

### Letter from Minister Signals Big Changes

The following is a letter dated 6 August 2004 received by some home educators from the office of the Minister of Education, Hon Trevor Mallard.

This letter touches on some of the deepest and most bothersome and controversial issues in the relationship between home educators (HEs) and the MoE. These are issues which have not been fully debated and settled. For the most part, both HEs and the MoE have simply let these sleeping dogs lie.

The MoE has now brought them up in this lengthy two-page letter, a letter which appears to be the MoE's position statement on how it perceives the MoE/HE relationship and how it would like to see this relationship proceed. The response from HEs will signal whether we accept the MoE's position statement or not. This could be a defining moment in NZ's Home Education history. It therefore seems prudent to have a close look at these issues and debate them as necessary.

*The letter is reproduced in whole in this italicized font with my comments in this normal font type. Underlines and paragraph numbers are added to highlight terms referenced in the commentary that follows.*

#### The Letter

*1)As you are aware, the Ministry of Education has been modifying the form used by applicants wishing to homeschool their children. Many homeschoolers have responded to these changes with requests for greater involvement both in the detail of the changes to the forms and*

*in discussion of broader issues that affect homeschooling. There have also been responses that support and appreciate the changes.*

*2)Homeschooling is a legitimate and recognised component of the New Zealand education system with on average about 5 to 6,000 students receiving education in this way each year. Homeschoolers are diverse in their philosophies and motivations for their preference but united in their desire to educate their own children.*

*3)Homeschoolers and I share a common interest in ensuring all*

*students given an exemption from regular schooling are successfully educated and that this occurs in safe surroundings.*

*4)The Education Act 1989 requires the Secretary of Education, before granting an exemption to homeschool, to be satisfied that a child will be educated at least as well as in a registered school. The ways that high quality education can be achieved can be as diverse as the reasons that motivate people to choose homeschooling as an option. Allowing that diversity to flourish while ensuring the obligations under the Act are satisfied requires some shared understanding between the Ministry of Education and homeschoolers about what everyone wants from education and how best that is achieved.*

*5)The direction of education policy in NZ and elsewhere is seeing*

### First NZ Uni to Acknowledge HEs

The following is taken from the Massey University website [see [http://enrol.massey.ac.nz/eligible/eligible\\_home.htm](http://enrol.massey.ac.nz/eligible/eligible_home.htm)], the only NZ university, so far, to specifically address home educated students seeking admission.

#### Admission Qualifications

Home schooled students who will not be working towards the NCEA may apply for Discretionary Entrance (DE) on the basis of what they have achieved. However the onus is on the student (or his/her parents) to provide evidence that the work completed is at an equivalent standard to the DE requirements set out above [see <http://enrol.massey.ac.nz/>

[eligible/eligiblenz.htm](http://enrol.massey.ac.nz/eligible/eligiblenz.htm)]. This is likely to mean that the parent seeks the assistance of a registered teacher to assess a sample of the work and to write that, in his/her professional opinion, the work is of equivalent standard to a student studying Level 2 unit standards.

The ACE programme (Accelerated Christian Education) followed by some home schooled students has been recognised so that a student who holds a Year 13 Certificate which includes at least four credits in subjects designated Year 13 level may be considered for Admission (AES) at Entrance level. Holders of Year 12 Certificates may be considered for Discretionary Entrance if they are NZ citizens or permanent residents.

*much greater transparency and focus on outcomes — broadly defined — and a greater focus on what constitutes effective learning and how it is supported in a range of different contexts. I am not intending to impose any particular limitation on homeschooling but rather seek some agreement on quality and how it can be articulated and developed. None of this seeks to convey any sense of curriculum regulation but highlights the need for homeschoolers, the Education Review Office and the Ministry to progressively develop greater shared understandings about learning outcomes and other dimensions of quality and how these might be best articulated in practice and in ways that meet our respective roles and responsibilities. Such understandings would be of mutual benefit for the Ministry and homeschoolers and provide greater assurance for homeschoolers and homeschooling.*

*6) Given the interest already expressed by homeschoolers for more dialogue with the Ministry on homeschooling matters, it seems appropriate to provide some more extensive opportunities for this to happen on an ongoing basis. I have suggested to my officials that the*

*regional offices of the Ministry develop a process for dialogue with homeschoolers in each area. The structure and nature of the dialogue would be developed as appropriate in each region. The intent would be to establish a regular and ongoing forum to encourage dialogue across a range of homeschooling issues both at a practical and policy level. This would allow for systematic discussion between the Ministry and homeschoolers, and, while it would not be expected to achieve resolution of all issues, it would provide the forum for a more constructive and continuing dialogue. It would mean that issues such as ongoing improvements to documentation would take place in the context of a discussion. These discussions could be used, for example, for exploration of descriptions of quality, for dissemination of research, and for the maintenance of local support systems. Local offices of the Ministry of Education will be contacting homeschoolers to discuss appropriate forums that they may wish to attend in their area.*

*7) The Ministry has already advised many of you of a process for the alterations to the application form for new applicants. I am informed that these changes are to simplify and clarify the form and are not changes in policy nor in the Ministry's attitude to homeschooling. The responses so far are mixed with some appreciative of the changes while others reflect a preference for the status quo. Responses received through to the end of October will be considered before deciding if the changes will achieve what was intended. Some organisations expressed difficulty in giving a response by the earlier notified August date. To date many of the responses have focused on the need for a*

*much broader discussion rather than the detail of an application form. It would be preferable to separate the form from that larger discussion although I would expect that as the discussion progresses it may influence future forms. The Ministry has provided copies of the draft parent pack and information form to homeschooling organisations. Please contact one of the organisations listed below if you wish to make comment on the detail of the application form.*

*8) Ministry staff are looking forward to working more closely with you as part of their joint commitment to enhance education outcomes for children and young people who are homeschooled and will be contacting you again concerning arrangements for local forums.*

*Yours sincerely*

**Trevor Mallard**

MINISTER OF EDUCATION

Only eight home education organisations were listed, so if your local support group does not have a copy of the draft exemption application and parent information pack, have a group representative write to Kay Phillips, c/- Ministry of Education, PO Box 1666, Wellington, kay.phillips@minedu.govt.nz, and ask for one. If you are not part of any group, you are also entitled to a copy: ask for one. Alternatively, the *TEACH Bulletin* editor can email you a copy as a Word attachment.

