



Victorian **Registration &
Qualifications** Authority

HOME SCHOOLING

Support materials for the registration of home schooling in Victoria

This support material has been developed by the Victorian Government's Home Schooling Advisory Committee to assist home schooling families and the broader community in understanding the conditions of registration for home schooling in Victoria.

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Contents

Section 1: General information	1
Definition	1
<i>Education and Training Reform Act 2006</i>	1
The Victorian Registration and Qualifications Authority	2
Overview of registration requirements for home schooling	2
Section 2: Legislation, Regulations and what they mean	3
Application for registration for home schooling	3
Notice of decision regarding application for registration	4
State Register	4
Requirements of registration for home schooling	5
Requirement to notify the VRQA of changes to details in application	5
Requirement to notify the VRQA annually of continuation of home schooling	6
Requirement to notify the VRQA if a child ceases to be home schooled	6
Review of home schooling program	6
Cancellation of registration for home schooling	7
Notification of cancellation of registration	7

Section 1: General information

This section provides advice about home schooling registration in Victoria. These materials have been developed to incorporate the provisions within the *Education and Training Reform Act 2006* (the Act) and the *Education and Training Reform Regulations 2007* (the Regulations), which give effect to that legislation. It is intended that these materials provide a detailed overview of registration requirements for home schooling families, including relevant sections of the Act and the Regulations.

Definition

Amendments to the Act, which came into effect on 1 January 2010 changed the compulsory school age from 6–16 years to 6–17 years of age. Home schooling in Victoria is a legally recognised alternative to attending a registered government or non-government school during the compulsory years of schooling (6 to 17 years).

The Education Training and Reform (Miscellaneous Amendments) Act came into effect in November 2007. The effect of one of the amendments is to raise the age at which a parent/guardian can register their child for home schooling to 18 years in the year of registration.

It is important to note that registration for home schooling for children over 17 years of age is optional rather than compulsory. The Victorian Registration and Qualifications Authority (VRQA) can register a child who is 17 turning 18, during the year of home schooling. The VRQA cannot register a child who is 18 at the time of application.

Parents who decide to educate their child from a home base assume overall responsibility for the planning, implementation and assessment of the child's educational program. This can occur across a broad learning spectrum, ranging from informal learning approaches to formal curriculum programs. Note that a parent includes a guardian and any person who has parental responsibility for the child under the *Family Law Act 1975* (Cwlth) and any person with whom a child normally or regularly resides.

In Victoria, home schooling families must commit to provide regular and efficient instruction, substantially addressing the eight nationally agreed learning areas, taken as a whole, in a manner that supports and promotes the principles of Australian democracy.

Home schooling takes many forms and may include a parent or both parents instructing their child; groups of home schooling families coming together for social activities with an educational purpose, attending excursions and playing sport; a tutor being employed by the parent in specialised learning areas.

It is not a quasi-school arrangement where an instructor or teacher is employed to instruct a group of students in the eight nationally recognised key learning areas away from the home base and during normal school hours. In this situation normal school registration processes apply.

It is acknowledged that parents who choose to home school their children do so for a variety of reasons and make a significant commitment with regard to their time, energy and resources.

Education and Training Reform Act 2006

The Act is explicit in recognising home schooling as a legitimate form of education provision for students of compulsory school age.

The Act provides a set of principles upon which education and training in Victoria is to be based. The following apply to home schooling:

- All providers of education and training, both government and non-government, must ensure that their programs and teaching are delivered in a manner that supports and promotes the principles 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.
- All Victorians, irrespective of the education or training institution they attend, where they live or their social or economic status, should have access to a high-quality education that seeks to realise their learning potential and maximises their education and training achievement, promotes enthusiasm for lifelong learning and allows parents to take an active part in their children's education and training.
- Parents have the right to choose an appropriate education for their children.

The Victorian Registration and Qualifications Authority

The Act provides for the establishment of the VRQA, which is responsible, among other things, for registering a child for home schooling. The VRQA is also responsible for the regulation of all school education, training and higher education providers (except established universities).

