community, as well as supporting the engagement and attendance of students and their learning outcomes.
B. Role of the Principal and Teacher

CURRENT SITUATION IN TASMANIA

Principals also play an important role in ensuring schools work with their communities, building effective relationships with parents and the school community. They have responsibilities for the effective operation and day-to-day management of their school, and their role is currently outlined in the Act.

The role of the teacher in a modern classroom is important in ensuring that we develop successful learners, and it may be worth exploring and defining this role through legislation to ensure transparency and accountability.

The role of the teacher is not currently outlined in legislation, and at present duties and responsibilities of teachers are described through their statements of duty. It is important that we continue to promote and foster relationships between parents, students and teachers, as these partnerships are vital to our students’ outcomes.

WHAT IS HAPPENING ELSEWHERE?

In South Australia and Western Australia, the requirements of a teacher are referred to in legislation. They include, for example, being actively concerned with the welfare and development of students.

OPTIONS FOR REFORM

To ensure that we continue to promote and build effective partnerships between our school staff, parents and the community, it may be worth including specific references in legislation to clearly define the role of a teacher.

We know that parents and school communities want to work with schools, teachers and staff, and be engaged and involved with a number of aspects of school life. This involvement and engagement is beneficial to our schools and our students, and it is important this continues and that these partnerships are highly valued. A possible option for reform is to:

• Include a description or reference to the functions and responsibilities of a teacher in legislation for the purposes of transparency and accountability for both teachers and parents; and
• Continue to promote and strengthen partnerships between school communities and principals and teachers to support student learning.

SECTION 2 (A) AND (B): WHAT DO YOU THINK?

Q5 What functions or responsibilities would you like to see included in any of the roles outlined above? Why?

Q6 Do you think school associations are a good way for parents and community members to be directly involved in their local school? Why or why not?

Q7 Do you think the current model for school associations and community representation work well? If not, how do you think the model can be improved?

Q8 Do you think the responsibilities of a teacher need to be more clearly defined? How so?

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000.
SAFE SCHOOLS

WHO DOES THIS AFFECT?
Government and non-government education sectors

A. Student Behaviour Management

CURRENT SITUATION IN TASMANIA

Schools are a reflection of broader society with many wonderful, positive experiences and people, but at times some behaviour occurs that is less than desirable.

Safety is a high priority in all Tasmanian schools, and schools, parents, students and the Government all have an important part to play in supporting families and students to combat any inappropriate behaviour in schools. Respectful environments where students and staff feel safe and supported are critical to students’ wellbeing and learning outcomes.

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

Further to this, we know that the role parents play in their child’s education is critical, and its value flows through in affecting behaviour, contributing to respectful and safe school environments.

Schools are also able to respond to unacceptable and anti-social behaviour in a number of ways, including detentions and as a last resort suspensions and expulsion of students from school. In all cases, schools work closely with parents and guardians.

Suspension, exclusion or expulsion from school may all be warranted in certain circumstances; however it is important that we ensure that students do not disengage from their learning altogether, which can have a detrimental effect on their future.

WHAT IS HAPPENING ELSEWHERE?

In NSW, information can be collected in certain circumstances so that an assessment can be made as to whether the enrolment of a child at a school is likely to be a risk to the health and safety of him or herself or others, and to assist the school to develop strategies to eliminate or minimise these risks.

Information can be collected from a range of sources including schools, public health authorities, Juvenile Justice, Police, and Corrective Services.

B. Building Respectful School Communities

CURRENT SITUATION IN TASMANIA

While the vast majority of school community members respect schools and their staff, occasionally schools are required to deal with unacceptable adult behaviour, which may include aggressive or threatening behaviour.

As a community, it is important to think about how we want to manage this behaviour in our schools when it occurs. Parents and school community members are involved in a range of activities in our schools, and we want this to continue as it greatly benefits our students and their learning outcomes.

Situations involving inappropriate adult behaviour towards students, teachers or other staff are currently dealt with on a case-by-case basis by schools, with support provided by Tasmania Police if necessary, and in the case of government schools, by the Department of Education.