The *TEACH Bulletin* Editor has read and re-read this letter many times. It sounds friendly and agreeable in many places. Up through paragraph 4, I am inclined to think it is non-threatening. But paragraph 5 reveals intentions that colour the whole of the document in bright tones of danger and warning.

There are two main issues: the MoE taking actions outside of its powers as delineated by the Education Act, and both HEs and the MoE recognising parents as having the primary responsibility for their children's education. There are sub-topics to each issue.

## TEACH Bulletin

is a monthly publication of the Home Education Foundation and is concerned with those things which may impact on home educators. Articles will deal with political developments, statist and professional trends, correspondence with educationalists and other items of general interest to home educators. Information herein is not to be construed as legal advice. Opinions expressed in *TEACH Bulletin* are those of the writer and should not be assumed to reflect those of the Home Education Foundation Trustees or Board of Reference Members. *TEACH Bulletin* is available for a subscription of \$16 per year for 11 issues (none in December) or two years for \$30.

### All correspondence to:

The Editor, Craig S. Smith  
PO Box 9064  
Palmerston North  
New Zealand  
Ph.: (06) 357-4399  
Fax: (06) 357-4389  
hedf@extra.co.nz

[www.HomeEducationFoundation.org.nz](http://www.HomeEducationFoundation.org.nz)

Hear, my son, your father's instruction,  
and reject not your mother's teaching.  
— Proverbs 1:8

# Trading Post



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## I. **The MoE Must Stay Within the Education Act**

Section 21 says the MoE must be "satisfied that the child will be taught at least as regularly and well as in a registered school."

### **What Does the Act Require?**

The MoE must be "satisfied". This is not legally defined, nor have I ever heard of the MoE having its own working definition. One could suppose the MoE could hold out and not issue an exemption until

you do what it tells you. But it can point to nothing in law, only its collective professional interpretation of "regular and well". Now these two words *do* have working definitions, written by the MoE itself, both of which are very useful and helpful.

The MoE's working definition of "regularly" is:

"The homeschooling situation can provide an opportunity for a more flexible approach to organisation than that which is likely to operate in the average school. Nevertheless, the Act requires you to teach your children "at least as **regularly** .... as in a registered school." Home-schooling applications should, therefore, provide evidence of a commitment to certain **routines** appropriate to the maturity level and abilities of the child and should outline these. This is because the Ministry is concerned to know that regularity extends to the treatment of elements within your stated curriculum. It would be helpful to provide a specific timetable for a typical week, or you may describe your organisational routines in sufficient detail to enable the Ministry to assess the regularity of your programme. However, unsupported statements such as "John will let us know what he wants to study" are not acceptable."

The MoE's working definition of "well" is as follows:

"Section 35A of the Act (which deals with the registration of private schools) says that one of the elements necessary to ensure registration is the existence of a suitable curriculum. To indicate that you will teach your child "at least as **well** as in a registered school" you must, therefore, communicate to the Ministry something of your curriculum vision. Your statement should be more than an overview - it should give some indication of issues that will be addressed in different areas of your stated curriculum. Some people will want to use a commercially prepared course of some kind. There is no problem with this but it is likely to be insufficient if your application simply says, "We will be follow-

ing such and such a course." You will need to show that you at least know where the course is taking you. It is not possible, of course, for the Ministry to judge the quality of your teaching in advance, but Ministry officers will look for some evidence of the **planning** and **balance** that we would expect to be a feature of curriculum organisation in any registered school."

Note carefully that this definition keeps well away from any mention of learning outcomes, being successfully educated, high quality education, effective learning or any such thing as "attitudes, values, skills, knowledge and understandings" which are mentioned in other MoE policy documents. The MoE here states it wants to know "your curriculum vision", establishing that HEs, like private schools, do not need to follow the National Curriculum Guidelines.

### **Taught or Educated?**

"Taught" is the other key word from the Act. This points to teacher activity, methodology, aims and objectives of the kind one might find in a registered school, meaning one's teaching could fall anywhere along a huge spectrum of variety: state, kura kaupapa, integrated, Catholic, independent Christian, Jewish, Muslim, Steiner, Montessori, alternative, Hare Krishna, SDA, ACE, etc. The parents are not required to do the teaching but must satisfy the MoE that the child "will be taught at least as regularly, etc." This is what the MoE is to assess in the exemption application: that the child is "taught." Although there is an expectation that the child will be taught mostly along academic lines and not just along technical, domestic or agricultural lines, since virtually all registered schools do so, the MoE cannot specify any particular learning outcomes.

While it may seem reasonable to assess the effectiveness of the teaching by looking at the learning, it is not the effectiveness of the teaching that is mentioned in the Act, but only that the child "will be taught". That is, parents may have in mind to teach certain skills and cover certain bodies of knowledge. But parents cannot guarantee nor be

held to account if their child does not actually learn or retain what was taught. Neither can the ERO assess actual learning outcomes against any *objective* standard, for none is specified in law, apart from the highly *subjective* “as regularly and well as.” **And I trust we HEs will not saddle either ourselves or our fellow HEs or future generations with any objective standards not required by law.**

The home educating parents/teachers cannot be held responsible for any lack of learning in their child(ren)/student(s) just as teachers in schools cannot be held responsible for any lack of learning in their students. Would the state school teachers agree to having their registrations to teach depend on how effective their teaching is by measuring learning outcomes in the children they teach? No. So neither should HEs have their exemptions depend on their teaching effectiveness.