Overview of registration requirements for home schooling

The Education and Training Reform Regulations 2007 require that parents responsible for home schooling their child must register their child with the VRQA. In order to be registered in Victoria, the parents responsible for the home schooling must meet the requirements for registration outlined in the Regulations and these support materials.

Requirements of registration for home schooling are detailed in Section 2 of these support materials and include a commitment to:

- provide regular and efficient instruction, substantially addressing the eight key learning areas, taken as a whole, in a manner which is consistent with the democratic principles outlined in the Act
- notify the VRQA of changes to details
- notify the VRQA each year by 30 November that home schooling instruction is continuing for the following calendar year (January to December)
- notify the VRQA if the child ceases to be home schooled.

There is no requirement in the Act or the Regulations for home schooling parents to provide a copy of any curriculum, program or other related materials to the VRQA at the point of initial registration, or annual notification.

Section 2: Legislation, Regulations and what they mean

The *Education and Training Reform Act 2006*, Division 2, Section 4.3.9(a) states that:

The VRQA may register a student for home schooling in accordance with the regulations.

Application for registration for home schooling

Regulation 65(1), page 42 of the Regulations

A parent of a child may apply to the VRQA to register the child for home schooling if the child is or will be of compulsory school age during any part of the year in which he or she is registered.

What this means

Parent/s wishing to home school a child of compulsory school age (6 to 17 years) must apply to register their child with the VRQA.

Through registration, home schooling parents commit to providing regular and efficient instruction to their child, substantially addressing the eight key learning areas, taken as a whole, as specified in Schedule 1 of the Act (see page 5 for further information).

Although it is not a legal requirement, the parent may choose to register their child, prior to their 6th birthday, if they will turn 6 years of age during that calendar year. This will enable the parent to access the School Start Bonus at the earliest available opportunity.

The Education Training and Reform Miscellaneous Amendments Act came into effect in November 2007. The effect of one of the amendments was to raise the age at which a parent/guardian can register their child for home schooling to 18 years in the year of registration.

It is important to note that registration for home schooling for children over 17 years of age is optional rather than compulsory. The VRQA can register a child who is 17 turning 18, during the year of home schooling. The VRQA cannot register a child who is 18 at the time of application.

Regulation 65(2), page 42 of the Regulations

An application for registration for home schooling must:

- a) be in the form of the Schedule; and
- b) be signed by the parent who will be responsible for the home schooling of the child; and
- c) be accompanied by evidence of the child's date of birth.

What this means

- a An application for registration of a child to be home schooled must be made in the prescribed form (Schedule 1 of the Home Schooling Regulations) and include all the information and particulars as listed in the form.

Applications will be available both online and in hard copy forms. However, a signed hard copy of the application must be provided to the VRQA. It is the responsibility of the home schooling parent/s to ensure that the information provided in the application is accurate and complete.

- b Parent/s who provide a signed application form to the VRQA that complies with this regulation are entitled to have their child registered for home schooling. One or both parents may sign the form.

It is a requirement that the name and address of each parent responsible for the home schooling of the child is provided. This includes parents who have joint custody of the child (see below).

- c The application must be accompanied with evidence of the child's date of birth. Satisfactory evidence of the child's date of birth can include a copy of an original certificate, an extract of birth or a note from a doctor who can attest to the child's age.

For divorced or separated parents, where one parent wishes to home school the child and another parent does not, the legal situation is not changed by the new legislation. The relevant law, in this instance, is Commonwealth family law. Within this context, it may be necessary for the Family Court to decide the matter.

Adherence to court and tribunal orders and other enforceable agreements

At the point of initial registration, parents must also attest that there is not a court order or other enforceable agreement in place that prevents or restricts access to the child, and hence restricts the ability of the parent applying to provide regular and efficient instruction.

