



Review of Education and Training Legislation

Fact sheet

Victorian Government White Paper
September 2005

Free instruction and compulsory attendance

What we propose to do

Free instruction

- Affirm in the Act the principle of free instruction in government schools.
- Ensure the Act provides a guarantee of free instruction at a government school or a guaranteed place at a TAFE Institute to the end of Year 12 or its equivalent, provided the student is under the age of 20 years on the 1st January of the relevant academic year.
- Ensure the Act clarifies that free instruction in schools applies to the eight Key Learning Areas identified in the 1999 'Adelaide Declaration's National Goals for Schooling' and agreed by all Australian jurisdictions.
- Enable government schools to continue to charge fees in specified areas and to seek voluntary contributions.

Compulsory participation in education and training

- Raise the minimum compulsory school leaving age to 16 years.

Discussion

What does 'free instruction' in government schools mean?

The consultation process elicited a range of views on what 'free instruction' means, but there was considerable support for the position that government schools should provide free instruction in the nationally agreed eight Key Learning Areas. These are The Arts, English, Health and Physical Education, Languages other than English, Mathematics, Science, Studies of Society and Environment, and Technology.

What does this mean for vocational education and training?

There are a range of pathways offered to young people in Victoria, including the Victorian Certificate of Education, the Victorian Certificate of Applied Learning, School Based New Apprenticeships, apprenticeships and training courses. A wide

range of alternative pathways is important to ensure that as many young people as possible participate in education and training.

Recognising the differing needs of young people, the Government will guarantee a place at a TAFE Institute for students up to 20 years of age who choose to complete their Year 12 or equivalent qualification in this environment. This will support and encourage young people, particularly those at risk of disengaging from education and training without any qualifications, to complete their studies.

Normal administrative fees will apply, although students from disadvantaged backgrounds will be eligible for the exemptions or concessions that are currently available.

What does Year 12 or equivalent mean in practice?

Year 12 qualifications include the Victorian Certificate of Education, the International Baccalaureate and the Victorian Certificate of Applied Learning (Intermediate and Senior). A Year 12 equivalent qualification is defined as an Australian Qualifications Framework (AQF) Certificate II.

Why are we enabling government schools to continue to charge fees and to seek voluntary contributions?

Schools have always supplemented the funding provided by government with fees for various books and other materials, as well as charges for camps, excursions and other activities. More recently, schools have also asked for voluntary contributions from parents to supplement government funds and compulsory levies. The proposed new legislation would make certain that Victoria has transparent and honest legislation that reflects the reality of school practices.

While the majority of parents make these contributions, some are unable to do so – it is for this reason that such levies are voluntary. The proposed new legislation would require schools to apply the following principles when seeking financial contributions: they are to be voluntary; a child is not to be refused benefits or services because the child's parents do not make a contribution; a child is not to be approached or harassed for contributions; and finally, any record of contributions should be confidential.

In addition, the Government will continue to provide support for families in disadvantaged circumstances through the Education Maintenance Allowance program (until the age of 16) and fee concession programs in vocational education and training. Students aged 16 or older are eligible to receive Youth Allowance through Centrelink.

Why is the minimum compulsory school leaving age being increased to 16 years?

The school leaving age still stands at 15 years, as originally prescribed in the *Education Act 1872*. This age is lower than the OECD average school leaving age, which is 16 years and, perhaps more importantly, lower than the current reality of Victorian school education.

The 1872 Act referred to compulsory *attendance*. In the spirit of creating modern legislation that reflects the reality of the 21st century, the new legislation would talk about compulsory *participation*. The objective of having compulsory participation is to prevent students leaving school with no prospects or pathway to employment or further education. The Bracks Government has invested significant resources in strategies to increase the Year 12 or equivalent completion rate in Victoria, in line with government targets. Raising the leaving age to 16 years would complement these efforts and set the expectations of the Government and broader community.