In paragraph 4) of the Minister’s letter, the Act is misquoted for some reason. The Act does not insist that a child be “educated”, but that a child be “taught at least as regularly and well.” The word “educated” points to learning outcomes in the child whereas the word “taught” points to the action of the teacher/parent. This writer maintains that as soon as the MoE starts talking about *efficient learning*, *learning outcomes*, being *successfully educated* or some other result one would look for in the child, then they have gone *ultra vires*, outside the wording of the Act, outside the limits of their defined powers. Bureaucracies do this all the time. It is a characteristic of a bureaucracy, especially those that are over-worked, under-staffed and under-funded, and not some evil conspiracy (although that kind of thing has been known to happen as well). Simply to make their jobs more streamlined and easy, bureaucracies and bureaucrats will overstep their legally defined limits, because working to the letter of the law is usually a lot more work. HEs must help the MoE not to step outside of its parameters. The MoE can assess how the child is taught (teaching methodologies), but not the children’s learning.

This writer further maintains that this is the proper interpretation of the Act, that the MoE concern itself solely with the teaching and not with the learning, based on the testimony, before a Parliamentary committee, of the ERO itself. On page eight of the *Report of the Education and Science Select Committee*, which is found on page 94 of the *1996/97 Financial Review of the ERO* presented to Parliament on 12 February 1998, we find the following statement:

“This position raised for us [members of the Parliamentary Science and Education Select Committee] how well taught home schooled children might be in comparison with those in state schools. The [Education Review] office advised us that there was no statutory requirement for any child to be well taught.”

There you have it: by law children must be taught, but the law does not stipulate any particular standard or outcome.

### **HEs Are not Schools**

When the MoE refers to home education exclusively as “home-schooling”, there is an implication that we are just doing school at home or are very small schools. This kind of thinking does exist in the MoE, and it must be corrected with vigour. Otherwise the MoE may think of treating our homes and families as schooling institutions, a mere *component of the New Zealand education system* that needs to be regulated, inspected, reviewed and controlled just like all the other institutions.

I once sat across the table from the Hon Margaret Austin who was chairing a panel set up in 1997 to review the ERO’s performance. Though I had been invited to make a submission to the panel on behalf of the Home Education Foundation, Ms Austin took the opportunity to declare her position that all “home schools” should be subject to inspections and every regulation in the book, “for you are de facto schooling institutions,” she said.

That very same day I spoke for an

hour with Dr Judith Aiken, then Chief Review Officer of the ERO. She pointed out that in NZ, unlike other countries, schooling and not education was compulsory in law.

After much lobbying by HEs in 1998 on the *Education Legislation Amendment Bill (No. 2)* (125 submissions out of a total of 177), two clauses of the Bill were completely re-written specifically to avoid enacting legislation which would cause us home educators to be regarded as institutions. The original Bill said: “60. Sections 325, 326, and 328 apply to educational services provided to a person who has an enrolment exemption under section 21 **as if the person providing the services were an applicable organisation**” (emphasis added — Ed.).

The Parliamentary Science and Education Select Committee which dealt with the submissions wrote at the time: “We received much criticism from home educators....that the amendment turned home educators into organisations or institutions, such as schools, and this was seen as unjustified.....The use of the term ‘applicable organisation’ does not mean that families are to be viewed as ‘organisations/institutions’. Neither does it draw home educators within the coverage of general legislation applicable to schools such as the Health and Safety in Employment Act, the Official Information Act and the Employment Contracts Act. While we do not agree that the concerns expressed about the term ‘applicable organisation’ are valid, we recognise that some of the objection to the terms could be reduced by changes to the language. We have, therefore, recommended a major redrafting of clause 60.” It was redrafted and now says the regulations which apply to organisations do not apply to home educators. (See full report in *TEACH Bulletin* No. 17, June 1998.)

Note that the Science and Education Select Committee report referred to us as “home educators” and not “home schoolers.” That was because we all made it an issue. Note also that even though the Committee did not agree with our arguments, they re-drafted the Bill anyway!

## Exempted from the “System”

Our children are exempted from the legal requirement to be enrolled at a registered school. This means they do not have to attend either. They are exempted from following the National Curriculum Guidelines. They are exempted from the requirement in state primary schools that all instruction be entirely of a secular character. It is clear that the Act does not consider the MoE to be either the only or the best provider of education. Although the Act says all have a “right” to an education, it is only enrolment and attendance at a registered school (state, private or whatever) that is compulsory. Getting an education and/or becoming educated are not compulsory in New Zealand as in other countries. Today’s Education Act doesn’t even have the statutory requirement that state schools teach reading, writing or arithmetic, but only that they endeavour to teach four hours a day, compel children to attend, teach from a secular perspective and follow the National Curriculum Guidelines, whatever they happen to be at the time.

Our children are legally exempted; why then does the MoE call us a component of the New Zealand education system? MoE staff and teachers regularly tell us, “You’ve opted out of the system.” One hears this especially when inquiring about access to the local school’s chemistry labs, wood shops, sports teams or even their sport competitions. We definitely *have* opted out of the enrolment requirements, out of the classroom environment, out of the National Curriculum, out of the school brand of socialisation, out of school dress codes, out of the teaching and curriculum and marking and grading systems. HEs are outside of the restriction of staying on school grounds. Our students are free to be seen in town, to go shopping, to visit places of work, to travel around and to generally participate in the life of the real world.

We *have opted out* of the system; we are *exempted from* the system. It is quite misleading when the MoE says HEs are *part of* the NZ education system.

## II. Parents Have the Primary Responsibility

Some concepts are so basic and foundational they are simply accepted as true with no argument. Let me state one such concept: It is the parents, first and foremost, and not the government nor its agents, who are primarily responsible for the children’s education.

Paragraph 3) of the Minister’s letter says: *Homeschoolers and I share a common interest in ensuring all students given an exemption from regular schooling are successfully educated and that this occurs in safe surroundings.* Jim Matheson of the MoE’s head office in Wellington told a number of HEs recently that he is responsible for the children for whom he issues exemptions. The question arises: For what exactly and to what degree exactly *is* the MoE *in fact* responsible in regards to our exempted children?

