

TEACH Bulletin

Thorough Education Achieved in a Caring Home

Number 24

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The ERO's Manual of Standard Procedures

The Ministry of Education has its "Home Schooling Desk File", a comprehensive manual of how MoE personnel are to deal with home educators. And now the ERO have their own "Manual of Standard Procedures for Accountability Reviews of Students Exempted from School".

The manual defines what is meant by "reviews" and "follow-up reviews"; it explains how exempted students are selected for reviews, how reviews are to be conducted, what the review officers are looking for, how their judgements are made and how their own internal tracking and record-keeping procedures should work.

The Editor of TEACH Bulletin, having reviewed this document, offers the opinion that the ERO has signalled a major shift in its interpretation of section 21 of the Education Act 1989, the famous "as regularly and well" passage. The legal requirements which home educating parents must fulfil are very brief. The Ministry will issue a certificate of exemption from enrolment:

If satisfied that the person will be taught at least as regularly and well as in a registered school.

First note that it is "an employee of the Ministry designated by the Secretary for the purpose" who must be "satisfied". Home educators do deal directly with the MoE in the first instance to gain the exemption certificate, but in order for the MoE to be "satisfied" on a continuing basis, the MoE has contracted to the ERO to conduct reviews of home educators and

report their findings back to the MoE, indicating whether or not, in the judgement of the ERO, the terms of the exemption (being taught at least as regularly and well) are being met.

So when the ERO, acting on behalf of the MoE, reviews home educators, it is required by the Act that they look at how the students are "taught". Although they do examine the parents and ask them about their curriculum, they put quite an emphasis on the child(ren).

One can probably conclude that the Ministers holding the portfolios of the various Government Ministries have no particular expertise in that area, since they can be swapped around so much. The new Minister of Education, for example, the Hon Nick Smith, apparently needs no great interest or acquaintance with the long and tortured history, development and current issues of NZ's free/compulsory/secular state education, but need only be a good and faithful administrator, a Government bureaucrat, who will ensure Cabinet's wishes regarding the Ministry of Education are put into effect. Or perhaps his stint as Minister of Corrections, Top Prison Warden, in fact makes him most eminently suitable. He is also now Minister responsible for the Education Review Office.

The Associate Minister of Education, Tau Henare, in fact oversees early childhood and Maori education. Both of these men can now

Consider the following:

- 1) The manual's definition of a review on page one: it "evaluates the educational programme received by (the) student."
- 2) On page two the manual says "the obligation of the parent is to ensure that an exempted student receives an education in accord with" Section 21 of the Act.
- 3) Two of the procedural guidelines on page four of the manual make it clear that the ERO are inflexible when it comes to speaking to the child(ren) or seeing samples of their work.
- 4) On page five the manual says that because the MoE issues exemptions for individual children, the "accountability reviews of ex-

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The Cabinet Re-Shuffle

be much more focused on their own tasks, for the huge responsibility of the country's state tertiary institutions (the universities, polytechs, colleges of education and whare wananga) has been given to Max Bradford as Minister of Tertiary Education, a newly created position, and Maurice Williamson as Associate Minister of Tertiary Education. The Hon Mr Bradford is also Minister for Enterprise and Commerce, which fact prompted Labour leader Helen Clark to predict that corporatisation and privatisation were to be the fates of these tertiary institutions. That is to say, tertiary fees of all kinds could well rise substantially in the next few years.

But things in the Health Ministry seem set for special Government attention as former Minister of Education, Hon Wyatt Creech, a very able administrator, has been left with only the Health portfolio now as well as being Deputy Prime Minister.



Desk Copy

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empted students therefore focus on the education received by each exempted student."

Advance Notice

Homeschooling Information Workshop No 5

Saturday
11 September
1999

9:00am —
3:30pm

Windsor Park Baptist Church

550
East Coast Rd.
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North Shore
Auckland

Special Guest Speaker

Diana Waring

Author of
"Beyond Survival: A Guide to Abundant-Life Homeschooling"

Diana & husband Bill have been homeschooling their three children - ages 17, 15, 13 - for the past twelve years. Diana is an historian, folksinger/story-teller, seminar speaker and author of five books.

