

Home Education Foundation

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SUBMISSION

To the Welsh Government

From:
Home Education Foundation
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Palmerston North
NEW ZEALAND

www.hef.org.nz

16 November 2012

Dear Sirs,

Re: Proposed legislative changes: Registering and monitoring home-based education

The Home Education Foundation of New Zealand has been advocating parents' rights in New Zealand and worldwide for 27 years. We are committed to home education as the best opportunity to embrace spiritual, intellectual and academic freedom.

After so many years liaising with the New Zealand government, the Home Education Foundation is uniquely placed to understand the concerns and needs of home educators, as well as the concerns of government bodies. We were very concerned on behalf of Welsh home educators to hear of the Welsh government's plans to register and monitor home educators and hope to provide a perspective that will help you make an informed and equitable decision on this topic.

1. Registration of home educators

Home educators in New Zealand and internationally believe that they are the best people to provide their children with an education. They believe that it is primarily their responsibility to do so, not the responsibility of the government. Many home educating parents also hold convictions that to surrender responsibility for their child's education to the state would be deeply wrong on each of the following counts:

1. Education of children is a parent's responsibility, and parents would consider it wrong to give any alien person or institution a say in that educational process, thereby giving up their responsibility. Both parental rights and children's rights must be guarded jealously from outside institutions.
2. Education of children is not the state's responsibility, and parents would consider it wrong to allow their government to overstep its just bounds in relation to education.

Having observed the home education movement worldwide over the last three decades, the Home Education Foundation can vouch for the fact that rather than injure their consciences by yielding their children to government oversight, thousands of home educators worldwide opt to home educate illegally. In Australia, approximately 15,000 school-age children are registered for home education, but estimates put the number of unregistered home educated children as high as 50,000.

These parents have become criminals rather than abandon their conscientious objection to state-regulated home education. We ask that home educators in Wales should be allowed to retain their liberty and home educate according to their consciences.

2. Requirement to provide “suitable” education

The Home Education Foundation advises that any requirement to provide a “suitable” education, in our view, fails to acknowledge a) the right of parents to choose what kind of education their children receive and b) the proven superiority of home education above conventional schooling.

The Right of Parents to Choose Education

Parents have a right to choose a specific kind of education for their children. This right was not given to them by any legislating body or human authority but by the word of God (Ephesians 6:4; Deuteronomy 6:7). However the right is supported by multiple human rights instruments under international law, as well as by sections 7 and 9 of the Welsh Education Act 1997.

Universal Declaration of Human Rights (1948) Article 26 (3) - “Parents have a prior right to choose the kind of education that shall be given to their children.”

International Covenant on Economic, Social and Cultural Rights (1976) Article 10 (1) and 13 (3) 3— “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.”

International Covenant on Civil and Political Rights (1976) Article 18 (4)4 - “The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Charter of Fundamental Rights of the European Union (2000) Article 14 (3)3 - “The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.”

European Convention on Human Rights (1952) Protocol 1, Article 2 - “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

American Convention on Human Rights (1969), Article 12 (4) - “Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their own convictions.” Article 13 (4) - “In conformity with the domestic legislation of the States Parties, parents should have the right to select the type of education to be given to their children, provided that it conforms to the principles set forth above.”

The right of parents to choose what kind of education their children receive is thus well-attested as a fundamental human right. The Home Education advises that in many situations, a parent’s views on what constitutes a suitable education differs broadly from the government’s views on what consti-

tutes suitable education. In such cases, as these human rights instruments attest, it is the parent with whom the decision rests, not the government.

When the government disagrees with a parent over what constitutes a “suitable education”, it is the government’s opinion which must yield to the parent’s opinion in the absence of actual abuse. Legislation that makes the government the arbiter of the “suitability” of education will breach Welsh law as well as these human rights instruments.

The Proven Superiority of Home Education Over Conventional Schooling

The worldwide home education movement is now entering its second generation and it is growing. After so much time, home education is simply no longer viewed with suspicion. The evidence is overwhelming for the fact that home education produces well-socialised, well-educated adults able to think for themselves and take responsibility for their lives. Many universities and employers now aggressively recruit home educators for their unique skills, discipline, and maturity.

We enclose a summary of American research on this topic (*Academic Statistics on Homeschooling*, Home School Legal Defence Association)

In 1997, a study of 5,402 homeschool students from 1,657 families was released. It was entitled, “*Strengths of Their Own: Home Schoolers Across America.*” The study demonstrated that homeschoolers, on the average, out-performed their counterparts in the public schools by 30 to 37 percentile points in all subjects. A significant finding when analyzing the data for 8th graders was the evidence that homeschoolers who are homeschooled two or more years score substantially higher than students who have been homeschooled one year or less. The new homeschoolers were scoring on the average in the 59th percentile compared to students homeschooled the last two or more years who scored between 86th and 92nd percentile.