### Schooling vs Education

Section 3 of the Education Act states that “every person who is not a foreign student is entitled to free enrolment and free education at any state school” from age five until age 19. The only way the state then protects this entitlement is to require children to enrol and attend a registered school, or by exempting a child from the enrolment and attendance requirements as long as it will be taught as regularly and well as in a registered school. Nowhere does this entitlement to an education ever mean that a child will or must learn anything in particular. Of course, the MoE does what it can to help children learn. But ultimately the state can only compel the child to do time in a classroom: i.e., schooling (not education or learning) is compulsory.

If a child leaves school at 16 totally illiterate, can the school, the teachers, the MoE or the Minister be held responsible? What could one do? File a lawsuit? I have

heard a Massey Professor of Education say that you cannot sue the school, the teachers or the MoE for there are too many other factors involved: that one can never ensure a child will learn, regardless of the teaching. This particular Professor indicated that the parents are ultimately responsible. Interesting, isn’t it. Although the parents are compelled by law to send their children to school, and although the parents in good faith trust the schools to teach their children the 3Rs, if a child doesn’t learn anything, it is the parents’ fault. One is tempted to agree that the parents *are* at fault... for letting the child go to school in the first place, especially if this is how the state school system responds to its own failure to deliver what it was established to provide: an education.

Does the MoE have the responsibility or the ability to see children educated? No. The state entitles children to a free education; it compels them to go to school and be taught; but it cannot compel or guarantee that they will learn anything of what was hoped they’d learn. We are all familiar, however, with what children *do* learn at school: too often the least savoury parts of the “hidden curriculum”.

### Safe Surroundings?

Is the MoE responsible, in granting an exemption, to see that your child will be taught in safe surroundings? The question is whether *your home and family* constitute safe surroundings. The Education Act does not appear to entitle students *in its own schools* to safe surroundings. Safety is protected by the Act for those living in school hostels, and the Act established the NZ Teachers Council to “contribute to a safe and high quality teaching and learning environment for children and other learners” (Section 139AA), but this has nothing to do with HEs.

However, the MoE’s Privacy Statement in the draft exemption form the MoE has invited us to comment on, says the following:

The personal information collected by the Ministry on this form is for the purposes of assessing your ap-

plication for exemption from enrolment at a registered school. The information collected may be used by or disclosed to other agencies, such as the Education Review Office, the principal of your child's current school or (in the case of a child who has never attended school) the Public Health Nurse, for these purposes. Your information will not be disclosed to any other person or agency unless it is authorised or required by law.

How will your personal information, given to the Public Health Nurse, advance the purpose of the MoE in assessing your exemption application? By assuring the MoE, HEs in Auckland and Wellington were recently told, that your family is not given to child abuse or other types of dysfunction. What is the Public Health Nurse supposed to do? Will a safety inspection of the home and household practises become a prerequisite to being issued an exemption? Once approved, will exemptions be automatically forwarded to CYFS? (as one MoE official suggested to me recently!!) This is Big Brother becoming the Big Bully. These actions are outside the powers given the MoE by the Act, are based on no evidence and are offensive in the extreme, for HEs are here being discriminated against and assumed to be guilty until proven innocent.

**HEs are at the cutting edge of civil liberties. If we acquiesce to this, we can be sure of more demands later on.**

Is the MoE even able to ensure safety in its own schools? No! Its track record is terrible:

*The increasing use of knives and other weapons in schoolyard fights is alarming many educators. The Ministry of Education figures for the 2002-year showed 537 teachers were physically assaulted by students. In addition, 4763 students physically assaulted their classmates. Weapons were used in 229 schoolyard attacks and the highest assault rates occurred in Auckland, Waikato and Canterbury. Suspensions for bringing weapons to school have almost doubled in the past three years, and the latest MoE report shows pupils were kicked out of school more than 24,700 times*

*last year for continual disobedience, beating up classmates, abusing teachers, arson, theft, vandalism, drugs and alcohol. According to the NZ Principals' Federation (NZPF), teachers are spending an increasing amount of time and energy dealing with "crowd control" and behaviour management, rather than in actually teaching. Growing numbers of unruly primary school children are not only destroying teachers' resolve but also paralysing the education of their better-behaved classmates. The situation is such that NZPF President Kelvin Squire has come out with the incredible statement that normal, well-behaved children are the new "at-risk" group.<sup>1,2,3,4</sup>*

*Christchurch principals support random drug testing in schools to combat increasing drug use among teenagers. Principals said yesterday a significant number of students at every secondary school were using drugs. Schools who said they did not have a problem had their heads in the sand.<sup>5</sup>*

#### **References:**

1. *NZ Herald*, 30/4/04, " 'Normal' pupils new at-risk group, say principals", <http://tinyurl.com/23lcd>
2. *The Press*, 29/3/04, "Schools battle growing violence", <http://tinyurl.com/2cp93>
3. *Dominion Post*, 30/3/04, "Principals say parents need to give children strong values," <http://tinyurl.com/3bdxo>
4. *Dominion Post*, 22/4/04, "Armed pupil incidents double," <http://tinyurl.com/2obyd>
5. *The Press*, 3/3/04, <http://www.stuff.co.nz/stuff/0,2106,2832499a7694,00.html>

Does the MoE have the responsibility or the ability to ensure HE children are in safe surroundings? No! It has no statutory obligation to try to do so, and its own schools cannot guarantee the safety of any children.

### **Policy Changes**

Paragraph 5 clearly indicates that policy toward home education is

changing — even though we have been constantly assured of late that it is not, and even though Paragraph 7 says it is not — and that the new focus is on outcomes ... and what constitutes effective learning. The MoE also sees itself, the ERO and HEs progressively developing shared understandings about learning outcomes and other dimensions of quality and how these might be best articulated. Why? It says a need has been highlighted. What is the need? Nothing more than the Minister's own stated desire to focus on outcomes and on what constitutes effective learning. This is simply not part of the Act's requirement for gaining an exemption. It is a Minister of the Crown calling what he wants a "need". It is the Hon Trevor Mallard's corollary to Prime Minister Rt Hon Helen Clark's statement in the March 4, 2003 *Dominion Post* that the Government's role is whatever the Government defines that role to be. Such political high-handedness is unacceptable to a free and responsible citizenry. It is also a totally unnecessary and inflicts unfair extra burdens on HEs. It struck this writer that this paragraph 5 could be a trial replacement of the MoE's old definition of "well" as reproduced on page three.