School associations and/or school boards also participate in the development of school policies and codes of conduct for schools, which generally relates to students. However some associations and boards may also develop policies outlining the behaviour expected of both students and adults in their school community.
WHAT IS HAPPENING ELSEWHERE?

In South Australia it is an offence for a person to behave in an offensive or insulting manner to a teacher who is acting in the course of his or her duties. There is a maximum penalty of $500.

Further to this, in the ACT it is an offence for a person to trespass on school premises, to behave in an offensive or disorderly way on school premises, and to fail to leave school premises when directed to leave by a police officer, the principal of the school or a person authorised by the principal.

OPTIONS FOR REFORM

An important element to any reform is to find the right balance between supporting students to remain engaged with their education and learning, at the same time as ensuring the safety of all other students and staff.

Options for reform include:

- 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 requirements, however, should not be used to exclude children from school during their compulsory years, but to protect other students and staff and maintain safe and respectful school environments.

SECTION 3 (A) AND (B) : WHAT DO YOU THINK?

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 at a particular school? Why/why not?

Q11. Do you have any other ideas about how we can help make our schools safer?

Q12. Are there other powers that you think a principal, teacher or the Department of Education should have in relation to inappropriate behaviour in schools? Please provide details.

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000.
SECTION 4

ENROLMENT (INCLUDING STARTING AND LEAVING AGES)

WHO DOES THIS AFFECT?
Government, non-government and home education sectors

A. Starting and Leaving Ages

CURRENT SITUATION IN TASMANIA

Education is one of the most important factors in setting up young people for a future where they feel prepared and job-ready, and can make the most of their opportunities. For this reason, ensuring that our young people remain engaged in education and training for as long as possible is a key factor for the future of both Tasmania and our young people.

Children are of compulsory school age in Tasmania at the age of five years. This means that a child who has turned five years old on or by 1st January in any year must start compulsory school (Prep) in that year, or be provided with approved home education.

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 on 1st January in any year is entitled to go to Kindergarten.

Schools also offer programs to support families and young children before Kindergarten, which include Birth to Four initiatives, Launching into Learning, and pre-Kindergarten sessions. Parents and children attend these sessions together.

There is a considerable amount of research on the importance of early childhood education and play-based early learning activities, and how this can set a child up for a bright future, including more consistent engagement with their formal education in later years.

Retention and engagement of students is a significant issue for Tasmania. We know that our young people will be exposed to many more opportunities and real choices for a successful future the longer they remain in education and training.

Young people are currently required to continue participating in education or training until they turn 17 years of age. Participation options include:

- Study at a senior secondary school (Years 11 and 12);
- Study at TasTAFE;
- An apprenticeship or traineeship;
- A training course through a registered training organisation; or
- Being home educated through registration with the Tasmanian Home Education Advisory Council.

Because Tasmania has the oldest compulsory school starting age in Australia, it also means our students are able to legally leave school in an earlier grade than other states.

Increasing the leaving age for children would send a strong message to young people of the importance of completing Year 12, and would contribute to the Tasmanian Government’s priorities to lift student retention rates and ensure our young people are job ready or are well prepared for further education or training.

Exploring the idea of a later leaving age is important as the benefits of remaining at school to complete Year 12 are well evidenced. Children who do not complete a Year 12 or an equivalent level qualification have lower earnings, less job satisfaction and fewer employment opportunities.

A higher level of education also makes people much more likely to enjoy better health and well-being, increased involvement in leisure activities and an increased sense of self-worth and confidence.

There may be merit in a younger compulsory school starting age, to better align with other jurisdictions, in order to ensure students cannot leave school until further into their education.

This would mean an improvement to Tasmania’s overall retention rates as students will remain in education longer. It would also mean that performance measures would be more equal when comparing national data, and allow for an easier and more consistent transition for students into a new school if families move to or from interstate.
WHAT IS HAPPENING ELSEWHERE?