In circumstances where a court order or other related agreement is in place that affects the home schooling of the child (especially the ability of the parent to provide regular and efficient instruction), a copy of the order must be attached to the application for registration.

If you require further information on this matter you should seek legal advice.

Notice of decision regarding application for registration

Regulation 66, page 42 of the Regulations

- 1 The VRQA must notify an applicant for registration of a child for home schooling of the Authority's decision in relation to the application.
- 2 The notice must:
 - a) be in writing;
 - b) if applicable, set out the date of registration of the child for home schooling; and
 - c) be given within 14 days after the VRQA receives the application in accordance with Regulation 65.

Note: No fee is payable for the registration of a child for home schooling.

What this means

The VRQA must notify the parent/s in writing, within 14 days of receiving a completed application that complies with this regulation, that their child has been registered for home schooling.

The date of registration is the date certified by the VRQA. This will generally be the date that the VRQA completes the processing of the application.

Once approved, the registration continues in force from the date certified by the VRQA, providing the requirements for registration continue to be met.

It is expected that parents who withdraw a child of compulsory school age from school for the purposes of home schooling will seek to register them immediately. The Victorian Government does not intend to bring proceedings under Division 1 of the Act (Attendance at School) against parents who have withdrawn their child from school and have applied to the VRQA for registration of the child for home schooling. Children in these circumstances will not be deemed truant.

No fee is payable to the VRQA for any application for registration.

It should be noted that a person whose interests are affected by a decision of the VRQA not to grant registration may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision.

State Register

Regulation 67, page 43 of the Regulations

The VRQA must ensure that the following details regarding a child registered for home schooling are contained in the State Register:

- a) the name, address and date of birth of the child;
- b) the name and address of the parent responsible for the home schooling of the child;
- c) the date of registration of the child.

Note: Section 4.9.1(2) of the Act prohibits the details of students registered for home schooling from being made public.

What this means

The details provided to the VRQA through applications for registration for home schooling must be recorded on the State Register.

The Act ensures the confidentiality of these details by prohibiting the details of students registered for home schooling being made public.

Requirements of registration for home schooling

Requirements of instruction in home schooling
Regulation 68(a), page 43 of the Regulations

It is a requirement of registration of a child for home schooling that the child must receive regular and efficient instruction that:

- a) taken as a whole, substantially addresses the following learning areas:
- The arts
 - English
 - Health and physical education (including sport)
 - Languages other than English
 - Mathematics
 - Science
 - Studies of society and environment
 - Technology

Note: These are the learning areas set out in Schedule 1 of the Act.

What this means

Parent/s responsible for home schooling their child will need to sign an application for registration, attesting that the instruction to be provided to the child will be regular and efficient and will substantially address the agreed key learning areas, taken as a whole.

The eight key learning areas are recognised nationally as representing the areas in which knowledge, skills and understanding are required by young people in the compulsory years, in order for them to participate fully with wider society (Ministerial Council on Education, Employment, Training and Youth Affairs, 1999).

The VRQA will not assess the home schooling program at the point of initial registration or annually.

The VRQA will not mandate a curriculum for home schooling nor will it be necessary for home schooling parents to follow a school schedule.

The eight key learning areas form the broad framework for home schooling programs. The method of delivery will be at the discretion of parents, based on the needs of their child.

While home schooling parents are responsible for ensuring that the eight key learning areas, taken as a whole, are substantially addressed, this does not mean that instruction in each key learning area must occur every year.

Regulation 68(b), page 44 of the Regulations

It is a requirement of registration of a child for home schooling that the child must receive regular and efficient instruction that:

- b) is consistent with the principles underlying the Act, being 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
the values of openness and tolerance.

What this means

The application for registration, signed by the parents responsible for home schooling the child, attests that the instruction to be provided to the child will be consistent with the principles and practice of Australian democracy.

The VRQA will not assess the home schooling program at the point of initial registration, or annually.

Home schooling parents are responsible for ensuring that their programs are delivered in a manner that supports and promotes the principles of Australian democracy, outlined in the Act.