Watch future issues of TEACH Bulletin for more details.

5) To make a judgement as to whether the children are being taught as "well as in a registered school", the manual directs review officers on page eight to look at "the comparative performance of the child in terms of achievement and enjoyment".

6) Evaluative criteria listed on pages 20 and 21 include **the way the child converses and interacts with reviewer**, presents his or her work and shows pride in achievements, has work which is marked and dated, some evidence of regular morning and afternoon work, and that the supervisory allowance is used for the student's benefit.

7) The manual lists the following prompt questions for reviewers under the heading, "Social Contact" on page 24: **"Who does your child mostly talk to?" "Does your child go for long parts of the day without talking to anyone including you?" "What sort of questions does your child usually ask you?"**

8) The final "standard worksheet" shown in the manual on page 33 which the review officers use during reviews, is headed up "Achievement and Enjoyment" and lists the following questions: **"What are your child's needs?" "How are these needs being met?" "How does your child respond to the programme?" "How do you know?"**

Ignoring the possible inappropriateness of some of the prompt questions, this writer would suggest that the point of view seen in items 1 through 8 listed above is focusing very much on the child and his/her learning rather than on the parent's teaching. And yet the exemption certificate is issued on

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

the understanding that the child will be *taught at least as regularly and well as in a registered school*, not that the child will learn or produce or experience anything in particular.

The ERO's manual continually refers to the fact that the reviews are to confirm that the child is being *taught at least...*(etc.) It is clear, however, that the ERO means to judge the teaching, in part at least, by the learning or experiences or the work produced by the student.

Shift in Emphasis

This is the new emphasis. Until now the Act in Section 21, the MoE's exemption application, and the statutory declaration signed every six months by home educators all focus on the teaching. But just like most of the rest of state enterprises, agencies, departments and ministries, the emphasis is moving over to outputs, outcomes, objectives reached and goals attained. Consequently review officers will be paying more attention to the child and what he/she can display than they have in the past.

But the review officers' attention to the parents' teaching is also changing. It is seen in the way that the ERO is turning now to the Information Statement provided when applying for an exemption as the "criteria against which the (home education) programme is evaluated" (ERO manual, page one), rather than simply relying on the review officer's, or inspector's, professional judgement, as was the case prior to December 1997. One of the purposes of reviews listed by the manual on page one is to "inform parents about their performance in fulfilling their contractual obligations and undertakings".

It has been said before that this reference to the Information Statement prepared by home educating parents as a "contractual obligation" makes the Information Statement a de facto school charter. It would seem that the ERO is

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operating along these assumptions. Fortunately, however, there is a big difference: school charters (and certainly the ones proposed for home educators back in 1989, against which we vigorously fought and won) have a large proportion of their content dictated by the MoE. Home Educators' Information Statements describe how they will teach "as regularly and well" using whatever means and methods they desire. This wonderfully wide-open ability of home educators legally to put together virtually any kind of curriculum they desire is reflected in the MoE's own definitions of the words "regular" and "well", which definitions are also included in the ERO's manual.

Causes for Concern

There may be some cause for concern in this area, however, with the way in which the ERO manual refers to the home educator's curriculum as the "approved curriculum". Claiming on page seven to follow the headings contained in the MoE's Information Statement when providing review officers with numerous prompt questions as investigative tools when conducting reviews, the ERO manual actually changes the MoE's wording of the first heading. The MoE's heading is "Broad Curriculum Areas" followed by the instructions, "Describe your knowledge and understanding of the broad curriculum areas you intend to cover as you educate your child. Describe your curriculum." The ERO manual on page 23 has replaced this with two headings. The first is "Knowledge and Understanding of the Approved Curriculum" followed by suggested prompt questions "When setting up and implementing your approved curriculum what did you want to achieve? Why?". The second ERO manual heading is "Description of Curriculum Content" followed by the prompt question "Does the approved curriculum being delivered reflect the original application?"