School starting ages vary across Australia, and Tasmania has the oldest school starting age. In NSW, the minimum school starting age is 4 years and 5 months. In Western Australia, Queensland and the Northern Territory, it is 4 years and 6 months. In Victoria, South Australia, and the ACT, it is 4 years and 8 months. Due to this differing starting age, Tasmanian students are much older when they reach senior secondary school than students in other states.

All states, except Western Australia, have a similar leaving age to Tasmania. Western Australian students are required to remain in education or training until the end of the year they turn 17 years and 6 months, have satisfied the minimum requirements for graduation, or have reached the age of 18 years. This means most will complete Year 12.

OPTIONS FOR REFORM

Possible options include:

- Children to commence compulsory education at an earlier age, to align with other states and territories in Australia, which in turn would mean students finish more of their education during the required participation phase; or
- Extending the leaving age, which would see more young people finishing Year 12 each year; or
- Implementing both options, which may result in 2000 more young Tasmanians finishing Year 12 or equivalent each year.

SECTION 4 (A) : WHAT DO YOU THINK?

Q13 Do you think our starting and leaving ages should align with the rest of Australia? Why or why not?

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

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000

B. Student Records and Data (including privacy)

WHO DOES THIS AFFECT?

Government and non-government education sectors

CURRENT SITUATION IN TASMANIA

Advances in technology since the Act commenced in 1994 have enabled data to be used in increasingly sophisticated ways to help make better informed decisions about the way we support student learning. This includes identifying learning gaps and areas for improvement, and assisting to target resources to students who require it most.

At present, the only transfer of student data between the Department and other education sectors is to support national literacy and numeracy testing.

The restriction on data sharing means that we are missing out on a number of opportunities to support students and their learning. These include:

- Having the ability to follow up to ensure a student remains engaged in education if they are withdrawn from a particular school no matter whether they were attending a government or non-government school;
- Supporting students who are moving between sectors, for example from a government school to a non-government school or vice versa; and
- Promoting and supporting the engagement of young people when they finish Year 10 and are moving into further education and training.

All information about a student in the education system is held and developed solely to support that student’s education.

The Right to Information (RTI) Act is designed to increase the accountability of Government to the community. Current student records for children in government schools are subject to the RTI Act. This means such records are not automatically exempt from release to someone other than the child or his/her parents/guardian. The Act only applies to public institutions and, therefore, non-government student records are not subject to RTI.
OPTIONS FOR REFORM

While it is important to consider issues relating to privacy and confidentiality, options for reform include:

• Providing for the collection and use of data between government and non-government education sectors in order to better inform decision making and support students making transitions between sectors or into further education and training;

• Providing for data sharing with other government agencies, on a case-by-case basis; and

•Specifying that all student records are explicitly excluded from consideration under the RTI Act.

It would be important to determine the type of data and information that could be shared to best support students, for example assessment, attendance and demographic data.

SECTION 4 (B): WHAT DO YOU THINK?

Q15 Do you support the collection and use of student data to better inform decision making and support student learning (with appropriate privacy protection)? Why or why not?

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? Why or why not?

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000

C. Post-Year 10

WHO DOES THIS AFFECT?

Government education sector

CURRENT SITUATION IN TASMANIA

It is important 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.

After completing Year 10, all students are required by law to continue participating in education or training until they turn 17 years of age, or until they achieve a Certificate III vocational qualification, or are in employment for 25 or more hours a week.

Students are also legally entitled to complete senior secondary education (Year 11 and 12) in a government school after they have completed Year 10, which is the equivalent of two years of full-time study. However there are no restrictions about how the entitlement must be used and no guidance regarding the best educational setting (i.e. college or TasTAFE), including for adults wishing to use their entitlement to two years senior secondary education.

A person who has used their entitlement to two years senior secondary education can apply to attend a government school for what is commonly known as Year 13. This is generally used for extenuating circumstances to enable a person to complete his or her senior secondary education, such as a young person who has been seriously ill for an extended period of time. The decision as to whether or not the school accepts the enrolment lies with the principal, and applications are currently dealt with on a case-by-case basis, which means there is no consistent basis for decision-making.
WHAT HAPPENS ELSEWHERE?

