

TEACH Bulletin

Thorough Education Achieved in a Caring Home

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Clauses 59 & 60 Completely Rewritten

The Science and Education Select Committee tabled in Parliament its report and its recommended amendments to the Education Legislation Amendment Bill 1997 on Tuesday 23 June. Below is the Committee's report on the two clauses of the Bill that caused most concern among home educators. The amended clauses are reproduced later in this *TEACH Bulletin*, with the new added bits underlined.

These clauses (59 & 60) are intended to clarify the powers of Education review Officer review officers to review educational services provided to persons exempt from section 20 of the Education Act 1989.... These persons are usually known as home educators which is the term some prefer. Colloquially, they are known as "homeschoolers". Despite what home educators told us, under legislation, review officers do not have a power of entry to home educators residences or the place where they educate their children, except with the permission of the occupant.

Approximately 125 submissions were made to us on clauses 59 and 60 of the bill. We received much criticism from home educators about the drafting of clauses 59 and 60. The gist was that the amendment turned home educators into organisations or institutions, such as schools, and this was seen as unjustified. Some home educators feared that review officers' powers would be excessive, intrusive, unreasonable and unfair. Some home educators claimed that these powers could be abused by an over-zealous re-

view officer. One or two home educators argued that they should not be answerable to the State as to how they teach their children. We disagree with these extreme claims on the way that review officers might use their review powers and certainly reject the argument that the State should not review home education.

"Educational Services"

There was concern about the term "educational services" in clauses 59 and 60. While we do not agree that the concerns expressed about the term "educational services" are valid, we recognise that some of the objection to the term could be removed by changes to the language. Accordingly, we have recommended an amendment.

Editorial Comment on Select Committee's Report

Of the 177 submissions on the entire Bill, 125 were from home educators!! That is just over 70%. This constitutes what is known as a "squeaky wheel". Well done, home educators! The protection and preservation of civil and religious liberties will only be accomplished by people taking up the fantastic privileges New Zealanders enjoy of participating directly in the political process, privileges such as making submissions in this way.

Did this squeaky wheel get the oil? You bet! Follow this:

1. There has been a change in the terminology. "Home educators" is

Chief Review Officer powers

The powers set out in clause 60 provide legislative backing to the review process. If the powers were not clearly stated in legislation the powers of review officers could only be presumed. This could lead to inconsistency in the determination of what powers the review officers had and doubt as to whether they had any (power)...

In addition, the review process would be severely compromised if the review officers did not have the powers to meet and talk with the home educators and their children, to ask for work to be produced and to be able to inspect such work and discuss matters relating to the education provided.

Extent of powers

Submissioners stated that the powers given to review officers were too broadly expressed. Par-

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to be preferred over "home schoolers" because it is the rare home educator who insists on changing her home into a school. Most see their task as an organic whole, a lifestyle choice of total immersion in the learning process every minute of the waking day, a comprehensive, integrated, seamless education (academic, social, vocational) accomplished in the context of the real world. "Home education" is a world apart. "Home schooling" could be viewed as simply an alternative form of state schooling.

2. The committee report says twice that they did not agree with

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TEACH Bulletin

is a monthly publication of TEACH Publications, 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. There is also a regular opinion poll regarding educational issues of the day that may impact home schoolers.

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- Discounts on Christian Home Schoolers of NZ National Family Conference fees.
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- Coaching on how to participate in the Parliamentary process via letter writing, making submissions, lobbying MPs, etc.
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Your donation toward membership also helps to develop further services exclusively for home schoolers such as scholarships, summer schools, national tours by overseas experts, curriculum and home school resource fairs, national and international field trips.

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

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particular concern was expressed about the power to ...

- require "any person" to produce documents or information relating to education services.
- require "any person" to make or provide statements in "any" form and manner the review officer specifies.

Submissioners also said that the terms "applicable organisation" and "educational services" caused families to be seen as "institutions".

We disagree that the powers in clause 60 are too broad. It is not uncommon to legislate in broad terms. This removes the need to list every foreseeable thing that the legislation is required to cover. It also removes the need to constantly return to Parliament with amendments because matters that should have been covered have not been.