What does this mean for students who are seeking full-time employment?

The *Child Employment Act 2003* currently prohibits the employment of a child under 15 on any school day during school hours, unless the Minister for Education and Training has granted the child an exemption. Increasing the minimum compulsory school leaving age to 16 years, will have the effect of increasing the minimum age a child can be employed during school hours to 16 years. The same exemptions as currently exist will continue to apply.

Secularity and religious instruction in government schools

What we propose to do

- Affirm in the Act the principle of secularity in government schools using language appropriate to contemporary Australian society. For example: 'The government school system is secular, and open to the adherents of any philosophy, religion, or faith. The curriculum and teaching in government schools is not to promote any particular religious practice, denomination or sect.'
- Ensure in the Act that voluntary religious instruction is still able to be taught in government schools and the current arrangements enabling parents to opt out of religious instruction for their children continues.
- Ensure the Act explicitly permits the teaching of comparative religion in government schools and remove legal ambiguity surrounding this practice.

Discussion

What does this mean for teachers in government schools?

Government school teaching will continue to be secular in the sense that it should neither promote one religion ahead of others, nor promote any religious view at all.

The proposed legislation would continue the current practice of allowing faith based groups with accredited instructors to enter government schools and conduct religious instruction on a voluntary basis, under fairly strict arrangements.

In addition, it is intended that the legislation will be updated to ensure that it explicitly permits the teaching of comparative religion in government schools. Guidelines will be developed for teachers in government schools to support their work and help clarify the distinctions in teaching matters relating to religion.

Why should voluntary religious education continue in government schools?

It has been the case virtually from 1872 that religious groups may enter government schools to teach children of their particular faith under reasonably strict regulatory conditions. The current practice, which allows parents to have their child opt out of religious instruction, has been in place since 1950.

These arrangements have received general community acceptance and should continue.

Democratic principles

What we propose to do

- Include as a principle in the Act the expectations of the community that all registered education and training providers, including government and non-government schools, must operate within the framework of Australian democratic practice. For example:
'All providers of education and training, both government and non-government owned, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles and practice of Australian democracy, including a commitment to:
 - *elected government*
 - *the rule of law*
 - *equal rights for all before the law*
 - *freedom of religion*
 - *freedom of speech and association; and*
 - *the values of openness and tolerance.'*

Discussion

How will these principles be enforced?

A new regulatory authority for all Victorian schools will ensure that the curriculum programs offered by schools are delivered in a manner that supports and promotes the principles and practice of Australian democracy. These principles will be delivered through the new Victorian Essential Learning Standards.

What does this mean for schools?

The majority, if not all schools, deliver programs and teaching in a manner that supports and promotes the principles and practice of Australian democracy. As a result, these principles, which are intended to be enshrined in legislation, reflect the democratic practices that already exist in Victorian schools.

For initial and ongoing registration with the proposed new regulatory authority, schools will need to demonstrate that the curriculum they offer supports these democratic principles.

Choice of school

What we propose to do

- Ensure in the Act that all students have the right to attend their designated neighbourhood school.
- Acknowledge in the Act both the reality of choice and parents' right to choose the schools their children attend in the statement of purpose for the legislation.
- Maximise choice for parents within the government school system.

Discussion

What does 'designated neighbourhood school' mean?

In most instances, the designated neighbourhood school is defined as the school that is nearest to a student's permanent residential address. However, in some instances where the facilities of a school are limited to a certain number, the Department of Education and Training may need to restrict new enrolments at that particular school, and will therefore specifically designate the neighbourhood area.

Why does the right of a child to attend their designated neighbourhood school need to be included in legislation?

The Government believes that all Victorian students should have access to a quality education and the opportunity to achieve their full learning potential. Enshrining this right in legislation will provide such access by ensuring all students have the right to attend their designated government school.

What does 'choice' mean in practice for schools and parents?