In Victoria, attendance at a school is essentially limited to people under 20 years old; that is, young people who are completing their education having continued straight on from Year 10.

However there are some circumstances where this may not apply, such as if the school is outside of the metropolitan area or there is no TAFE institute or other registered training organisation offering an accredited senior secondary course within 45 minutes travelling time of the person’s home. The Minister is also able to approve exemptions to this regulation.

OPTIONS FOR REFORM

We know that further education and training are vital pathways to employment, and it is important that the Act provides for these pathways. Options for reform include:

• Establishing consistent practices and criteria for colleges to accept Year 13 enrolments;
• Requiring adult learners who wish to access their entitlement to two years education after compulsory education to do so through TasTAFE; and
• Establishing a time limit within which the two year entitlement to education after compulsory education must be completed, once commenced.

SECTION 4 (C): WHAT DO YOU THINK?

Q18 Do you think people should be able to access Year 13 in a college? Why or why not?
Q19 Should enrolment of Year 13 students be managed on a more consistent basis, with the capacity to take exceptional circumstances into account? Why or why not?
Q20 Do you think adult learners should be able to access their entitlement in a college or TasTAFE, or should it be limited to TasTAFE only? Why or why not?
Q21 Should entitlement to education in a school be capped? Why or why not?

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000.
SECTION 5

ATTENDANCE AND PARTICIPATION

A. Attendance and Non-Attendance

WHO DOES THIS AFFECT?
Government and non-government education sectors

CURRENT SITUATION IN TASMANIA

Parents have legal obligations to ensure that their child attends school or is enrolled in approved home education. Attendance at schools in Tasmania is generally very good, however there are still children not attending school regularly and who do not have a legitimate reason for not attending school.

We know that consistent attendance is critical to improving literacy and numeracy and in keeping students engaged with their education, and ultimately creating a job-ready generation of young Tasmanians. Regular attendance is also important in order to ensure that all children are receiving the same opportunities and that there is equity when it comes to face-to-face learning, which increases how connected and engaged students are with their learning.

For those children not attending school regularly, schools and principals work closely with families and there are also a number of strategies in place for following up unexplained absences and attendance issues. These include phoning home, using SMS and social workers working with the family.

Prosecution of parents for children not attending school is a last resort, and is currently the only legal option available in Tasmania.

Requirements of the Act are also only based on the notion of attendance as physical presence at school. However, developments in technology are now accommodating different models and places for educational delivery and the specific needs of some groups of students. This means that learning is now occurring in the ‘virtual world’, through the use of computers and technology away from the physical location of a school.

Technology will continue to advance, and it is important that the Act is sufficiently flexible to respond to the challenges and opportunities of evolving approaches to education. We need to be sure that children are participating regularly in education and that parents are clear about their legal obligations around their child’s attendance and engagement in compulsory education.
WHAT HAPPENS ELSEWHERE?

Like Tasmania, all states have a range of strategies to support attendance in the first instance, with prosecution a last resort. However, some states have more specific provisions in their legislation to support the issue of attendance.

For example, NSW has a system of compulsory conferences involving the Children’s Court, and in Victoria school attendance officers are able to issue infringement notices to parents.

NSW also recognises that parents do not always have control over a child, particularly if a child is living independently from the parents. In this instance, a compulsory schooling order may require a child to engage in compulsory schooling if the child is of or above the age of 12 and the court is satisfied that the child is living independently of their parents, or that because of the child’s disobedience the parents are not able to ensure that the child is attending school. Tasmanian legislation does not make this distinction.

OPTIONS FOR REFORM

Tasmania’s legislation could be refined in this area, and reforms may include:

- Linking attendance during the compulsory years of schooling to a minimum set number of instructional (teaching) hours;
- Amending the attendance provision in the Act to include online/virtual education programs; and
- The ability to convene a compulsory conference to deal with unsatisfactory school attendance.

