

# VICCSO

## Submission to the Review of the Education Legislation 2005

The following are a number of discussion points prepared by VICCSO, in response to the Discussion paper that foreshadows changes to several pieces of Education legislation. While we welcome the opportunity to comment on the principles which should underpin education in Victoria, consultation on the actual proposed legislation will be more important. We therefore anticipate that the public **will have sufficient opportunity to comment on any legislation in draft form and that the draft legislation will be circulated with a detailed explanatory report and comprehensive impact statement.**

### Introduction

In preparing our discussion points, we have focused on school education rather than on the current pre-school and post-compulsory arrangements. Revising the Legislation relating to Education does however present us with opportunities to include pre-school education in the Education Acts and to ensure that all young people have access to VET, apprenticeship/training or tertiary education.

In 2000, The Public Education the Next Generation report (based on over 600 submissions) recommended changes to the Education Act to ensure commitment to public education:

Recommendation 1: That the government provide a formal commitment to public schooling in Victoria by:

a) endorsing the values and principles that provide the foundations for the system of public schools in Victoria as outlined in Section 1 of this report, specifically:

- The child is the centre of public schooling
- Public schooling is dedicated to the highest standards of achievement and excellence
- Public schooling guarantees universal education
- Public schooling promotes diversity, social cohesion and reconciliation
- Public schooling is a core institution of our democracy.

b) Amending the Education Act to incorporate these values and principles.

VICCSO welcomes the opportunity to see this recommendation supported in the current review.

### Rationale for changes to current Education Legislation

VICCSO acknowledges the need for a review of Victorian Education Legislation in the context of the multiple amendments to the Education Act that have adversely affected its coherency over time and the existence of associated Acts that no longer have relevance to the Victorian Public Education System.

VICCSO does not support the stated reasons for the review, in particular the need for flexibility, parent choice and joint obligation.

The Education Act should reinforce the fundamental principles of the system - that it is the responsibility of government in a democratic society to provide free, secular and universal education of a standard which enables all Victorians to participate fully and equitably in civil society.

It should also provide the framework for a system which gives the government of the day policy flexibility **within the framework of fundamental principles and the organisational arrangements required to support those principles.**

**VICCSO would not support legislation that gave flexibility precedence over or effectively undermined, free, secular and universal education.**

The increased desire for parental choice flows in part from a public system that is perceived to be patchy in terms of quality. Enshrining parental choice would legitimize the notion that education provided by at least some public schools is substandard, and that the solution is to ensure *some* parents can choose a “better” public school for their children. This will further entrench variations in provision that have begun to emerge.

The underlying principle of our public education system is universal access for children, **not** parent choice.

It is unnecessary to enshrine parental choice in the legislation in terms of private schools – that choice has been available since the provision of public education was codified in the first Education Act.

It is unclear from the discussion paper exactly what is meant by “joint obligation”. Whilst VICCSO acknowledges the role played by families and the community outside the school system in the education of children and young people, we vigorously reject the notion of joint obligation in terms of service delivery. In a society which values democratic participation and a “fair go” for all, the government has an obligation to provide a fully accessible, high quality public education system. Individuals have an obligation to pay taxes to enable this to happen.

VICCSO has expressed concern about the rising costs of government schooling, as demonstrated by the continually increasing demand for assistance reported by VCROSS, the Brotherhood of St Laurence, Salvation Army, The Smith Family and the State Schools Relief Committee. It is undeniable that the changed nature of education in the context of globalisation, mass communication, technological advance and an open economy has resulted in higher costs for the delivery of a quality education (VET costs considerably more than chalk and talk). This education legislation review provides us with an opportunity to reiterate our commitment as a community to the universal provision of high quality education for the 21<sup>st</sup> Century, and to give governments the legislative framework with which to support it. **VICCSO and its affiliate members would vigorously oppose legislation that paved the way for further cost shifting on to individual schools.**

## **21 Century Vision for Education in Victoria**

The vision articulated in the discussion paper should be reviewed, otherwise changes to the legislation will only reinforce the very conditions which perpetuate an unequal and divided society.

Visions such as every child being able to realise her/ his potential through education and increased opportunities for lifelong and lifewide learning are more appropriate for developing an education system than being flexible.