A 2002 study of home educated children in the United Kingdom found:

‘The results show that 64% of the home-educated Reception aged children scored over 75% on their PIPS Baseline Assessments as opposed to 5.1% of children nationally. The National Literacy Project (Years 1, 3, 5) assessment results reveal that 80.4% of the home-educated children scored within the top 16% band (of a normal distribution bell curve), whilst 77.4% of the PIPS Year 2 home-educated cohort scored similarly. Results from the psychosocial instruments confirm the home-educated children were socially adept and without behavioural problems.’ (Rothermel, P. 2002. *Home-Education: Rationales, Practices and Outcomes.* University of Durham.)

The overwhelming majority of evidence shows that home educators do give their children better educations than is provided in conventional schools—even by the conventional standards. However, an increasing number of home educators choose to educate their children at home for the purpose of avoiding conventional schooling techniques.

3. Annual Monitoring of Parent and Child

The Home Education Foundation advises that annual monitoring of home educators is certain to be perceived as a further attempt by the Welsh government to make it harder for parents to conscientiously home educate their own children to their own standards. As demonstrated above, parents have the responsibility to define what a “suitable” education for their child will be, and they will be very unwilling to compromise their rights. In theory and in practice, monitoring will impose a conventional-schooling model on those parents most anxious to avoid that very thing.

In addition, we advise that such an annual monitoring of home educators will be an unjustifiable expense.

Imposing the Conventional-Schooling Model

We understand that the proposed annual monitoring of parent and child will assess the child's progress as demonstrated by work. We believe that this will tie parents to a conventional-schooling model in which different subjects are taught and tested through book-work in the sterile and uninspiring classroom environment. Assessment must take place according to a certain framework, which is able to categorise everyone. But this completely stifles educational diversity.

Many home educators prefer their children to be gaining life experience in the real world. They would rather their children were learning about science in the outside world, and about literature by actually reading Shakespeare and Austen for enjoyment. Other home educated children will have parents who believe that subjects like Latin, logic, and philosophy are more important than information design and technology or modern foreign languages.

Other parents will prefer to keep their children at home being nurtured in the family rather than sending them to school even if the school was one they approved of.

Unfortunately, annual monitoring of home educators' progress will require home educators to educate their children in the "correct", assessment-friendly way, spending valuable time on paperwork designed to prove that the child is getting the kind of education the government approves of. We believe that as well as being an unjustifiable breach of parental rights, this will impede the very progress of the children's education by tying them to irrelevant busy-work.

Unjustifiable Expense

Compulsory annual reviewing of home educators has been found to be an unjustifiable expense in New Zealand. In July 2009, the Ministry of Education ceased carrying out routine reviews of home educators, saying, "This programme is considered to be low risk to the education priorities of the government."

A senior member of the Education Review Office wrote in personal correspondence with the Home Education Foundation, "The reality is home schooling has been found to be low risk." He went on to note that home educators make use of support networks, that home education is seen as a viable option, and that the Office had received "mostly positive" feedback on home education.

But the rationale was mainly financial. In 1994 the then Minister of Education Dr Lockwood Smith stated that he could not justify the expense of regular reviews on such a low-risk group as home educators. Reviews were stopped then for a period before being reinstated in 1999 on the advice of lobby groups hostile to home educators. These were, as always, neither efficient nor effective.

In December 2008, the Finance Minister of New Zealand advised Cabinet to do a line-by-line review of expenditure. Home Education reviews were found to account for \$283,000 out of a total budget of \$28,675,000 or 0.987% (less than 1%). Chief Review Officer Graham Stoop wrote: "This programme is considered to be low risk to the education priorities of the Government. In 2007/08 ERO completed 644 homeschooling reviews from a total of 6,169 homeschooled students [at an average cost of \$439.44 per review]. ERO could not provide assurance that the terms of exemption were being met in only 35 of the 644 reviews [a 5.4% "failure" rate]. This has been the pattern over many years."

Accordingly, the government's drive to cut bureaucratic costs resulted in routine home education reviews being ceased. A handful of reviews are still carried out annually, but in the experience of the Home Education Foundation this results more often in trouble for home educators doing their

job properly than it does in neglectful parents being brought to book. The reviews are perceived as an opportunity for the Ministry of Education to demonstrate that it is “doing something about home educators” by failing a handful of families each year.

Recommendations

The Home Education Foundation recommends that all proposed legislative changes to register, authorise, and monitor home educators be dropped. Home educators are a low risk group providing a high standard of education to their beloved children and are opposed on principle to allowing government oversight of their right to choose a suitable education for their own children. The expense of doing so will be unjustifiable and the exercise of government power in this area will breach parental rights. We trust that the Welsh government will act to safeguard the liberties of responsible parents with regards to home education.

Yours faithfully,

The Home Education Foundation of New Zealand
Per:

Barbara Smith
National Director

Enclosures:

1.Home School Legal Defence Association: *Academic Statistics on Home Schooling*: <http://www.hslda.org/docs/nche/000010/200410250.asp>