SECTION 5 (A): WHAT DO YOU THINK?

Q22 Do you think the existing provisions relating to attendance are adequate? Why or why not?

Q23 Do you think there should be alternative options in addition to prosecution to ensure parents meet their legal obligations? If so, what do you think could be considered?

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?

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000
B. School Hours

WHO DOES THIS AFFECT?
Government and non-government education sectors

CURRENT SITUATION IN TASMANIA
Equity of access to the same opportunities as everyone else is one of the most important values underpinning public education in Tasmania. Instructional hours, or the number of regular face-to-face hours that a teacher is instructing students in a regular school day, depends on local situations.

Non-government schools set the number of instructional hours in their schools.

Currently, the Minister for Education and Training is able to determine the hours during which government schools are to be open for educational instruction and other activities, but legislation does not establish the minimum number of actual instructional hours for students.

WHAT HAPPENS ELSEWHERE?
Both South Australia and Western Australia regulate instructional hours through their legislation.

OPTIONS FOR REFORM
In order to provide consistency across schools in all sectors, the Act could be amended to enable the Minister to explicitly determine the number of hours during which educational instruction is to occur.

SECTION 5 (B): WHAT DO YOU THINK?

Q26 Do you agree that students in the same year level should have access to the same number of instructional hours? Why or why not?

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

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000
A. Curriculum

WHO DOES THIS AFFECT?

Government education sector

CURRENT SITUATION IN TASMANIA

One of the major responsibilities of the Department of Education is to provide a high quality school curriculum that will lead to effective teaching and learning programs for all students.

To be effective, the curriculum must help provide for the current and future intellectual, personal, social, emotional and educational needs of school-age Tasmanians. It must be flexible, relevant and inclusive, and for this reason there may be elements worth exploring as part of a review of current legislation.

As State servants, teachers adhere to the State Service Principles which specify that the State Service is apolitical, performing its functions in an impartial, ethical and professional manner (State Service Act 2000). It is important that government education is apolitical, and that the curriculum and teaching in government schools does not promote any particular political party. This is especially relevant in the lead up to elections.

With regard to religious education, while Tasmanian Government schools are secular; religious education is permitted under current legislation with permission from parents and approval from the Secretary of the Department of Education. Current legislation also includes the maximum number of hours for religious instruction and who may provide this. It is important to note that attendance at any religious class is not compulsory for any student, allowing parents to decide if their child is to attend.

WHAT HAPPENS ELSEWHERE?

In Western Australia the curriculum and teaching in government schools is, amongst other things, not to promote any particular political party.

Other states’ legislation also contains similar requirements around religious education as Tasmania.

Victoria specifies that education in government schools must be secular and not promote any particular religious practice, denomination or sect but does not prevent the inclusion of general religious education in the curriculum so that students understand major forms of religious thought in Australia and other societies in the world.

OPTIONS FOR REFORM

Reform options may include:

• Amendment to the Act to specify that the curriculum and teaching in government schools does not promote any particular political party; and
• Continuing with the current practice with regard to religious education is also an option.

SECTION 6 (A): WHAT DO YOU THINK?

Q28 Do you think that it is important to reinforce the apolitical nature of public education? Why or why not?

Q29 Should we make any changes around how religious education in government schools is implemented? Please explain.

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000
B. Early Years and Kindergarten

WHO DOES THIS AFFECT?

Government education sector

CURRENT SITUATION IN TASMANIA

There has been increasing recognition nationally and internationally of the importance of early learning in improving educational outcomes for children. This includes the support role of parents before the commencement of compulsory (Prep) education.

In Tasmania, Child and Family Centres and programs such as Launching into Learning provide valuable support for children’s early learning and development prior to Kindergarten. The education and care (child care) sector also plays a valuable role, and is part of a national system to support children getting the best possible start in life. The education and care sector is regulated under national and state legislation that is separate to the Education Act and is outside the scope of this review.