Who is assumed to have

"approved" the curriculum in these sentences? The home educator? Hopefully that is it, but then the word is completely unnecessary, so why is it used? The MoE? Possibly, but in that case the question "Does the approved curriculum being delivered reflect the original application?" makes no sense, for if it did not reflect the original application (to the MoE), it would not be approved. The ERO? No, for the question "When setting up and implementing your approved curriculum what did you want to achieve?" implies that the curriculum was approved before the ERO ever saw it. So there is some confusion here.

Another possible cause for concern is the fact that the manual lists on page one that, among other things, reviews are "undertaken in order to provide information which can be analysed by the Office to inform policy development and decision making by the Government, and for reporting on aspects of homeschooling nationally". That is to say, reviews are part of a general information-gathering exercise, a large-scale Government social policy research project. This information is recorded on two sheets known as the Statistics Information Sheet, reproduced on pages 46 & 47 of the manual. Although the information collected does not identify the family, it is attached to the review file, so anonymity is not, apparently, assured. One wonders if standard research principles of ethics such as voluntary participation and informed consent are being followed. One copy of the Statistics Information Sheet sighted by the writer stated at the top of the page "Please don't discuss with home-school family — complete...in the office when the report is being written".

Allowance or Grant?

There is also some confusion surrounding the supervisory allowance paid to home educators by the MoE. One of the evaluative criteria of home education reviews

from the ERO manual on page 21 is "The grant is used for student's benefit". The manual goes on to state that a positive response to this issue would be evidenced by a statement from the parent and indicated to be so in reality by seeing books for the child's use. On page 23 a suggested prompt question for use by review officers is "How have you used the grant from the Ministry of Education?" The confusion arises from the fact that the MoE calls it a supervisory allowance while the ERO refers to it as a grant. Actually this raises a whole host of questions about the supervisory allowance, and this editor has written to the Minister of Education for clarification on several points.

Helpful Points

There are some very helpful points in the manual for home educators preparing for a review.

How does the ERO decide who to review? Page five:

The selection criteria are decided annually by the Chief Review Officer. Priority is given to:

- requests from the Secretary for Education based on the provision contained in the Education Act, to review specific families whose members hold Certificates of Exemption;
- reviews based on appeals against the decision of the Secretary for Education to refuse to grant an exemption;
- exempted students whose education has not been reviewed since 1 July 1997; and
- all members of that exempted student's family who hold a current Certificate of Exemption.

Note here that the first two bulleted points above come straight out of Section 21 of the Act and constituted the only two legally certain occasions when the ERO could conduct reviews...until the recent amendment to the Education Act, Section 328A-D, which allows for the first part about criteria being set by the Chief Review

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Officer and the second two bulleted points. This only came into law in December 1998. Yet the ERO were acting under these criteria since December 1997 at the latest. Were the reviews of home educators by the ERO during 1998 conducted on terms outside the law, outside the provisions of the Education Act? Well, the new Section 328A-D describes the powers the review officers were only assumed to have prior to this amendment....and it seems the ERO is quite happy to assume such powers until they are challenged in court or until the law in changed in their favour.

Review officers ask questions within nine information areas: knowledge and understanding of the approved curriculum; description of curriculum; resources available; work areas in the home; use of environment and the community; social contact; assessment and evaluation; commitment to regularity; any other information.

Judgements result from analysis of the evidence gathered onsite by reading, interviewing and observing. The Evaluative Criteria for Conducting Reviews of Exempted Students in Appendix 2 (reproduced here in TEACH Bulletin on pages 5 & 6) are used as the basis for analysis.

Sufficient verifiable evidence must be collected and recorded to support review judgements.

As the result of an accountability review of an exempted student a judgement is made as to whether or not an exempted student is "taught at least as regularly and well as in a registered school". Information is sought until sufficient evidence relating to the evaluative criteria is available for a judgement to be made.

1. To make a judgement about "as...well as in a registered school" a Review Officer must make judgements about:

- the quality of the programme as stated in the original ap-

plication or a subsequent amended programme;

- the delivery of the approved programme;
- the comparative performance of the child in terms of achievement and enjoyment.

2. To make a judgement about "as regular...as in a registered school" a review officer must make a judgement about:

- the process by which the programme is delivered.

(ERO manual, pages 7 & 8.)