By enshrining this right in legislation, the Government is recognising and reflecting the reality of 21st century education.

For parents, this means acknowledging in legislation the right to choose their child's educational environment.

For schools, this means diversifying the courses and programs they offer to meet the needs of their community. In the government school system this process has already begun with the reforms outlined in the *Blueprint for Government Schools*.

Access to information

What we propose to do

- Establish in the Act the right to information as a guiding principle.
- Ensure that individual school performance information is made available to the school community.
- Ensure that school performance information is comprehensive, detailed and takes account of individual school circumstances.
- Establish in the Act the right of parent and student access to information about individual student achievement.

Discussion

What type of information about providers would be made available publicly?

There was a strong view in the submissions we received that information about education and training providers should be meaningful and accurate. Individual school information should take account of the circumstances faced by each school. By including this principle in legislation we will ensure that all schools will be responsible for providing such information to their school community via annual reporting processes.

The proposed new regulatory authority for all schools would ensure that school communities are provided with comprehensive information on their school's performance. School performance information would include Year 12 destination data, Achievement Improvement Monitor (AIM) data, absenteeism data, retention data and student welfare policies.

Why does the right of parents and students to individual student achievement information need to be included in legislation?

Victorian schools currently provide information through written reports to parents and regular parent-teacher interviews. This Government has recently introduced a new commonsense student report card, written in plain English, in government schools. This report card will give parents a clearer picture of their child's progress against the expected state-wide standard.

Although such information is regularly provided by schools, parents and students have had no legislative right to it.

Establishing this right in the new legislation would ensure that this good practice continues long into the future.

A common regulatory regime for all schools

What we propose to do

- Ensure through the Act that all schools, regardless of ownership, meet the standards necessary to provide a quality education appropriate for a 21st century democratic society.
- Ensure the establishment of a new common regulatory regime for all Victorian schools. This regime is to be based on a set of minimum standards which all schools are required to meet.
- Establish a Statutory Authority with responsibility for recommending to the Minister for Education and Training:
 - minimum standards for the registration of government and non-government schools
 - minimum standards for home schooling
 - information about Victorian schools that should be disseminated to the community.
- The Authority will also make determinations on:
 - the registration and deregistration of a school
 - policies and procedures for school registration and deregistration
 - policies and procedures in the event that a school does not meet the standards for initial or ongoing registration
 - policies and procedures with respect to providers of accredited courses to overseas students.
- Ensure the Authority's regulatory approach will be 'light touch' in character with the responsibility for quality assurance and school improvement resting with school owners and operators licensed for those purposes.

Discussion

What does this mean in practice for government and non-government schools?

Schools will need to demonstrate that they are meeting the minimum standards defined for:

- student learning outcomes
- enrolment policies and minimum enrolment numbers
- student welfare policies
- breadth and depth of curriculum programs
- governance and probity
- review and evaluation processes.

The task of setting and monitoring standards for schools will be an important role in Victorian school education. Good practice requires that responsibility for this role be vested in a statutory body to ensure a level of independence from government.

It is therefore proposed that a new Qualifications and Registration Authority be established with responsibility for the registration and accreditation arrangements for all school education and training providers. This new Authority will incorporate the current responsibilities of the Victorian Qualifications Authority and the Registered Schools Board.

Will the new regulatory authority be responsible for managing school improvement?

School improvement is a matter for the owners and operators of schools.

School systems and organisations will be able to apply to the new regulatory authority to be licensed to manage quality assurance and school improvement processes for their system or group of schools. It is expected that the Department's Office of School Education will seek approval from the new Authority to exercise this function for the government school system.

It is also anticipated that the Catholic Education Commission Victoria and the Association of Independent Schools Victoria will seek similar licensing arrangements.

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Published by the Department of Education & Training
Melbourne
September 2005

Also published on www.det.vic.gov.au

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Printed by McLaren Press
11-19 Lithgow Street
Abbotsford Victoria 3067