Requirement to notify the VRQA of changes to details in application

Regulation 69, page 44 of the Regulations

It is a requirement of registration of a child for home schooling that the parent responsible for the home schooling of the child must notify the Authority in writing without delay of any changes to the information provided to the Authority in the application for registration for home schooling under regulation 65.

What this means

The home schooling family must, in writing, notify the VRQA as soon as practicable, of any changes to the information provided to the Authority through the registration and notification processes.

The most common circumstance, requiring registered home schooling families to notify the VRQA of changes to details, would be a change in residential address.

Requirement to notify the VRQA annually of continuation of home schooling

Regulation 70, page 44 of the Regulations

It is a requirement of registration of a child for home schooling that the parent responsible for the home schooling of the child must notify the Authority in writing before 30 November each year as to whether the child is to be home schooled in the following year.

What this means

As a condition of initial registration the parent/s responsible for home schooling their child must notify the VRQA, in writing, and by 30 November each year, whether the child is to be home schooled in the following year.

The VRQA will not assess the home schooling program as part of this process.

This process can be completed online or in hard copy form. The VRQA will be responsible for the establishment of a system for reminding home schooling parents about the notification requirement.

No fee is payable to the VRQA for the notification process.

Requirement to notify the VRQA if a child ceases to be home schooled

Regulation 71, page 45 of the Regulations

It is a requirement of registration of a child for home schooling that, if the child ceases to be home schooled, the parent responsible for the home schooling of the child must notify the Authority in writing of this within 14 days after the child ceases to be home schooled.

What this means

Home schooling families are required to notify the VRQA if their child is no longer being home schooled. The notification is required by regulation within 14 days of the child finishing home schooling.

A child may no longer be receiving home schooling for various reasons, for example moving interstate or entering a different form of education or training.

Review of home schooling program

The *Education and Training Reform Act 2006*, Division 2, Section 4.3.9(b) states that:

The Authority may cancel the registration of a student for home schooling if:

- i) the parents of the student or the student refuse permission to authorised officers of the Authority to review the educational program, material or other records used for or related to the home schooling of the student to determine whether the requirements of the registration or the regulations relating to home schooling are being complied with; or
- ii) the parents or the student fail to comply with the requirements of the registration or any regulations relating to home schooling.

What this means

Within the context of a 'light touch' approach to home schooling registration, the VRQA will only conduct a home schooling review where it has reasonable grounds to believe a child is not receiving regular and efficient instruction substantially addressing the key learning areas, taken as a whole, and in a manner that upholds the democratic principles.

Regular and efficient instruction

Given the diversity of approaches and pedagogies used by home schooling parents, regular and efficient instruction can take place flexibly, and will vary across home schooling families as a result of tailoring home schooling programs to the child's individual circumstances.

Reasonable grounds

Reasonable grounds for the VRQA to review a program to determine whether a child is receiving regular and efficient instruction, substantially addressing the eight key learning areas, taken as a whole, and/or in a manner that upholds the democratic principles, will be determined through a complaints-based system, rather than a regular or annual review process.

The VRQA may receive a complaint from a member of the general public or from another government agency about the instruction being provided to the child. All complaints must be in writing to the VRQA and detail any evidence that the conditions of registration are not being met. Anonymous complaints will not be deemed as 'reasonable'.

The VRQA will take all possible steps to mitigate the potential abuse of the complaints-based system, including vexatious complaints. To this end, the VRQA may refuse to investigate a complaint on the grounds that it is trivial, frivolous or without substance.

Scope of review

If a review of the home schooling program is deemed necessary, it will be:

- limited to the nature of the complaint
- held at a negotiated venue and time
- conducted in a supportive and productive manner in the spirit of cooperation.

What this means

The home schooling parent/s will initially be informed by the VRQA, in writing, of the grounds upon which a review is considered necessary. The home schooling parents will be given 28 days upon receiving notice from the VRQA to respond, in writing, to the matters raised by the Authority. The VRQA will determine the appropriate course of action after considering the response of the home schooling parent/s and advise the home schooling parents in writing.

