

TEACH Bulletin

Thorough Education Achieved in a Caring Home

Number 5

May 1997

No Strings Attached... A Legal Opinion

TEACH Bulletin Number 2 of February this year also headlined "No Strings Attached" regarding the letter received from the MOE saying there were no strings attached to the supervisory allowances paid to home schoolers.

On 19 February TEACH Bulletin received a fax message from someone well-placed within the New Zealand education establishment (who shall be referred to as "KL") which said the following:

Well done. Clear, helpful — and even provocative! In theory the replies by Phillips and Goff — "No Strings Attached" — are reassuring, but I would suggest you get a good lawyer to examine these statements on the following grounds:

1. Since "there is an expectation that it will be used for the purposes that it is made available" you may well find that while MOE is not particularly interested, the Auditor General may be: he has a statutory responsibility to ensure government funding is used for the purposes allocated and properly accounted for, and this may well apply here;

2. The statutory declaration is a serious legal document, the import of which many parents are probably in ignorance. It has such importance that it is likely parents should consult a solicitor before signing it. For example, if an ERO or MOE officer subsequently forms the opinion that the children concerned have not been receiving an education "at least as regularly and well..." you will have made a false declaration and be subject to significant

penalties;

3. The insistence on an annual self evaluation is a very significant price to pay for an inquisition not required by law.

No strings, but they may well be hanging out a noose for the unwary!

KL's fax was passed to a lawyer who furnished the following comment:

Dear Sir,

Hang With a Ropeless Noose

Thank you for forwarding to me your TEACH Bulletin dated February 1997 and the fax from KL. At the outset I would say that the statements made by the MOE are clear and unequivocal. It is clear from those statements that there are no strings attached to the supervisory allowance, and this is reflected by the silence of the legislation on this particular point.

With respect to KL, it would seem to me that he is jumping at shadows. No matter how hard I try, I cannot construe "no strings attached" to mean "strings attached". I will deal with each of his three concerns in turn.

1. The role of the Auditor General I have briefly investigated the role of the Auditor General, and do not propose doing more than that. Home schoolers are not accountable to the Auditor General — the MOE is. In any event, I cannot see how the Auditor General can require a home schooler to use money for the purposes allocated, when the MOE does not specify the pur-

pose to which that money must be put.

The only valid point which I think KL raises is whether the "expectation that it will be used for the purposes that it is made available" creates an obligation. As an aside, I would say that the obligation (if one exists) is arguably far from onerous as all that is required is that the parents use the supervisory allowance for educational purposes.

For the purpose of argument, let us assume that a family does not use the allowance directly for educational purposes. However, it must not be forgotten that there is a real cost for parents to teach their own children, and that the amount of the supervisory allowance is part compensation for that work.

Unless it is clearly specified what these funds are to be used for, parents are free to use the money as they please. The position would be different if an Act of Parliament, regulation, or a public announcement by the MOE made it clear that the supervisory allowance could only be used for certain purposes. To date that has not been done, and it is trite law that such conditions could not be imposed retrospectively.

2. The significance of the Statutory Declaration I understand that the declaration signed by home schooling parents simply required them to state that they are still home schooling certain children and are complying with any conditions originally stipulated by the MOE. It does not require them to declare that they are teaching their children at least as regularly and as well as if they were in a state school. It is for the MOE to be satisfied that an exemption is justified in terms

Handwritten note: Copy ASB

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.

TEACH Bulletin is available for a suggested donation of \$16 per year for 11 issues (none in December), or by becoming a member of TEACH for a suggested donation of \$30. Some of the benefits of membership are:

- Discounts on Christian Home Schoolers of NZ National Family Conference fees.
- Discounts on TEACH National Leadership Conference fees.
- Coaching on how to participate in the Parliamentary process via letter writing, making submissions, lobbying MPs, etc.
- An annual free gift.
- Discounts on resources, books, T-Shirts, etc.
- Discounts on Sonshine Educational coach tours.
- An official TEACH tax-deductable receipt for your donation.

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.

All correspondence to:

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

of section 21 of the Education Act 1989. In any event, I believe that almost all conscientious home schooling parents are educating their children at least as well as they would have been at a state school. They therefore make any declaration in good faith and therefore I am at a loss to explain how they could be charged with making a false declaration. Where a person has made a declaration which contains false information but at the time of making the declaration the person believed the information to be true, that would be a complete defence to any charge made. I do not agree that parents need to take legal advice before signing the standard home schooling declaration. It is written in plain English and it hardly takes someone with a law degree to understand it.