The power to require "any" person to produce documents or make statements applies only to persons providing the educational service(s) or part of that service.... 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 terms "applicable organisation" and "educational service(s)", or the reference to "any person" 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.

Speaking to the child

There was concern about review officers speaking to the child. Some queried whether this should

be done at all. Others felt this could lead to intimidation, and place unnecessary pressure upon the child. We consider that the Education Review Office must be able to speak to the child to whom the educational service is provided.

The Office needs assurance that the child is being taught as regularly and well as in a registered school. By meeting with the child and considering examples of the work produced by the child, review officers can make an informed judgement as to whether the education programme is being implemented and how effectively. It is the only way the review officer can confirm that the work produced is in fact work done by that particular child.

The standard procedures prescribed by the Chief Review Officer include the requirement that the parent is to be present when the review officer speaks to the child. We consider that this procedure is adequate and does not need to be incorporated into legislation.

Senior Secondary Qualifications

School Certificate, Sixth Form Certificate and University Bursaries will continue in their current form in 1999.

The Government is currently considering the future of senior secondary qualifications as part of its overall review of national qualifications. In the meantime, the current awards will continue to operate.

The transition plan for the National Certificate of Educational Achievement (meant to replace SC & SFC) will be extended to the end of 1999.

Enquiries should be directed to:

Michael Steer, Manager
Examination Services
ph. (04) 802-3030
email: mikes@nzqa.govt.nz

Trading Post



For Sale:

- A Beka Teacher Test/Quiz Keys.....each \$5
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Contact:

Teresa Cleary
27 Jeffery St.
Dunedin
ph. (03) 454-5025

For Sale:

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Contact:

Jenny Allen
ph (09) 627-8873
Auckland

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Contact:

Gael Powley
ph (03) 689-7240
Waimate

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Contact:

Barbara Smith
4 Tawa St.
Palmerston North
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For Sale:

- A Beka (McGuffey) reader #3, "Paths to Follow".....\$8

Contact:

Jenny Raikes
ph (06) 878-4115
Hastings

Letter



American E-mail Pen-pals

I am interested in finding Christian home schooled e-mail pen-pals for my daughters. I have one daughter who is age 13 (14 in July and one daughter who is 11 (12 in January). I would prefer that they be girls.

We are located in Maryland in the United States.

If you know of anyone who would be interested, please have their parents e-mail me at:

sconran@juno.com

so that we might "talk" about it.

Thanks. Shawn Conran.

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home educator concerns about being equated with schooling institutions...but they changed the wording of the Bill so that it could not be read or understood in a way that would equate home educators with institutions. Well done!

3. The wide open "any person" of the original Bill has been changed to "any parent or other person". The context makes it plain that the "other person" has to be one who provides the education — see Section 328C(1)c, lines 26 & 27.

4. The non-specific word "service" has been tightened up to "educational service", narrowing their possible field of focus.

There are also a couple of items home educators will still need to be wary of.

The three parts of Section 328A of the Bill are a new rewrite of Section 325 of the Act, specifically giving the ERO power to initiate reviews, either blanket ones or individual ones whenever they want, wherever they want, as well as doing them when directed by the MOE. It will be up to individual home educators to complain to either Tony Cross of the ERO in Auckland or Jenny Clark of the ERO in Wellington (PO Box 2799, Wellington, ph. (04) 499-2489, fax (04) 499-2482) if they should ever feel they are being victimised, harassed, reviewed for inappropriate reasons, asked inappropriate questions, made to feel inadequate or inferior, or if they get the feeling they are involuntarily part of some research project apart from a legitimate review.

The committee felt that home educator concerns regarding overzealous review officers were extreme. For that reason home education support groups may want to consider appointing a person to collect accounts of how the reviews in that area have been conducted. A large North Island group has been doing just that for some months now, and has collected several stories rather damaging to the ideal of review officers being objective, sensitive or appreciative of the huge variety of educational methods employed by home educators.