Kindergarten has been part of the school system in Tasmania for many years. Children are legally entitled to attend Kindergarten in a government school in the year before compulsory education commences, and while it is optional, over 95% of eligible children in Tasmania are enrolled in Kindergarten in both government and non-government schools.

This shows that Tasmanian parents are aware of the benefits of early learning programs for children and value the benefits of Kindergarten in particular. However there is currently no specific reference to Kindergarten or early learning programs in the Act. It also means that there are no provisions around the use of data that may be collected, which would assist to support the transition from early learning programs into compulsory education.

WHAT HAPPENS ELSEWHERE?

Most other states also refer to Kindergarten (or its equivalent) generally within their respective legislation.

OPTIONS FOR REFORM

Include specific references regarding early learning programs in the Act, including the collection and use of data in order to evaluate these programs and support the transition into compulsory schooling.

SECTION 6 (B): WHAT DO YOU THINK?

Q30 Do you think that Kindergarten and early learning programs, including the collection of data, should be appropriately recognised in the Act? Why or why not?

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000
NON-GOVERNMENT SCHOOLS

SECTION 7

WHO DOES THIS AFFECT?
Non-government education sector

CURRENT SITUATION IN TASMANIA
Non-government schools are an important part of the education system in Tasmania.

Non-government schools are registered under the Education Act. New or existing non-government schools can only become or remain registered if they meet certain standards set by the Minister for Education in relation to a range of matters, including the proposed curriculum, qualifications of teachers, facilities, governance and administration of the school.

The registration role has been undertaken by a statutory authority, the Schools Registration Board. As part of the 2014-15 State Budget, the Government announced that the Board would be replaced by a statutory officer. This person, the Registrar, Non-Government Schools Tasmania, will now have responsibility for registering and renewing registration for non-government schools in Tasmania, subject to passage of legislation.

The Government also announced that subject to consultation with the non-government sector it would look at developing a legislative framework that provides for registration of whole non-government systems as well as individual schools. Currently each school has to be registered individually, whereas this proposal would enable schools which work as part of a system to register as a whole system.

All non-government schools receive direct funding from both the State and Australian Governments, and for this reason it is important to think about what may be reasonable levels of accountability for schools.

WHAT HAPPENS ELSEWHERE?
Other states generally regulate the non-government education sector in a similar way to Tasmania’s current approach, although there are some differences and some legislation is more explicit as to the requirements that must be met. For example, some other states include specific references to elements such as assessment and reporting requirements for non-government schools, and reporting to the Minister on student performance.

In NSW, schools can seek to be registered as an individual school or as a member of a system of non-government schools that monitors the school’s compliance with the Education Act requirements. There are a minimum number of schools required to allow for registration as a system.

Such systems must continue to meet, in full, the requirements of the registration provisions. The regulatory authority also retains the power to inspect a school within a system at random or if the authority has reason to believe that the requirements for registration are not being complied with at the school.

OPTIONS FOR REFORM
Reform options may include:

• Development of a legislative framework that provides for registration of whole non-government systems as well as individual schools;

• Inclusion of more explicit requirements that non-government schools must meet, for example, assessment and reporting requirements for students at non-government schools, and reporting to the Minister on student performance.

SECTION 7: WHAT DO YOU THINK?

Q31 What do you think of the proposed model to create systems of schools? Are there alternatives?

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

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000

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HOME EDUCATION

WHO DOES THIS AFFECT?

Home education sector

CURRENT SITUATION IN TASMANIA

Home education is a legal option in Tasmania, with parents taking responsibility for educating their children. Currently, parents of a school-aged child can apply for registration as a home educator. The process sets out a high level framework for registration, but does not specifically reference educational or monitoring requirements.

Registration is managed administratively by the Tasmanian Home Education Advisory Council, which has been established by the Minister to advise and assist in exercising the Minister’s powers. The Minister for Education and Training is responsible for ensuring that all children are educated to appropriate standards, regardless of the sector.

WHAT HAPPENS ELSEWHERE?