3. The annual valuation It is debateable whether or not the MOE has the power to require home schoolers to comply with its

requests re self-evaluation. I do not agree that writing a one page report as at all onerous, or unreasonable. From what I understand most home schoolers have not been daunted by that requirement.

In summary, it would seem that KL is intent on finding problems where there are none. There are deeper philosophical issues that need to be considered, but I cannot see that the concerns raised by KL have any substance.

My impression is that at the very worst the MOE is ambivalent to home schooling. It seems that there is a growing recognition that home schooling is a valid alternative which deserves recognition. This is evidenced by the relaxed attitude generally adopted toward home schoolers. Reliance on a one page report provided only on an annual basis reveals no paranoia about home schoolers, but assumes that almost all of them meet the grade.

Yours faithfully,
Robert van Wichen, Palm Nth

HOMESCHOOLING INFORMATION WORKSHOP AUCKLAND

Saturday, 21st June 1997
9.00 - 4.30 pm



Functions Room, Windsor Park Baptist Church
590 East Coast Rd, Mairangi Bay (behind McDonalds)

Keynote Speakers: will be Craig and Barbara Smith who are the trustees of Christian Homeschoolers of Australasia. They have five children and have been homeschooling for 12 years. Craig is the editor of Keystone magazine and TEACH Bulletin, Barbara is the leader of Manawatu Homeschoolers, one of the largest homeschooling support groups in New Zealand.

Session Tutors: All sessions will be taken by parents who are currently homeschooling. The material presented in each workshop reflects the experiences of each individual tutor.

Aims of the Workshop: to provide information about

- * the current state of homeschooling in New Zealand
- * how to get started with homeschooling
- * different approaches to homeschooling
- * access to resources

Childcare: Babies are welcome during the workshop, however we would prefer for older children to stay with relatives or friends for the day.

Refreshments: Morning and afternoon tea will be provided. Please bring your own lunch (Ronald can help out if you forget).

Resources: Resources will be available for sale. Opportunities will also be provided to subscribe to TEACH Bulletin and Keystone and HENA magazines.

Cost: \$20 per person or couple (before 10th June) \$25 (late registration)

Further information: contact Shore Homeschoolers
Dorinda Duthie - 480-6878 Lesley Clements - 483-8036

Lyn Strong - 444-4998

HOMESCHOOLING INFORMATION WORKSHOP

PROGRAMME

- 9.00 - 9.30 Registration
- 9.30 - 10.30 **The Current State of Homeschooling in New Zealand**
(Craig & Barbara Smith)
- 10.30 - 11.00 Morning Tea
- 11.00 - 12.30 **Workshop sessions - Group 1 (please choose 1 session)**
- * **Getting Started With Homeschooling**
(Panel chaired by Kate Jaunay, HENA Magazine)
- applying for an exemption, books to read,
contacting a support group etc.
 - * **Scriptural Principles of Homeschooling** (Craig Smith)
 - * **Homeschooling Teenagers** (Barbara Smith)
 - * **Raymond & Dorothy Moore's Approach to Homeschooling**
(Penelope Dawson and Marilyn Kemp)
 - * **Planning a Unit Study** (Lyn Strong)
 - * **Children's Literature** (Lesley Clements & Penny Craft)
- encouraging a love of reading through wholesome,
inspiring books
- 12.30 - 1.30 Lunch break

- 2 -

- 1.30 - 3.00 **Workshop sessions - Group 2 (please choose 1 session)**
- * **The Father's Role in Homeschooling** (Craig Smith)
 - * **Support Group Ideas** (Barbara Smith)
 - * **Teaching the Basics of Maths** (Gail Abel)
- including how to use equipment
(place value blocks, 100s board, cuisenaire rods etc.)
 - * **Teaching Reading Using Phonics** (Dorinda Duthie)
 - * **Encouraging Children's Writing** (Val Robb)
 - * **Charlotte Mason's Approach to Education**
(Denise Walmsley)
- 3.00 - 3.30 Afternoon Tea
- 3.30 - 4.30 **Resource Roundup**
Have a good look at what other people are using and
find out where they get their resources. If you have
some material that you think is particularly good,
bring it along to show.

The money from this workshop will be used to pay expenses (venue hire, Craig & Barbara's travel expenses etc.) Any money remaining will be used by Shore Homeschoolers for educational resources, including donations of homeschooling books to local libraries.

Come along for a great day of learning and sharing with homeschooling parents.

Organised for Christian Home Schoolers of Australia (CHoMS)
by Shore Homeschoolers

Miscellaneous Items

1) It was mentioned in a previous TEACH Bulletin about National Home Schooling Awareness Week organised for October 1997. THERE HAS BEEN A CHANGE OF DATES. The reason is the original week planned included Labour Day Weekend. So the new dates are 13 - 18 October 1997.