As ever, the price of freedom is eternal vigilance. But this is noth-

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ing a good networking among home educators wouldn't accomplish. So at last here it is:

Home Educators' Internet

From Cape Reinga to the Bluff, home educators can now talk to each other, and dozens of others, by simply sending a message to one address. Messages are vetted for various no-noes by TEACH Bulletin editor Craig Smith and forwarded on to all other subscribers. Several discussions can be carried on at once, and subscribers can participate in all or just some (by deleting messages they are not interested in) or simply "listen" in. And it is all free of charge! To join, send a single-word e-mail message of "subscribe" to:

hefnet@xtra.co.nz

Below and on pages 5 & 6 are the amended clauses 59 & 60 of the Education Legislation Amendment Bill 1997. This was going to be passed under urgency, but some Government MPs objected, so it is going through the normal process, which could be only a few days anyway.

59. Educational services to which this Part applies—
Section 324 of the principal Act is amended by adding, as subsection (2), the following subsection:

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Struck Out (Majority)

"(2) This Part also applies to educational services provided to a student who has an enrolment exemption under section 21."

New (Majority)

"(2) Sections 328A to 328D apply in relation to educational services provided to persons who are exempted from the requirements of section 20; and, for the purposes of this subsection and sections 328A to 328D, 'educational service' is to be construed in that context and the meaning it has in the definition of the term 'applicable service' in section 323 does not apply."

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Struck Out (Majority)

60. Powers concerning education services provided to persons with enrolment exemption—The principal Act is amended by inserting, after section 327, the following section:

"327A. (1) 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.

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"(2) For the purposes of enabling any functions of the Chief Review Officer to be performed in relation to an educational service provided to a person who has an enrolment exemption under section 21, a review officer may, at any reasonable time

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Struck Out (Majority)

and having given reasonable notice, do all or any of the following:

- 5 “(a) Conduct inspections or inquiries:
 “(b) Require any person to produce documents or information relating to—
 “(i) The service that the person provides; or
 “(ii) People to whom the service is (or has been) provided,—
 10 and permit the review officer to make copies or extracts of the documents or information:
 “(c) Require any person to make or provide statements, in any form and manner the review officer specifies, about any matters relating to the service:
 15 “(d) Inspect the work of any person to whom the service is (or has been) provided:
 “(e) Meet and talk with any person to whom the service is being provided.
 20 “(3) Nothing in subsection (2) confers on a review officer the power of entry referred to in section 327.”

New (Majority)

60. New sections inserted—The principal Act is amended by inserting, after section 328, the following heading and sections:

- 25 *“Provisions Concerning Students With Enrolment Exemption*
 “**328A. Functions of Chief Review Officer**—The Chief Review Officer—
 30 “(a) May carry out reviews (which may be general or in relation to particular matters) of the educational services provided to persons exempted from the requirements of section 20 and must carry out such reviews when directed by the Minister to do so; and
 “(b) Must administer the preparation of reports to the Minister on the undertaking and results of such reviews; and
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New (Majority)

- “(c) Must give the Minister such other assistance and advice on the educational services provided to persons exempted from the requirements of section 20 as the Minister from time to time requires. 5
- “328B. **Review officers**—Review officers designated under section 326 are also review officers for the purposes of section 328A, and sections 328C and 328D apply to them accordingly.
- “328C. **Powers of review officers for purposes of sections 328A to 328D**—(1) For the purposes of enabling any functions of the Chief Review Officer to be performed for the purposes of section 328A, any review officer may, at any reasonable time and having given reasonable notice,— 10
- “(a) Conduct inspections or inquiries:
- “(b) Require any parent or other person to produce documents or information relating to— 15
- “(i) The educational service the parent or other person provides; or
- “(ii) People to whom such educational service is (or has been) provided,— 20
and permit the review officer to make copies or extracts of the documents or information:
- “(c) Require any parent or other person to make or provide statements, in any form and manner the review officer specifies, about any matters relating to provision of the educational service provided by that parent or person: 25
- “(d) Inspect the work of any person to whom the educational service concerned is (or has been) provided:
- “(e) Meet and talk with any person to whom the educational service concerned is being provided. 30
- “(2) Nothing in this section confers on a review officer the power to enter any dwelling house without consent of the owner or occupier.
- “328D. **Review officers to prove identity before acting under section 328C**—Every review officer who exercises any power under section 328C must, before exercising that power and, if requested, at any later time, produce to the parent or other person providing the educational service concerned the review officer’s certificate of designation.” 35
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