The view - based on unexplored assumptions - that a parent's capacity to choose should become a "right" should be challenged.

## **Acts, Regulations, Ministerial Orders and Organisational Arrangements**

The review provides an opportunity to legislate for a strong publicly financed government school system and for accountability for the expenditure of government funds by the non-government sector. It is an opportunity to ensure this is the case for each generation and not reliant on which government is in power.

The review of Education Legislation will presumably consider what is appropriate for inclusion in Acts of Parliament, Regulations and Ministerial Orders.

The main Education Act should have a clear and stated purpose guaranteeing that all children of school age will have free access to high quality education.

While the Education Act should be based on clear principles it should also provide the framework and the location of power for more detailed organisational requirements. To allow for future adjustments and to avoid unnecessary prescription, more detailed organisational requirements may be determined through Regulations - which allow public scrutiny but which can be more easily changed.

Although Ministerial Orders must be consistent with the Legislation, they should generally be avoided, as they require no public scrutiny and may be introduced at short notice as with the introduction of Schools of the Future in 1993.

## **Principles of Education**

The following principles should be considered in relation to each other as well as singly.

## **QUESTIONS**

### **1 Should the principle of free instruction to a certain age or attainment level be affirmed as a guiding principle in new legislation?**

All children should have access to schooling that is free so that they are not reliant on a parent's or guardian's desire or capacity to pay. This should be extended to Year 12 equivalent and include some hours of pre-school.

Free education should be of a high quality. The existing legislation should be amended to replace the term 'instruction' by 'education', to avoid the argument that providing a child with access to a teacher and a classroom fulfils the responsibility of the government. Free education should cover the materials and media essential to learning, in the context of the resource requirements of education in the 21<sup>st</sup> Century. (There may be some role for any regulatory body - see Q7 - to monitor this as part of registration requirements).

Legislation for free education in government schools is necessary to ensure their accessibility, to keep pressure on governments to provide adequate funding and to ensure that school councils and administrations do not succumb to pressure to substitute voluntary contributions with fees.

Enforcement should be through Regulations. The fact that schools charge voluntary contributions should not be included in the legislation. These are **voluntary**.

## **2 Should the secular nature of government school provision be affirmed as a guiding principle in new legislation?**

Yes. Children should be able to access education without being expected to practice or profess any form of religion. In this way children from all faiths in our multicultural society can learn together and gain understanding and tolerance. A secular school curriculum may include the optional, objective study of comparative religions, but should not include proselytising.

## **3 Should people's right to choose between school education providers, registered or recognised by the Government, be established as a guiding principle in new legislation?**

No. There are two reasons why this would not be appropriate:

1) This is not the role of government legislation. The fact that families make choices doesn't need to be recognised in legislation.

2) There would be many implications of establishing this as a principle, let alone a guiding principle (whatever that might mean). -

In a just, democratic society the individual's right to freedom is limited at the point where it threatens to infringe upon the freedom and welfare of others. Parental choice as the organising principle for the provision of education is not defensible public policy, given that there is an increasing amount of evidence to show that the exercise of choice by some, limits the capacity of others to do so, and undermines the quality, and in some circumstances, the very existence of the services on which they rely.

The underlying principle should be that **schools are provided for children to access, not for parents to choose**. Free, high quality public education accessible to all children should be the guiding principle of school legislation and therefore of government funding of schools.

There will be situations where children move schools or want to attend a school not in their area, this is usually possible now and there is nothing to be gained by legislating for this. Many children/families have no opportunity to exercise choice in the school that they attend, therefore the thrust and effort of government should be to adequately resource all government schools so that all children have a quality education.

The majority of parents still choose to send their children to the local school which means that their friends and peer group are local, they have a stronger sense of being part of the local community, and there are few or no transport costs for accessing the school. For those rural students who travel to school by government funded school buses it is inefficient use of taxpayers funds to bus them to the school of their choice.

Parents of students with disabilities have campaigned vigorously to have the right to send their children either to the local government primary or secondary school or to a specialist school depending on the needs of the student and her/his family. These needs may be met through the principles of access and equity, rather than through enshrining choice in the legislation.