To help with your planning, the Manawatu Home Educators are making available free of charge through TEACH an information kit. Included is an outline of what the MHE did last year, a list of ideas one could use and adapt as appropriate, a programme of what the MHE will be doing this year, and press release ideas. There is certainly no need to be involved in this nation-wide promotional activity, but it could be a good opportunity to let the wider community know you are around, that the home schooling option is very successful for those who take it on, and that it is still New Zealand's best kept educational secret!

2) The annual TEACH leadership conference for 1998 will be on Thursday, 5 February 1998 in Palmerston North. (It will back onto the biannual CHoMS conference, which will start that Thursday night and go through to Saturday night.) It is hoped to have as guest speaker for the Thursday night (for the close of the TEACH conference and the opening of the CHoMS conference) the Hon Wyatt Creech. Mark the dates in your diary now!

3) It has been heard of people having hassles with the statutory declarations. Please note: you do not need to seek out a lawyer or JP. Just get your local Postmaster to witness your signature. And it is NOT necessary for both parents to sign. There is a place to cross out the word "We", so that only one needs to sign.

Results of TEACH Opinion Poll #2

This poll covered issues related to the responsibility of educating children: who should do it, when, and who should pay for it.

The poll went out to about 350 readers. Responses numbered 72, or 20.6%.

Home schoolers seem united in agreeing that there should be compulsory education for primary and secondary level, with a slightly higher number saying "yes" to primary (58 or 80.5% of respondents) than to secondary (56 or 77.7%), and a slightly higher number saying "no" to secondary (13 or 18%) than to primary (9 or 12.5%). There was no clear agreement, however, as to when the compulsory years should start and stop. None said it should start at 4, most said it should start at age 6 or 7, and one wrote in age 10. Most said it should finish at age 15 or 16, 4 said age 18 and two wrote in age 13. This makes me think more could possibly have indicated 13 or 14 had I made those options available to tick. Bad survey design on my part.

Home schoolers clearly did not like the idea of compulsory tertiary or military training, especially of the academic kind. Even

so, there was a significant 14 or 19.4% who were in favour of compulsory vocational/technical training at tertiary level.

Whose responsibility is it to see that children get an education? Not one single respondent said it was the state's nor did a single one say it was even mostly the state. Forty-six or 63.9% said it was the parents' job, and 26 or 36% said it was the responsibility of both the parents and the state, but mostly the parents.

The picture changed, however, when it came to who should pay for the education. Many wrote in comments to the effect that they paid taxes, or would answer as if they were to get tax rebates, or underlined the word "ideally", so it is clear people were not answering this question with the same assumptions in the background of their thinking. Even so, 33 or 45.8% said it would ideally be user pays wherein the parents or family paid for the education of their children through secondary level. The next largest group was the 15 or 20.8% who said both parents and state, but mostly the parents, should pay for it. Home schoolers are, without a doubt, very willing and committed to shouldering the responsibility for educating their own children.

On the question of University fees, there was no great agreement, al-

though 25 or 34.7% voted for no change and 19 or 26.4% thought the state should pay more and the student less than at present. Three (4.2%) said it should be free to students, and 12 (16.7%) said the students should pay for the lot. Another 8 (11%) said the state should pay less and the student more than at present.

The two highest points of agreement among this sample of home schoolers was that there should be no compulsory pre-school instruction such as kindergarten or play centre and that there should be no compulsory tertiary level academic instruction. They apparently feel it is better to delay formal instruction a year or so from the norm in New Zealand of 5 years (although legally, it is 6 years), but happy with the status quo regarding school leaving age. They show a high degree of commitment to the education of their children by indicating they accept the moral responsibility for it (which is obvious from the fact that they are home schooling in the first place), including the idea that they would pay for most if not all of it (which many are already doing since they pay once through the tax system and pay a second time when they purchase their home school curriculum materials, although the supervisory allowance does go some way toward correcting that imbalance).

REGISTRATION FORM

Please post this Registration Form to:

Homeschooling Information Workshop
163 Hinemoa Street
Birkenhead, Auckland 10

Name: _____ Ph. No. _____

Address: _____

Session Choice:

Group 1: 11.00 - 12.30 _____

Group 2: 1.30 - 3.00 _____

Cost: \$20.00 per person or couple (before 10th June)
\$25.00 (late registration)

Cheques payable to: Shore Homeschoolers

If you would like a receipt before the workshop please include a stamped, addressed envelope.