It was stated earlier that the MoE should not be allowed to unilaterally define its own criteria for either safe surroundings or for being successfully educated since it is neither legally obligated nor practically able. What about the MoEs suggestion in paragraph 5, that some HEs sit down with the MoE and the ERO and together draw up shared understandings about learning outcomes?

**It would be disastrous for the variety, flexibility, viability and overall vibrancy of the HE movement. We cannot allow ourselves to go there.**

HEs are vastly different in their educational philosophies and objectives, and what one would consider an essential learning area, another would see as anathema. And this course of action is not required by the Act. We must firmly resist any efforts to lay extra requirements upon ourselves.....or upon our fellow HEs, be they in this generation,

the next or any generation following. We must consider our responsibilities to the future as well.

We must remember that the MoE and ERO, like any bureaucracy, will tend to do whatever they can to streamline the job. Government bureaucracies tend inexorably toward standardisation, an institutional nature and minimal variation. Some HEs wouldn't mind these things; others would see them as insufferable restrictions. Government bureaucracies are also infected to one degree or another with politically driven agendas. This is not sensationalism: it is a recognised fact of institutional life. Because of these things, if these two huge bureaucracies, MoE and ERO, *together* ever had a hand in determining on an ongoing basis what constitutes a high quality education for HEs, we would in time be squeezed into what Margaret Austin accused us of being: de facto schooling institutions.

Paragraph 6 mentioned that systematic discussions between the Ministry and homeschoolers could facilitate ongoing improvements to documentation. What interest do HEs have in documentation that is shared with the MoE, except that there be as little of it as possible?

Why give the state any extra information-gathering or inspecting power? The tendency of state governments and state bureaucracies is to centralise power more and more unto themselves, not disperse it. If the state can decide that parents are not qualified to choose the best education for their children, it is a *very* small step to the state deciding that parents are not qualified to even *raise* their children.

### **Who's Responsible?**

Christians see other issues in all of this: who's in charge here? Who calls the shots? The Bible is clear: children, and all things else, belong to God. They do not belong to parents; they do not belong to the state; they do not belong to themselves. Parents are given children to rear for God, part of the job to be responsible stewards of all God has given, and He will call parents to account for how they carried out

this responsibility. This has tremendous implications for how Christians home educate their children. It is a serious thing to delegate the responsibility, not to be done lightly. It is even more serious to allow this responsibility to be taken away by a secular, non-Christian state, as appears to be the intention of the present MoE from the comments in this letter. The Lord Jesus Christ also said to render to Caesar the things that are his and to God the things that are His. To give the educational, training or welfare concerns of our children to the MoE is to render to Caesar that which is God's.

Many people, and not just HEs, would say the state and its bureaucracies really cannot determine what is in the best interests of the child. The entire edifice is driven by political, economic and special interest agendas rather than by any robust educational research as to what is best for children. The reigning classroom pedagogy, identified by University of Auckland researchers Judy Parr and Irene Fung as social constructivism, is considered by many to be little better than intellectual quicksand.

Many Christians would be even more blunt: since the Bible says the fear of the Lord God is the *beginning* of wisdom (Psalm 111:10, Proverbs 1:7); and since the state's secular schooling system considers God irrelevant at best; and since the state schools teach, through the teachers and the state-funded Family Planning Association, that many of the most damaging and harmful perversions — pre-marital sex, serial partners, homosexuality, lesbianism, de facto situations, abortion, prostitution — are all perfectly valid choices, as long as they are informed, responsible choices: meaning you pack a condom; and since state schools will issue contraceptives and organise abortions for school girls without the parents' knowledge or consent, therefore state schools are, at times, simply agents of evil.

This writer will state with no hesitation, caveat or apology: because

of its rejection of God and His Bible, because of its philosophical and political agendas, and because of its endorsement of a large range of moral perversions to children compelled by law to attend its schooling institutions, the New Zealand bureaucracy known as the Ministry of Education is incompetent to determine what is in the best interests of any child.

### **Each Child, Each Family Is Unique**

Some HEs are natural organisers, and their skills are often sought and almost always appreciated. There is a time, however, when such skills would become grossly offensive: if they were teamed up with the coercive power of the state, they might be tempted to organise another type of HE right out of an exemption, to tell other HEs how they must now relate to their own children in their own homes. Once these few HEs had, with the MoE and ERO, arrived at some greater shared understandings about learning outcomes and other dimensions of quality and how these might be best articulated, would they then be imposed upon fellow HEs? If these things are not found in the programmes or children of fellow HEs, do they then become grounds for revoking their exemptions?

**This is a situation to be avoided like the plague: it is a time-honoured strategy known as "divide and conquer."**

The MoE obviously has the prerogative and obligation to determine such things for state schools. But this does not extend to either private schools nor to exempted students being home educated. It is occasionally said that schools act *in loco parentis*, in the place of parents. This means parents, by definition, have the primary position ahead of the MoE's schools. When we parents educate our children at home, there is no longer a need for the school to act in our place, for we are assuming it ourselves.

Working with the MoE to come up with descriptions of quality may sound initially like a good idea. But we mustn't go there because the 3,100 HE families represent 3,100 different concepts of quality. Why

limit ourselves or encourage standardisation? Just as the MoE's philosophy of education is not acceptable to some HEs (that's why they sought exemptions in the first place), the philosophy of education of some HEs is not acceptable to other HEs. That's the nature of HE. We're all unique. The MoE already requires a unique application for each child. Uniqueness is also the nature of the family unit.

### **Families Need Special Protection**

We HEs and the MoE both need to come to grips with this simple fact of life: we all need to be dealt with as the unique individual, independent families that we are. The freedom to be different and express one's ideas is as basic and foundational a freedom as they come. Families are the most basic and essential centres of economic, social, educational, health and self-governmental well-being in all of society. We therefore need special protection and safeguards. And because we do not hand the responsibility of educating our children over to the compulsory school system just because it is there or just because it is compulsory, but pursue the perfectly legal and logical home education route, we need more protection from state agencies and individuals. Some of these people would, with every good intention, presume to tell us — as unique as each of us is, and even though we are exempted from the system — what to do and how to do it!