Get a Copy

A copy of the ERO's "Manual of Standard Procedures for Accountability Reviews of Students Exempted from School" would be a useful item in any support group's resource library in helping families prepare for reviews. It is a public document, and therefore free of charge. Writing something along the lines of "Under the provisions of the Official Information Act I/we respectfully request a copy of the ERO's "Manual..." to be forwarded to the following address:" and send to:

Jenny Clark
Public Relations Officer, ERO
PO Box 2799
Wellington
ph. (04) 499-2489
fax (04) 499-2482 or
email: jclark@ero.govt.nz



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(Extracts from)
**The New Zealand
Government's
Goals and Priorities
1999-2002**

Our strategic priorities centre on lifting the productive capacity of our country to become a high value economy. We want to focus on ways to develop smart people with a sense of opportunity, smart products and services, new and expanding markets.

In particular we will:

- lift educational standards and achievement
- extend economic and social opportunities by:
 - strengthening families, especially through intervening and targeting services to break cycles of disadvantage;
 - preventing youth offending and re-offending;
 - expecting and encouraging active participation in work

Overarching Goals

We must foster a passion for enterprise, hard work, skill and creativity.

As Government, we are committed to lifting educational standards and achievement.

We place a high value on the pivotal role and contribution that individuals, families, communities and the private sector make to building an economically strong and socially cohesive New Zealand. We will seek to enhance and increase that contribution across all areas of activity.

(There is plenty here to encourage home educators. Whenever communicating with Government agencies, be sure to remind them of how you are helping fulfil these objectives by educating your children at home. — Ed.)



Evaluative Criteria	Evidenced by	Some Indicators of Good Practice
The programme provides for learning in a wide range of curriculum areas	<p>Approved programme</p> <p>Parents explanation about the implementation of the programme</p> <p>Child's written and other work</p> <p>Conversation with child</p>	<p>Goals are set and written down - there is a reasonable idea of where the programme is heading</p> <p>Child has opportunities to learn and apply skills and knowledge in each essential learning area.</p>
There is evidence that the programme is implemented	<p>Conversation with the child (according to stage of development)</p> <p>Range of sample work across the whole approved curriculum produced by the child who is able to discuss the significance of it</p> <p>Child reads to reviewer</p> <p>Child can discuss experiences well</p> <p>Child can discuss books he/she has read</p>	<p>Much work is available to be seen - both written and non written</p> <p>The child openly presents work and is proud of achievements</p>
A wide range of resources is available to meet the needs of the child	<p>A sample of books, computer software, and other resources used.</p> <p>Resources are likely to challenge and provide diversity</p>	<p>Current and up to date materials</p> <p>A range of NZ sourced resources</p> <p>Levels are reasonable for the child's stage of development</p>
Use is made of community and other facilities to broaden the educational base	<p>Parents description</p> <p>Discussion with child</p>	<p>Use of local libraries, museums etc</p>
A range of activities is undertaken outside the home	<p>Parents collect information about the child's achievements</p> <p>Programmes, certificates, badges etc</p>	<p>A range of cultural and sporting activities are provided</p> <p>Activities are both solo and group</p> <p>Child's ability to inter-act with reviewer</p>

Evaluative Criteria	Evidenced by	Indicators of Good practice
Reasonable facilities are available in which the child can work	Parents description Viewing facilities	Separate quiet space provided Parents recognises child's learning style and organises learning climate accordingly
Parents are aware of the progress the child is making	Work can be seen which is marked and dated Errors are corrected Programme is adapted to deal with observed weaknesses External opinion is available External testing results are available	Assessment and evaluation is planned. Regularly marked work Use of praise Neatness and pride in work Records are kept of what has been achieved Assessment takes place against objectives
Education is regular throughout the year and each day	Discussion with parents/child Regular work -morning and afternoon - programme available Record of time worked during the year. Timetables and plans available. Reasonable quantity of work produced by child	A record is kept of experiences Use is made of the teachable moment.
The child is learning in terms of the programme	Range of sample work Skills demonstrated in conversation Progress towards developing and applying skills of independent learning. Any test information available	The programme is appropriate given child's age, stage of development and emotional needs.
The grant is used for student's benefit	Parent statement	Books for child's use