Other states generally regulate home education in a similar way to Tasmania, although there are some differences and the legislation in some other jurisdictions is more explicit as to the requirements that must be met. For example, most other states require monitoring visits every 12 months and for registration to be cancelled where a home educator does not allow monitoring to occur.

In Victoria the learning areas in which a child must receive regular instructions are specified and include the Arts, English, Mathematics, Science, Health and Physical Education and Technology. The instruction must be consistent with the principles of Australian democracy, including a commitment to elected government, the rule of law, freedom of religion and equal rights before the law.

In Queensland a child’s parents must ensure the child receives a high-quality education.

OPTIONS FOR REFORM

Possible options for reform are:

• Including the responsibilities for parents as educators in the Act, as well as a clear definition of the Home Education Advisory Council; and
• Including requirements that monitoring officers have an educational background.

SECTION 8 : WHAT DO YOU THINK?

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?

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000
CONCLUSION

While this Discussion Paper aims to canvass some of the options and themes in relation to the review of Tasmania’s Education Act, it does not attempt to provide a complete list of all possible areas and options for reform. It is designed to address some key issues that may be relevant to the community generally, and prompt feedback and discussion in relation to how important it is to ensure Tasmania’s education legislation is current and will best meet the needs of our learners into the future.

Education is important for all Tasmanians, and it is critical that we continue to promote the value of education amongst our communities. Our learners deserve to have the best possible education, in an environment where they feel supported and ready to learn. Your feedback will be used to inform the development of a new Education Act for Tasmania, a vital piece of legislation that will assist in supporting the continued improvement of Tasmania’s education system and to prepare our students for a bright future.

Opportunities to submit your feedback and comments close on 31 December 2014, and all submissions will be made publicly available on the Department of Education’s website. All feedback will be taken into account, and following consideration by the Government will inform the development of an exposure draft of the Bill for the new Act. This draft will then be made publicly available for further feedback and comment.

CONCLUSION: WHAT DO YOU THINK?

Q34 Are there other areas of reform or other options for reform that you think this paper has missed and that you think should be considered? If so, please specify in detail.

Please email your responses directly to comments@education.tas.gov.au or you can post responses to Education Act Review, Level 1, 73 Murray Street, Hobart TAS 7000
LEGISLATION – TASMANIA

Tasmania
Education Act 1994
www.thelaw.tas.gov.au/tocview/index.w3p;cond=doc_id=86%2B%2B1994%2BAT%40EN%2B20140812110000;histon=prompt=;rec=;term=

FURTHER READING

Australian Bureau of Statistics – Australian Social Trends, Year 12 Attainment (4102.0 March 2011)
www.abs.gov.au/socialtrends


Carneiro, Pedro and Heckman, James J (August 2002) Human Capital Policy

Council of Australian Governments (July 2009) Investing in the Early Years – A National Early Childhood Development Strategy

Department of Education (Federal) - 2012 Youth Transitions Evidence Base: 2012 Update

Institute of Education, University of London, Effective Pre-school, Primary & Secondary Education research project
www.ioe.ac.uk/research/153.html

Karmel, T (June 2011) Year 12 Completion and Youth Transitions: Research Overview, Longitudinal Surveys of Australian Youth

Organisation of Economic Co-operation and Development, Education at a Glance 2013

Tasmanian Schools Registration Board (non-government school registration)
http://education.tas.edu.au/initiatives/srb/SitePages/Home.aspx

Telethon Institute for Child Health Research, University of Western Australia (2013) Student Attendance and Educational Outcomes: Every Day Counts, prepared for the Federal Department of Education, Employment and Workplace Relations


LEGISLATION – OTHER STATES/TERRITORIES

Australian Capital Territory
Education Act 2004

New South Wales
Education Act 1990

Northern Territory
Education Act (currently being reviewed)

Queensland
Education (General Provisions) Act 2006

South Australia
Education Act 1972

Victoria
Education and Training Reform Act 2006

Western Australia
School Education Act 1999