No reader must think for a moment that HEs are not interested in learning outcomes, maintaining standards or seeing their children *successfully educated*. These are all high priorities. But finding a common definition or understanding of any of these things is nearly impossible. A key aspect of any home education philosophy is the commitment to self-determination and self-definition of what constitutes a quality education. Sharing these tasks with the MoE and ERO would be to give up our independence and the integrity of our self-determination. It is also not required of us by the Act.

Because of the many inherent advantages of the home education tutoring/mentoring scenario, we can provide a superior, cohesive and comprehensive academic, social, spiritual and emotional education incorporating character training and work ethic all in the context of the real world. Even "illiterate" parents can do this, especially those who are illiterate in spite of spending 10 years in state schools. They now *know* what is, and what isn't, worth learning. If they are motivated enough to try home education, not wanting their own children to be failed by the school system that

**We're all unique.  
That's the nature of  
home education.**

failed them, they deserve all the help we can offer. Do we HEs not believe that every parent who truly wants to home educate should be given the opportunity?

### **Conclusion**

I repeat: this letter from the MoE appears to be the MoE's position statement on how it perceives the relationship between itself and us HEs. Our response will signal whether we accept the MoE's position statement or not.

And there are related issues to consider.

**Meeting with MoE.** What can we gain from on-going talks with the MoE? It is good to see the MoE take such an initiative, and we thank them in advance for the opportunities this will afford. Greater communication has to be a benefit to all. However, many HEs do not want to move closer to their position, that is, taking on board their curriculum objectives or their definition of quality or their learning objectives or their concept of *safe surroundings*. We can perhaps trade information on teaching practises and research findings. We might hope that individual MoE staff would be genuinely interested in learning what HEs have discovered about learn-

ing styles, teaching styles, motivation, attention spans, learning in context, resources, the benefits of individual attention, etc., but the MoE as a bureaucracy may never be interested, for these things do not translate well into the classroom.

**Protect Family Integrity.** HEs are supremely justified in putting high and strong walls of protection between our private, individual and unique families and the huge, powerful, impersonal and collective state bureaucracies. Families are very special because of their unique and foundational roles as the building blocks of any society. Therefore they need, deserve and require special protections from state bureaucracies which have trouble defining and sticking to the limits of their statutory powers. History shows it repeatedly: if the government collapses, the family remains and becomes even stronger. But if the family disintegrates, so does the government and the nation.

**ERO Reviews.** This *safe surroundings* issue becomes a lot clearer when the ERO officer comes to call on us HEs. While the ERO officer might be a lovely person, his or her personality may not reflect the agency's agenda. Home education is an intensely personal and unique family enterprise. For many HEs it is inseparable from their entire lifestyle. What the ERO officer ends up doing, therefore, is sitting in judgment over how you relate to your own children, how you function in your own home. The ERO report is almost entirely subjective, based on that one ERO officer's professional opinion.

The HEer with an ERO review coming up has to balance being a charming host on the one hand, offering the socially required and expected hospitality and friendliness to a guest in the home, while on the other hand dealing at arm's length and in a professional, unemotional manner with this representative from a very powerful Government agency. This agency is investigating your home, your personal qualities as a parent/teacher, how you relate to your children and something also about your children and the impression they make. This agent, as



charming and as lovely as he or she may personally be, has the power to recommend to the MoE that it revoke your exemption, ending your lifestyle and forcing your children out of your home.

In addition, the ERO officer, like any state agent in a private home on official business, is obliged to be on a fishing expedition: that is, if the officer sees, while in your home, or smells or hears or “senses” something that causes concern about the physical, emotional, sexual or psychological safety of your child or that the child’s autonomous “rights” as defined in various UN Conventions might be compromised by your HE setup, the state agent would be professionally obliged to report it. If you then get a knock on the door from CYFS, life as you know it comes to an end.

No, *of course* you have nothing to hide from any state agency, and yes, you *should* be proud to show off your personal library and the evidence of intellectual and creative pursuits. So meet with the ERO at a neutral venue (church hall, public library). Choosing which resources to cart down there will also help immensely with your planning and choreography of the entire review. Why invite state agents into your home on official public business, exposing yourself and your family to this kind of scrutiny when there is nothing to be gained and potentially a lot to lose?

**The Allowance.** Are we happy with the implications of the “Homeschooling Supervision Allowance” as the draft exemption application and parent information pack calls it? Is the state paying us to supervise our own children? Or is there an implication that we HEs are being paid to supervise the state’s children? Either way, the state can exercise some control over our children simply by applying a bit of leverage with this money. Are we growing so accustomed to this money that should the MoE ever require us to do something more than sign a statutory declaration to get it — say, for example, to incorporate the national curriculum guidelines — will we incorporate them or will we refuse the money?

There are a number of private schools in NZ that refuse to integrate, even though the Integration Act *requires* the school to maintain its special character. OK, it has to adopt the national curriculum guidelines, but the state pays all their bills! I know of at least one school that chose to close down rather than integrate and take the money. Why do they object so strongly? The private schools I’ve talked to said it is because they refuse to compromise their independence.

### Action Station

**A)** Jim Matheson of the MoE is fielding the feedback on the draft exemption application form and parent information pack (jim.matheson@minedu.govt.nz, PO Box 1666, Wellington). He says he wants to separate the exemption form feedback from the larger issues. Of course, until some of the larger issues are settled, we cannot comment accurately on the questions on the exemption form, but the MoE seems keen to modify the form before any of these discussions take place. We have until the end of October 2004.

**B)** We also need to ask Mr Matheson what the MoE’s view is on some of these larger issues (jim.matheson@minedu.govt.nz, PO Box 1666, Wellington). And we need to be clear and dogmatic: if Mr Matheson or the MoE cannot quote chapter and verse from an Act of Parliament, then they have no legal authority to ask these things from us. We become, therefore, disinclined to comply with their requests.