If a home schooling review is deemed necessary, it will be limited to the nature of the complaint and conducted using one of the following processes:

- an analysis of evidence provided by the home schooling parent/s of their compliance with the relevant requirements for registration
- a meeting with the home schooling parent/s and the VRQA (or a person authorised by the VRQA) for the purpose of assessing the home schooling parent's compliance with the relevant conditions of registration attested to at registration.
- a combination of these two processes.

The review will be carried out in a supportive and productive manner by an officer who has extensive knowledge in a range of home schooling methodologies. Clause 5.8.4.1(b) of the Act prohibits VRQA personnel from visiting the residences of home schooling parents without their consent.

The child being home schooled is not required to be present. An advocate for the parent may be present.

In preparing for a review, home schooling parents may be asked to provide evidence pertinent to the complaint regarding regular and efficient instruction substantially addressing the eight key learning areas, taken as a whole, and/or upholding the principles of democracy.

Home schooling families, should they choose, will not have to produce a curriculum in order to demonstrate the provision of regular and efficient instruction, nor will they be required to demonstrate that they are following a school schedule. However, it is expected that parents responsible for the home schooling will be able to describe their approach.

Evidence relevant to the complaint could be, but is not limited to, the following:

- evidence of the child's work pertinent to the complaint
- documented activities and programs including a course of study
- records of planning, assessment and evaluation, and associated tools
- other materials related to the child's educational program
- examples of the instructional supports utilised, including libraries, courses, mentors, musicians, subscriptions to periodicals, or anything else that enhances the educational environment.

Outcome of review

The VRQA is required to take action following the outcome of the review of the home schooling program if it deems that the foundation of the complaint is substantiated.

What this means

Should the VRQA find the foundation of the complaint to be valid, the Authority will:

- advise the parent/s, in writing, that it believes the basis of the complaint has been substantiated and the reasons why
- seek to resolve the situation in a way that addresses the concerns of the VRQA while remaining sensitive to the particular philosophical or pedagogical practice of the home schooling family
- give the parent/s a period of time, not less than 28 days, to demonstrate that the concerns raised in the complaint are being addressed
- confirm, in writing, that the concern/s, where appropriate, have been addressed
- only cancel the student's home schooling registration as a last resort.

Cancellation of registration for home schooling

Cancellation of registration

Regulation 72, page 45 of the Regulations

If the Authority is notified in writing by the parent responsible for the home schooling of a child that the child is no longer being, or to be, home schooled, the Authority must cancel the registration of the child for home schooling:

- a) if the child has ceased to be home schooled, on the date of receipt of the notice; and
- b) in any other case, on the date that the notice states that the home schooling of the child is to cease.

What this means

The VRQA must cancel the registration of a child for home schooling on being notified, in writing, by the parent/s responsible for home schooling, that their child is no longer being home schooled.

The VRQA will also cancel the registration of a child being home schooled, as a last resort, following an unsatisfactory outcome from the review process. This would only occur when all other avenues to satisfactorily address the issues raised in the review have been exhausted.

Any person(s), whose interests are affected by a decision of the VRQA to suspend or cancel registration, may apply to VCAT for review of the decision.

Notification of cancellation of registration

Regulation 73, page 45 of the Regulations

The Authority must notify the parent responsible for the home schooling of a child in writing of the cancellation of the registration of the child for home schooling.

What this means

Within 14 days of receiving advice from a home schooling parent that their child is no longer being home schooled, the VRQA will notify the parent in writing that the child's home schooling registration has been cancelled.

In the event that, following a review, the VRQA decides to cancel, as a last resort, the registration of a child, the VRQA will notify the parent, in writing within 14 days of a decision being made, that the child's home schooling registration has been cancelled.

Upon cancelling a home schooling registration, the VRQA will remove the details of a child from the State Register.

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