The legislation should specify that education is compulsory - and nominate between what ages and/or stages of schooling. Attendance should be compulsory so that participation is independent of the willingness of individuals to attend or of others to allow them to do so.

The requirement that schooling is compulsory means that there is an obligation on the government to ensure universal access to local schooling through the provision of sufficient schools of all levels in each locality, based on actual and projected populations. It also requires planning for future universal provision. All school students should have guaranteed access to the nearest primary and secondary schools/colleges in their neighbourhood.

Compulsory schooling does not mean that public education is compulsory, only universally available. Families may choose to meet the requirement for compulsory schooling by purchasing private education services, as they have done since the original Education Act of 1872. Enshrining such a choice in legislation would invite people who choose private education to seek public funding for what is a private choice, as a “right”, putting further strains on education budgets that are difficult to sustain.

#### **4 Should education and training providers be required through legislation to operate and deliver a curriculum consistent with Australian democratic principles?**

Schooling (which is compulsory) must include education by properly trained and qualified teachers through a curriculum which follows a broad, centrally developed framework. The school should be the location for detailed curriculum development. Designing curriculum and the associated teaching methods, including assessment, is a key part of being a professional and competent teacher. There should be statewide support for curriculum development as part of ongoing professional support for teachers. Support should be provided for innovative and flexible curriculum delivery, including integrated curriculum, particularly in primary and middle school levels.

A broad framework would include, for example, instrumental music, health education, careers counselling as well as traditional disciplines.

Curriculum content and teaching methods should develop critical thinking, understanding, co-operation and respect and ensure equal opportunity and the right to participate in decision-making.

#### **5 Should the right of public access to information about provider performance be established as a guiding principle in new legislation?**

This concept needs further explanation. It is not clear how “provider performance” would be measured, and indeed given a diversity of understanding across the community in terms of current theories of teaching and learning, it would be difficult to arrive at an agreed definition. Schools should be publicly accountable for funding received through government accountability arrangements that are not unnecessarily bureaucratic and through local accountability via annual reports, adequate time and support for parent/teacher contact and effective and consistent grievance processes.

## **6 Should the right of parent and student access to information about individual student achievement be established as a guiding principle in new legislation?**

Measurements of student achievement are based on assessment. Any reporting of student achievement needs to be provided in the context of the assessment measures used. The main purpose of assessment in schools is the improvement of student learning. Detailed assessment is closely connected to local curriculum. There should be some specification in the Act that assessment should be routine and frequent and that feedback be provided to parents and students.

## **7 Should a common and flexible regulation and quality assurance regime be established for all schools?**

It is not clear from the discussion paper what is intended or how this might be achieved. It may be that a Registration Board regulating all schools irrespective of their funding is being proposed.

Regulation and quality assurance should ensure that, for example, schools provide access to a general curriculum, have qualified and registered teachers, provide evidence that they accept all students, including, for example students with disabilities, have proper processes for suspension and expulsion, no corporal punishment and non-discriminatory employment and comply with legislation.

Further information needs to be provided on the possible implications of setting up a common regulatory regime. Regulation of other services has often been part of dismantling government services and establishing a “purchaser/ provider” split. If for instance it affected planned provision and the guarantee of there being a local government school, or if government schools that were under-resourced were to be judged as “failing”, VICCSO wouldn’t support it.

## **8 Are there any existing responsibilities of statutory authorities that should be changed?**

The responsibilities statutory authorities should be reviewed to be consistent with any legislative changes.

## **Conclusion**

We would like further information about the proposed timeline for the review. We would also suggest that the DE&T provide a “map” of the proposed changes with the draft legislation, explanatory and impact statements. This “map” should show how the pieces of legislation relate to each other, where the statutory authorities fit in and any other relationships which will enable those commenting on the draft documents to make an informed contribution. We recognise that the real discussion will have to occur once we have seen what the form of the new legislation is.

We have circulated a copy of our draft submission to our member school councils and intent to incorporate any feedback we receive into our final copy. We welcome the extension of the timeline and hope this means that more people will be able to comment on the principles. Nevertheless, the discussion paper can only be the beginning