The Home Education Foundation is not advocating civil disobedience here. It is always in the public interest to comply with the law. However, over-compliance, especially when it is done at the suggestion or request of the MoE or ERO, allows these government agencies to make the false assumption that it is generally acceptable to HEs for state agencies to make these *ultra vires* requests. And so they request more and more. When new HEs enter the scene, they are scared of not complying fully with the law, which

now is padded out with *ultra vires* requests, and in their efforts to comply, they end up over complying even more. The Home Education Foundation urges everyone to do all they must to comply with the law. But it does not advocate doing more than the law requires.

Suggested questions to ask Jim Matheson of the MoE: 1) For what and to what degree is the MoE responsible for exempted children? 2) Where does JM get the idea the MoE has the authority to inquire into the safety of our homes and family environments? 3) What exactly are we exempted from? What are we not exempted from? 4) Is it not true that we parents have the primary responsibility for our children’s education, ahead of the MoE or any other branch of the central Government? 5) By what authority is the MoE now placing so much emphasis on learning outcomes?

**C)** Commenting on the draft exemption application and parent information pack, we are disinclined to agree to any request for information not specifically or logically directly necessary to fulfill our obligation under the Act: i.e., to satisfy the MoE that the child “will be taught at least as regularly and well as in a registered school.” Questions about socialisation, safety, informing principals or public health nurses, our children’s educational needs or levels of maturity are *out*. Questions about our teaching activities and objectives, about how we’d ensure we teach as “regularly and well” in terms of our personal curriculum visions, routines, planning and balance, and a question wherein we might identify our child as having special needs, as appropriate, are all *in*.

**D)** Let us suggest that the MoE, ERO and HEs share notes on teaching methodologies, the presentation of ideas, creative uses of resources, engendering a love of learning, etc. This would be far more useful – and more likely to contribute to excellence in learning – than discussing learning outcomes.

It is evident that not all HE support groups want to become politically active. Politically charged issues,

(Continued on page 10: *The Letter*)

# Coming Events

## Wed, 25 Aug 2004

### Home Education A Lifestyle Choice Auckland

**Venue:** Greenlane area (venue to be advised on booking)

**Time:** 7:15pm to 9:15pm

**Cost:** \$5 per person/couple - please bring correct cash

**Booking - places limited:** Email Dawn at [burgins.of.auckland@xtra.co.nz](mailto:burgins.of.auckland@xtra.co.nz) (yes, I'll be picking up email while I'm in the UK) or phone Kate on (09) 579-8573 with name/s, phone no., suburb, email address.

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*(Continued from page 9: The Letter)*

such as this one, certainly have the potential for tearing a support group apart. And there are many families who are not involved in any support group; they shouldn't hesitate to make individual submissions. This is how the MoE deals with us - individual exemptions for each child.

HE is just too complex, dealing as it does with the foundational units of society — personal, unique families — to be dealt with by the MoE as a single group. The NZ Home Schooling Association (a.k.a. Home Schooling Federation) put itself forward to Government for years as the only group to properly represent all HEs: it caused an endless stream of consternation and outrage. There may be voluntary group associations with whom the MoE can deal on behalf of its member families. But otherwise the MoE needs to deal with each of us individually.

Our forefathers made the big mistake in 1877 by passing the compulsory school enrolment and attendance laws of the Education Act. Too many generations since then have delegated — even abdicated — to the state their parental responsibilities to the point where the state bureaucracy of the MoE is now tempted to think the responsibility for children's education lies primarily with it.

**We need to send a clear message to the MoE that the responsibility for the children lies with us parents, and we will not be denied our duty to fulfil it.**

## Thur, 2 Sept 2004

### Home Education A Lifestyle Choice Auckland

**Venue:** Edgewater Community Education, 32 Edgewater Drive, Pakuranga

**Time:** 7:00pm to 9:00pm

**Cost:** \$10 per person

**Course Ref:** 768C under "Personal Growth"

**Course enrolment - places limited:** Through Edgewater - visit [www.ecep.homestead.com/PersonalGrowth.html](http://www.ecep.homestead.com/PersonalGrowth.html) or phone (09) 576-4731 (closed during school holidays)

**Content:** Well over 2,000 kids in the wider Auckland area are involved in home education (aka Homeschooling). We look at how it could suit your family, strengthen relationships and offer your child a nurturing lifestyle of discovery, flexibility, freedom and so much more. Relaxed & informative based on Questions & Answers to help with the decision-making process.

**Poster:** Look for the A4 poster in local libraries (also available via email request to Dawn at [burgins.of.auckland@xtra.co.nz](mailto:burgins.of.auckland@xtra.co.nz))

**Provided by:** Auckland Home Educators, Inc., [www.home-education.org.nz](http://www.home-education.org.nz) Answer-phone: (09) 302-2866

## Thur, 23 Sept 2004

### Christchurch

#### Curriculum Evening

**Venue:** Bishopdale Reformed Church, 90 Highsted Road, Bishopdale, Christchurch,

**Time:** 4.00 - 8.00 p.m.

**Cost:** Gold coin entry.

**Contact:** Adrienne, [braams@paradise.net.nz](mailto:braams@paradise.net.nz) or phone (03) 347-7168.

Resources will be available to view and purchase from Learnex, Geneva Books, and other local companies.

Provision is being made for people to buy, sell or exchange their resources. Please RSVP to Adrienne.

## Mon-Sat, 11-17 Oct

### Home Education Awareness Week

## Tue-Fri, 18-21 Jan 2005

### Christian Worldview Conference

**Venue:** Willowpark, Auckland

**Contact:** Carol: Ph. (09) 410-3933, Email [cesbooks@intouch.co.nz](mailto:cesbooks@intouch.co.nz)

**Keynote speaker:** Dr R C Sproul, Jr., a totally committed home schooler, a graduate of Reformed Theological Seminary, Grove City College and received his D.Min. from Whitefield Theological Seminary. R.C. is the editor of *Tabletalk magazine*, associate pastor of teaching of Saint Peter Presbyterian Church, and the director of the Highlands Study Center. He has written or edited nine books, and contributed to several others. The important thing is that he is the husband of Denise, and the father of home educated children Darby, Campbell, Shannon, Delaney, Erin Claire, and Maili. At the Highlands Study Center, R.C. teaches the Tuesday Night Bible study for the community, most of the Highlands Academy classes, the resident students, and serves as senior editor of *Every Thought Captive*.

## Mon, 31 Jan 2005

### 5th Annual Home Education Celebration

**Venue:** Auckland venue to be confirmed

**Contact:** Dawn Burgin [burgins.of.auckland@xtra.co.nz](mailto:burgins.of.auckland@xtra.co.nz)

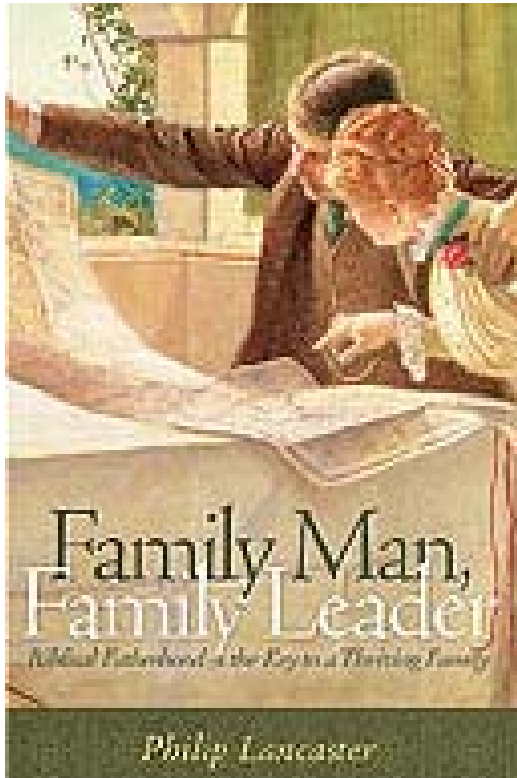
**Time:** 11am-3pm

Co-ordinated by Auckland Home Educators Inc

A popular gathering of 200+ parents, kids & supporters. Let's see how big we can make it for 2005! Fabulous opportunity to mix 'n mingle, buy/sell resources, enjoy a sense of belonging, play games, etc. If you're investigating the Home Education option, come and see first-hand what we're all about. Also refer to the poster in your local library & check out our website at [www.home-education.org.nz](http://www.home-education.org.nz)

The

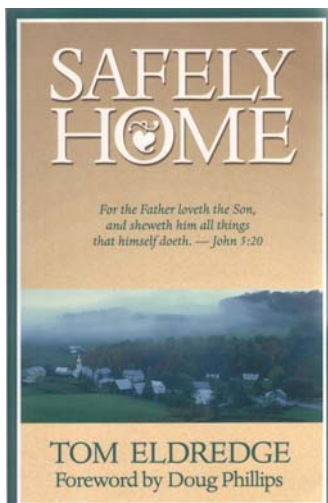
## Home Education Foundation presents...



### Family Man, Family Leader

What this country needs is a few good men — husbands and fathers who are willing to love and lead their households with manly resolve and godly vision. Frankly, the Church needs these men every bit as much as the rest of the country. We are experiencing a national crisis of manhood of epidemic proportions. Absent a revival of fatherhood, we can expect to see an ever-increasing rise in the number of effeminate boys and masculine women, as well as the breakdown of the Christian family as it is defined in Holy Scripture. What we desperately need today are men who will be family men and family leaders. But how? Now, in simple, easy-to-understand concepts, the biblical foundation necessary for men to turn their hearts to home and change the world are presented in a book entitled *Family Man, Family Leader*. This remarkable work first presents the vision of biblical household leadership and then addresses the many practical issues necessary for achieving victory as a man, from learning and acting upon God's priorities, to decision-making as a father, to growing in oneness with your wife, to personal accountability before the Lord and victory over secret sins. Whether you are a veteran visionary father or a dad just beginning the journey of patriarchy, we hope you find *Family Man, Family Leader* to be a source of inspiration and practical help. By Philip Lancaster. Paperback. Approx. 320 pgs

### Check out our other key titles:



### Safely Home

After years of broken marriages, rebellious children and misplaced priorities within the Church, parents' cries to God have been answered by a Holy Spirit-driven desire by fathers to turn their hearts to their children, by parent-directed Hebrew education and with the re-discovery of Biblical roles for men and women.

Many Church shepherds now see that, despite a smorgasbord of programs, most children of believers will reject the Faith and blend into an increasingly pagan society. They grieve at the destruction of the family within their flocks, but they are at a loss for what to do.

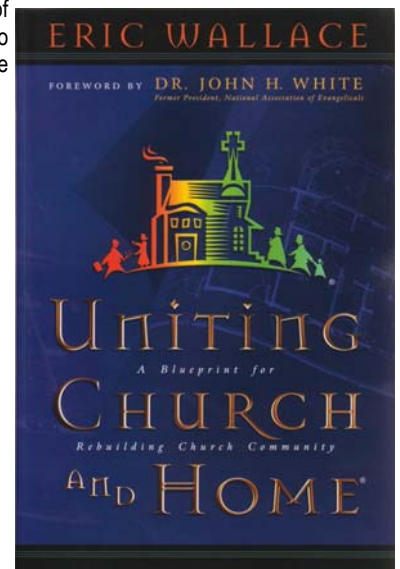
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### Uniting Church and Home

Every Pastor, every parent, every Church library needs a copy of *Uniting Church and Home*!

Increasingly, pastors and families agree: many well-intentioned Church programs do more to pull families apart than build them up. But Pastors and families are rediscovering a simple, Biblically based model for ministry that strengthens the family unit and restores the Church's life as a family of families. This book is the prescription for how you and your church can work together to become family integrated.

Includes a FREE bookmark with a list of the Top Ten ways your family can be a blessing to your Pastor and Church leaders. Paperback, 284 pages.



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Safely Home	\$24.95	\$23.95	\$14.00	£12.95		
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